



THE CERTAIN LEADERS RETIREMENT BENEFITS ACT, 2003

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ACT NO. 5 OF 2003

I ASSENT

Amani Abeid Karume

**{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND**

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

23rd APRIL, 2003

**AN ACT TO PROVIDE FOR THE PAYMENT OF PENSIONS,
GRATUITIES AND OTHER BENEFITS IN RESPECT OF
SERVICES OF JUDGES AND OTHER GOVERNMENT LEADERS
AND TO PROVIDE FOR RELATED MATTERS**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

Short title and commencement.

1. This Act may be cited as the Certain Leaders Retirement Benefits Act, 2003.

Interpretation.

2. In this Act, unless the context otherwise requires:-

"benefits" means a retirement benefits payable under this Act;

"Constitution" means the constitution of Zanzibar, 1984;

"Constitutional office" means an office which relating to the posts mentioned in section 111 of the Constitution which are relating to this Act;



"Leader" means any leader prescribed under this Act;

"Minister" means the Minister responsible for finance;

"month" means period of consecutive thirty days;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"salary" means a monthly salary for service rendered which shall not include any allowance or any other additional emoluments as may be determined by the appropriate authority.

PART II BENEFITS CONFERRED UNDER THIS ACT

Benefits
conferred to
Chief Justice.

3.(1) A person who holds the office of the Chief Justice shall upon ceasing to hold office be granted:-

- (a) a monthly salary as pension;
- (b) a lump sum gratuity equal to the total sum of the salaries of the years he served in that post.

(2) The appropriate authority shall arrange and provide to the chief Justice upon ceasing to hold that office:-

- (a) a diplomatic passport for him and for his spouse;
- (b) a new government motor vehicle;
- (c) monthly allowance for a driver;
- (d) fuel allowance equal to the judge who is in the office per month;
- (e) monthly maintenance allowance for a motor vehicle;



- (f) monthly allowance for two servants;
- (g) a house or house allowance equal to 25% of his pension;
- (h) allowance for electricity and telephone equal to the judge who is in the office per month.

Benefits conferred to the Judge of the High Court.

4.(1) A person who holds the office of the Judge shall upon ceasing to hold office, be granted:-

- (a) a monthly salary as pension;
- (b) a lump sum gratuity equal to the total sum of the salaries of the years he served in that post;

(2) The appropriate authority shall arrange and Provide to the Judge upon ceasing to hold that office:-

- (a) Monthly allowance for a servant;
- (b) a house or house allowance equal to 25% of his pension;
- (c) allowance for electricity and telephone equal to the judge who is in the office per month.

(3) The provision of this section shall not apply to the judge who is in the contract service.

Benefits conferred to the Director of Public Prosecutions.

5. A person who holds the office of Director of Public Prosecutions shall upon ceasing to hold office, be granted a lump sum gratuity equal to the total sum of the salaries of the years he served in that post.

Benefits conferred to other leaders.

6.(1) The Chief Kadhi, Mufti of Zanzibar and Controller and Auditor General shall each of them, upon ceasing to hold office be granted benefits in accordance with his salary as follows:-



- (a) a monthly salary as pension;
- (b) lump sum gratuity equal to the total sum of his salaries of the years he served in that post;

(2) The appropriate authority shall arrange and provide to that leader upon ceasing to hold that office:-

- (a) a monthly allowance for one servant;
- (b) a house or house allowance equal to 25% of his pension;
- (c) allowance for electricity and telephone (equal to a leader hold the same post who is in the office) per month.

Benefits conferred to a member of Civil Service Commission.

7. A person who holds the office of the member of Civil Service Commission shall upon ceasing to hold office, be granted a lump sum gratuity equal to the total sum of the salaries of years he served in that post. Provided that the payment shall be entitled to the chairman and a member who is employed and paid monthly salary only.

Salaries.

8.(1) The salaries of the officers prescribed under this Act shall be set as follows:-

- (i) salaries and allowances for Judges and chief Kadhi shall be determined by the President on the recommendation of the Judicial Service Commission;
- (ii) salaries and allowances for other leaders shall be determined by the President on the recommendations of the Civil Service Department.



(2) Salaries and allowances which are now paid to the said Leaders shall be deemed to be paid under the provisions of this Act.

(3) In computing the amount of gratuity of every leader under this Act, his last salary shall be taken into account.

Death gratuity.

9. Where a leader dies while in the service, his dependant shall be granted a gratuity only.

PART III
PENSIONS, GRATUITY AND ALLOWANCES FOR
PERSONS HOLDING CERTAIN PUBLIC OFFICES

Pensions, gratuity and allowances for persons holding certain public offices.

10. When any person who is holding a constitutional office is transferred, appointed or elected:-

- (a) to another constitutional office, then when he retires, the highest salary received by him during his service shall be taken into account when computing his pension, gratuity and other allowances;
- (b) to a non-constitutional office, then when he retires, the salary he received while holding a constitutional office shall be, if it is the highest, taken into account when computing his pension, gratuity and other allowances.

Benefits to be paid out of the Consolidated Fund.

11.(1) All the retirement benefits of the leaders granted under this Act shall be paid out of the Consolidated Fund.

(2) Any leader who is dismissed in accordance with the law, shall not be entitled to any benefit under this Act.



Exemption.

12. The pension, gratuity or other allowances granted under this Act shall not be liable to be attached or levied upon for or in respect of any debt or claim, except a debt due to the Government of Zanzibar.

Regulations.

13. The Minister may make regulations for the better carrying out the provisions of this Act.

Passed in the House of Representatives on the 2nd day of April, 2003.

KJC Chande

{ KHAMIS JUMA CHANDE }

CLERK OF THE HOUSE OF REPRESENTATIVES