



**THE STONE TOWN CONSERVATION AND DEVELOPMENT
AUTHORITY ACT OF 2010**

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ACT NO. 4 OF 2010

I ASSENT


{ AMANT ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

26th JULY, 2010

**AN ACT TO REPEAL THE STONE TOWN CONSERVATION AND
DEVELOPMENT AUTHORITY ACT AND TO ESTABLISH A
CONSERVATION, DEVELOPMENT AND HERITAGE
MANAGEMENT AUTHORITY IN RELATION TO
THE STONE TOWN OF ZANZIBAR
AND 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 Stone Town Conservation and Development Authority Act, 2010 and shall come into operation on such date as the Minister may appoint by notice in the Official Gazette.

Interpretations.

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

"Authority" means Stone Town Conservation and Development Authority established under section 4 or as known by its acronym STCDA;

"Board" means the Board of Directors of the Authority referred to in section 11 of this Act;



"Buffer Zone" means the area between the Creek and Michenzani Roads to the east and all sea area to the extent of the Port of Zanzibar according to Port Decree of 1959 which was also recognized by the Port Authority Act of 1997 as shown in the map (Schedule 1), deposited at the Department of Survey and Urban Planning;

"Chairperson" means a person appointed as Chairperson of the Board under section 11 of this Act;

"Confidential Material" means any material or information which the Authority is satisfied that it is of confidential nature relating to the activities of the Authority;

"Conservation" means the process of managing and maintaining a place, a building or any object so as to retain its historical, cultural significant qualities; and also includes preservation, restoration, reconstruction or adaptation;

"Conservation Area" means any area that due to its cultural values, artistic, historical, physical aesthetic, architectural or other value has been declared to be conservation area;

"Conservation Master Plan" means the Zanzibar Stone Town Conservation Master Plan with its subsequent renewal and amendment, which comprises the planning statement and maps, and applies to the Zanzibar Stone Town Conservation Planning Area;

"Director General" means a person appointed as Director General under section 9 of this Act;

"Development" means the carrying out of building, engineering, mining or other operations in, on, over the land; or the making of any material changes in the use of any building or land; or the deposit of material; or the sub-division of any land;

"Departmental Director" means a department Director appointed under Section 10 of this Act;

"Emergency" means an unexpected, risky or dangerous situation which requires an immediate action to deal with;



"Gazette" means the Official Gazette of the Revolutionary Government of Zanzibar;

"Grade 1 buildings" means all buildings listed as grade 1 under the Stone Town planning regulations for their outstanding historic, architectural or cultural significance;

"Government" means the Revolutionary Government of Zanzibar;

"Heritage Management Plan" means an official document, prepared by STCDA and its partners, aimed at providing a framework for conservation of cultural heritage assets of the World Heritage Site;

"High Court" means the High Court of Zanzibar;

"Inquiry" means the inquiry instituted by the Authority pursuant to section 29 of this Act;

"Member" means any member of the Board of Directors of the Authority;

"Minister" means the Minister for the time being responsible for the Authority;

"Officer" means any member or employee of the STCDA;

"Outstanding Universal Value" means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generation of all humanity;

"Permit" means written authorization to carry out conservation and development work within conservation area;

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

"Partners" means any persons or institutions which in one way or another participate in conservation, development, management or promotion of Heritage site;

"Stone Town of Zanzibar" means the area running along the sea including all the beaches to the west, southwest and north west of the creek road and Mnazi Mmoja Grounds; Jamhuri Gardens; a strip of 50 meters on both sides of the middle of the Darajani street; Malindi Grounds and the Funguni creek area.



"Stop Order" means written document issued by the Authority requiring a person or institution to refrain from doing any activity in conservation area;

"World Heritage Site" means the Stone Town of Zanzibar.

PART II THE AUTHORITY

Establishment
of Authority.

3. There is hereby established an Authority to be known as the Stone Town Conservation and Development Authority.

Underlying
objective of
the
Authority.

4. It shall be the objectives of the Authority in carrying on its functions and exercising its powers provided for under this Act, to protect and enhance the Stone Town's cultural heritage and preserve the heritage site as a sustainable human settlement supportive of its cultural diversity and maintain its outstanding universal values by:

- (a) promoting integrated conservation and development operations within the conservation area;
- (b) securing the provision of, or to provide services in relation to conservation of buildings;
- (c) promoting and monitoring infrastructure development within the conservation area;
- (d) developing and managing open spaces, gardens and recreational areas within conservation area;
- (e) entering into contractual obligations with other persons or body of persons in order to secure requisite services;
- (f) endeavour to achieve the objectives set out in the heritage management plan.

Legal status
and capacity
of Authority.

5.(1) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of:-

- (a) suing and being sued;
- (b) acquiring, holding and disposing of movable and immovable property;



- (c) exercising the powers and performing the functions conferred upon it by or under this Act;
- (d) entering into any contract or other transaction, and doing or causing to do all such other acts and things which a body corporate may lawfully perform, do or cause to be done.

(2) The Authority shall have exclusive jurisdiction in the administration of the conservation area and the functions as set out under Section 7 and powers set out under Part IV.

(3) A document in writing, recording acts, or decisions of the Authority may be executed or authenticated on behalf of the Authority under the hand of the Director-General.

(4) The common seal of the Authority shall be duly affixed if witnessed under the hand of the Director-General.

(5) Judicial notice shall be taken of the common seal of the Authority and any document executed or authenticated in accordance with this section.

Duties of
the
Authority.

6. It shall be the duty of the Authority that in carrying out its functions it shall strive to:-

- (a) conserve, protect develop and manage the World Heritage Site in compliance with heritage management plan, to safeguard the outstanding universal value of the town;
- (b) enhance public knowledge, awareness and understanding of the duties, functions and activities of the Authority;
- (c) promote heritage and management of the Stone Town;
- (d) prepare and control traffic planning in conservation area;
- (e) protect and preserve the environment within the conservation area in collaboration with others concerned institution;
- (f) issue and cancel permits within the conservation area;
- (g) control and determine land use in the conservation area.



Functions of
the
Authority.

7.(1) The functions of the Authority shall be:-

- (a) to prepare programs and strategies so as to implement and achieve the objectives of the heritage management plan;
- (b) to establish, plan, prepare, co-ordinate and control all matters related to the managing, conservation and development of the conservation area;
- (c) to examine and approve all conservation and development efforts and projects in the conservation area and monitor infrastructure development;
- (d) to prepare and declare the conservation master plans and heritage management plans for the conservation area and monitor developments to bring them in conformity with the plans;
- (e) to consult and advise the private sectors, Government departments, regulatory authorities or other institutions on issues concerning restoration, rehabilitation, conservation of buildings and its environments;
- (f) to take care of the proper use and maintenance of public areas and buildings in the conservation area;
- (g) to take legal action against any person who constructs, uses, demolishes, restructures or alters any building or open space unlawfully within conservation area;
- (h) to regulate such rates and charges applicable in any part of the conservation area as may be approved by the Minister;
- (i) to convene partners conference at least once every year to facilitate networking and effective implementation of the Act; and
- (j) to do all such other acts as may be incidental or conducive to the attainment of the objectives of the Authority under the provisions of this Act.

(2) In addition to the preceding provisions of this section, the Minister may, from time to time as occasion necessitate it, give to the Board directions of a specific or general character on specific issues, other than in relation to the discharge of the regulatory functions, arising in relation to any sector, for the purposes of securing the effective performance by the Authority of its policy, functions and duties of the Authority.



Organization
structure of
the
Authority.

8. The Director General shall be responsible for efficient and effective operation of the Authority and may, for that purpose, and in consultation with the responsible Ministry organise the structure of the Authority in such departments and units as he may deem necessary.

Director
General.

9.(1) There shall be a Director-General of the Authority, who shall be appointed by the President.

(2) A person shall not be qualified for appointment as a Director-General unless he:-

(a) is a Zanzibari;

(b) is a holder of atleast first degree in civil engineering or its equivalent;

(c) possesses at least 3 to 5 years experience and filed of environmental preservation or other related fields;

(3) The Director-General shall be the Chief Executive Officer of the Authority.

(4) The Director-General shall be responsible for the day to day operations of the Authority.

(5) The Director-general shall be the chief spokesperson of the Authority.

Directors,
consultants
and staff.

10.(1) The Board in consultations with the Director General shall appoint Departmental Directors each with full responsibilities of a particular operational department.

(2) A Departmental Director shall be a person of provable knowledge and experience on the relevant operation.

(3) A Departmental Director appointed under subsection (1) shall serve the Authority for such term or terms as the Authority deems fit.

(4) There shall be employed by the Authority such other officers, and employees of the Authority of such number and titles as may be necessary for the efficient discharge of the functions of the Authority on such terms and conditions as may be determined by the Board of Directors.

(5) The Board may appoint agents, consultants and experts of the Authority in various disciplines on such terms and conditions as the Authority may from time to time determine.



(6) The Board shall establish a competitive appointment procedure for the appointment of Departmental Directors, all employees, agents, consultants and experts basing on educational qualification, experience, good conduct and the nature of the desired vacancy.

(7) The Authority shall comply with the competitive appointment procedure established under subsection (6) whenever it appoints employees, agents, consultants or experts unless, save in matter of urgency of appointment or other special circumstances, when the procedure is not reasonably practical.

(8) A member of the Board, including the Chairperson and the Director-General, as well as an employee of the Authority, shall not, during the term of service and after a period of six months after the expiration or termination of the term of office or service with the Authority:-

- (a) enter into any contract of employment with, or contract for the supply of services to the Authority;
- (b) acquire or hold any financial interest, whether as an employee, partner, shareholder, officer or joint venture, in any business or organization supplying services to any person or organization under the jurisdiction of the conservation.

PART III THE BOARD OF DIRECTORS OF THE AUTHORITY

Establishment
and
Composition
of the board
of Authority.

11.(1) There is hereby established a Board of Directors which shall be the governing body of the Authority and shall consist of the following members:-

- (a) The Chairperson who shall be appointed by the President;
- (b) Director General;
- (c) Director of Zanzibar Municipal Council;
- (d) Director Department of Archives, Museum and Antiquities;
- (e) Three (3) members who shall be appointed by the Minister at least one shall be a woman who have necessary knowledge, experience and background on field of environmental preservation.

(2) Atleast one (1) member of the Board shall be inhabitant of Stone Town of Zanzibar who shall be appointed by the Minister.



(3) The members of the Board shall be paid such remuneration and allowances as shall be determined by the Minister in consultation with Authority, according to the section 10 of the Public Investment Act.

Power and
function of
the Board.

12.(1) The Board shall have the following functions:

- (a) Supervise the Authority so as to ensure that the objectives of the Authority are met;
- (b) Advise the Minister as it may think necessary;
- (c) Consider any legislative proposal relating to the conservation area and recommend their enactment;
- (d) As the case may be, appoint sub-committees, whether of its own members or staff or otherwise, to carry out such general or specific function as may be specified by the board as the case may be and may delegate any of its powers to the committee.

(2) The Board shall not delegate its power to approve the annual budget, the annual balance sheet or any annual statement of account.

Removal
of
members.

13. A member of the Board shall cease to be a member if:-

- (a) the member is declared bankrupt;
- (b) the member is convicted and sentenced to serve six months in prison;
- (c) the member is guilty of misbehaviour or misconduct;
- (d) the member becomes mentally or physically incapable of performing his functions and responsibilities as such.

Vice-
Chairperson.

14.(1) The members shall elect the Vice Chairperson amongst themselves.

(2) Save the appointment specified under section 11(2) of this Act, a person shall not qualify to be appointed as a Chairperson or a member of the Board unless:-

- (a) he is a holder of at least Diploma or equivalent;



- (b) has at least three to five (3) years experience in one or more of management, law, economics, finance or engineering;

Tenure of
appointment.

15.(1) A member of the Board shall hold office for a period of three (3) years from the date of appointment.

(2) Members, including the Chairperson shall each be eligible for reappointment for further successive term.

(3) Any member may, at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice, or if no date is so specified, from the date of the receipt of the notice by the appointing authority.

Secretary.

16.(1) The Board shall appoint a lawyer to be a Secretary of the Board.

(2) The Secretary to the Board shall take part in all proceedings of the Board but shall have no vote.

Meetings
of the
Board.

17.(1) The Board shall ordinarily meet at least once every three months for the transaction of its business at the time and the places determined by it.

(2) Any ordinary meeting of the Board shall be convened by the Chairperson or in his absence or unable to act by reason of illness or other cause, the Vice-Chairperson shall send the notice specifying the place, date and time of the meeting to each member at his usual place of business or residence not less than seven days before the date of the meeting.

(3) The Board may convene a special meeting when the need arises, whereby the chairperson or vice-chairperson shall give a short notice to all members..

(4) The Chairperson or other person presiding at any meeting of the Board, in consultation with Director-General, may invite any person who is not a member to participate in the deliberations of the Board, but the person so invited shall have no vote at the meeting.

Quorum.

18. Half of the members of the Board shall constitute a quorum at any meeting of the Board.



Minutes of
the Meeting.

19. The Board shall record or cause to be recorded and kept minutes of all business conducted or transacted in its meeting that shall be read and confirmed, or amended and confirmed at the next meeting of the Board and signed by Secretary and the chairperson presiding at the meeting.

Decisions
of the
Board.

20. Questions proposed at a meeting of the Board shall be decided by majority of the votes of the members present and in the event of an equality of votes the chairperson presiding shall have a second or casting vote.

Official Seal
of the
authority.

21. The official seal of the Authority shall be of such shape, size and form as the Board may determine.

Proceedings
not
invalidated
by
irregularity.

22. No act or proceeding of the Board shall be invalid by reason of any defect, irregularity in the appointment of any member or by reason that any person who purported to be bona fide member at the time of the act or proceedings was disqualified or not entitled to act as a member.

Absence
from three
consecutive
meeting.

23. Where any member absents himself from three (3) consecutive meetings of the Board without giving official notice, the Board shall advise the appointing authority to terminate the appointment of the said member and the appointing authority shall terminate the appointment of the member and appoint another member in his/her place.

Board may
regulate its
own
proceedings.

24. Subject to this Act, the Board shall have power to regulate its procedure in relation to its meetings and the transaction of its business.

PART IV

POWERS AND PROCEEDINGS OF THE AUTHORITY

General
Powers.

25.(1) Subject to the Provisions of this Act, the Authority shall have power to do all things which are necessary for or in connection with the performance of its functions or to enable it to discharge its duties.

(2) Without limiting the powers conferred under subsection (1) of this section, the Authority shall also have the following powers:-

- (a) to implement policies and programs of the Authority or the Government with regard to the conservation, heritage management and development of the Zanzibar Stone Town;
- (b) to administer this Act.



Power to enter building, give notice and stop orders.

26.(1) In exercise of power aforementioned above, the Authority may upon giving not less than Twenty four (24) hours previous notice (except in case of emergency), enter into any building, premises or space within the Conservation Area in order to carry out physical inspection to determine the state of the building or premises and or to give or leave on the building or premises notice in writing addressed to the owner of the building or premises directing the owner of the building or premises to carry out conservation work within the period prescribed in the notice.

- (2)(a) where the Authority is of the doubt that anything is done in contravention of the notice given pursuant to Section 26(1) or any other provision of this Act or any rule or regulation made under this Act, the Authority shall immediately give notice of default to a person responsible for such an act.
- (b) where after issuing notice of default an act of default is not ceased, the Authority shall issue a stop order in writing and may affix or put such mark at the site of default to show that a stop order has been issued.
- (c) if a stop order is not observed, the Authority may without any further notice take any appropriate measure including but not limited to demolition, dismantling or pulling down any structure created in contravention of a stop order and the Authority shall be paid the cost.

Powers to review, rates, levies and charges.
Powers to obtain information.

27. The Board shall carry out regular reviews of rates, levies and charges set under section 7 of this Act.

28.(1) Where the Authority has reason to believe that a person is capable of supplying information, producing a document or giving evidence that may assist in the performance of any of its functions, a member of the Authority may, by summons signed by the Director General of the Authority served on that person, require that person:-

- (a) to furnish the information in writing signed by him, in the case of a body corporate signed by a competent officer of the body corporate;
- (b) to produce the document to the Authority;
- (c) to appear before the Authority to give evidence.



(2) A summons under this section shall specify the required time and manner of compliance.

(3) The Authority may require that any evidence referred to under this section be given on oath or affirmation, the Director General or Departmental Director of the Authority may administer the oath or affirmation.

(4) Any person shall not be excused from complying with summons under this section on the grounds that compliance may tend to incriminate the person or make the person liable to a penalty, save that information, documents and evidence provided in answer to a summons will not be admissible in any proceedings against the person other than proceedings under this Act.

(5) Any person who without lawful excuse refuses or fails to comply with a summons under this section, commits an offence and is liable on conviction to a fine not less than five hundred thousand shillings or imprisonment for a term not exceeding three months or to both.

(6) Where the Authority has reason to believe that a person is in possession or control of any documents that may assist it in the performance of any of its functions, the chairperson, the Director General or any member of the Authority, may apply to a competent Court for grant of a warrant permitting the Authority to enter into any premises at reasonable times to search or inspect the premises for documents in the possession, or under the control of the person and make copies of, or take extracts from those documents.

(7) A person who knowingly gives false or misleading information or evidence in purported compliance with a summons under this section commits an offence and is liable on conviction or to a fine of not less than five hundred thousand shillings or to imprisonment not less than three months.

(8) Where:-

(a) the Authority has authorized an officer to enter premises; and

(b) the authorized officer is refused or prevented from entering, to the premises, a Magistrate shall on application be empowered to issue a court warrant authorizing any police officer to forcibly enter the premises to conduct the search and make copies or take extracts of documents therein.



Powers to hold inquiries.

29.(1) The Authority, may conduct any inquiry-where it considers it necessary or desirable for the purpose of carrying out its functions.

(2) The Authority shall conduct an inquiry before exercising a power to:-

- (a) cancel a building permit;
- (b) change fee payable under this Act;
- (c) advise the Minister of the propriety for the Government to acquire certain land or building.

(3) The Minister may specify in a direction under subsection (2) of this section a time within which the Authority shall submit its report on an Inquiry and if so the Authority must submit its report to the Minister within that time.

(4) The Authority shall give notice of all inquiry by:-

(a) sending written notice of the inquiry to:-

- (i) service providers known to the Authority whose interests the Authority considers are likely to be affected by the outcome of the inquiry;
- (ii) industry and consumer organizations which the Authority considers may have an interest in the matter.

Consultation with Partners and government.

30.(1) The Authority shall, before the start of each year, establish an annual programme for consultation with such persons and organizations as the Authority may consider necessary or desirable to consult for the purpose of effectively carrying out its functions.

(2) Subject to the provisions of subsection (1) of this section, the Authority shall supply a copy of its consultation programme to the Board.

(3) The Authority shall include in its Annual Report, a report on the implementation of its consultation programme during the year covered by the Report.

(4) For the purpose of this section, it shall be the duty of the Authority to establish and identify the persons, organizations and institutions to be consulted.

Confidentiality.

31.(1) For the purposes of this Act, any person who gives or discloses any material to the Authority, whether under compulsion of law or otherwise, that person may claim confidentiality in respect of the whole or any part of the material.



(2) Any person who discloses confidential information otherwise than as authorized by the Authority, commits an offence and shall be liable on conviction to a fine not exceeding Five hundred thousand shillings or imprisonment not exceeding three months or both to a fine and imprisonment.

PART V ENFORCEMENT AND COMPLIANCE

Abandoned
Building.

32. The owner of the building shall be taken to have abandoned the said building where one or both of the following factors are present:-

- (a) the owner and or occupier of the building has or have vacated the building due to poor state of disrepair, conservation and or restoration;
- (b) the building has fallen into a state of such disrepair that it has become a danger to the health and safety of any person occupying that building for any lawful purpose or a neighbour to the occupier.

Enforcement
and
Compliance.

33.(1) Where the Minister is satisfied that:-

- (a) a notice served under Section 26(1) of this Act has not been complied with;
or
- (b) a building within the conservation area is in serious danger of collapsing and it would not be practical for the owner to restore the building for further human uses; or
- (c) the owner of a building within the conservation area is unwilling to comply with a notice made on him under section 26(1) of this Act or
- (d) the building the subject of conservation has been abandoned for not less than one year or has collapsed; or
- (e) an inquiry by the STCDA has confirmed all or any of the concerns in para (a), (b), (c) or (d), he shall:-
 - (i) serve a notice of acquisition of the building or plot of land within the conservation areas;
 - (ii) cause a copy of that notice to be served on all persons having an interest in the building or plot of land;



(iii) notify the Registrar of Lands of the notice which shall be recorded in the Land Register.

(2) A notice of acquisition shall, subject to the provisions of this section take effect ninety days after it has been served on the owner.

(3) As soon as the notice of revocation has come into effect the Minister shall revoke the lease or right of occupancy.

(4) All open spaces within the conservation area shall upon coming into effect of this Act be managed by the Authority and the Authority shall be granted a right of occupancy.

(5) If the Authority is of the opinion that the existence of any Grade 1 building is in danger it shall have the power to maintain such building until is satisfied that the said building is out of danger.

(6) Subject to the provision of subsection (5) of this section, the owner of the building shall pay all the cost incurred by the Authority for the maintenance.

Revocation
of lease and
consequence
thereof.

34.(1) As soon as the Minister approves revocation of the lease or right of occupancy under section 33(3) of this Act, the Director of Lands and Registration shall cause it to be published in the Gazette and in one or more newspapers circulating in the area where the property subject of the revocation is situated.

(2) Upon approval of the revocation by the Minister:-

- (a) the lease or right of occupancy to which the revocation refers shall terminate immediately and without further action;
- (b) all derivative rights created out of the lease which has been terminated shall cease immediately and without further action;
- (c) all rights and interests attaching to lease shall revert to the Authority and the same shall be registered in the Land Register;
- (d) any dues owing to the Government arising out of or attributable to the grant of the lease shall be extinguished;
- (e) any rights or liabilities relating to the lease or right of occupancy subsisting up to the date of revocation shall be pursued against or by the Authority provided that in the case in which the Authority is party may join the former owner as



a co-party and the Authority shall have the right to call upon or take any action which may be necessary to compel the former occupier to pay damages or costs which may be awarded against the Authority in such a case.

Compliance orders.

35.(1) Where the Authority is satisfied that a person has committed or is likely to commit an offence against this Act it may make a compliance order under this section.

(2) Any person against whom a compliance order is made shall comply with the order.

(3) A compliance order may require a person to refrain from conduct which is in contravention of the provisions of this Act or to take actions required to be taken in order to comply with this Act.

(4) A compliance order shall be made in writing specifying the grounds for its making and shall be enforceable as an injunction of the Court of competent jurisdiction.

Rules by the Authority.

36. (1) The Authority with prior approval of the Minister may, make Rules with respect to:

(a) charges and fees payable to the Authority;

(b) such other matters as the Authority considers necessary or desirable to give effect to this Act.

(2) Rules made by the Authority under subsection (1) of this Act shall not be inconsistent with the Act.

(3) Any person who contravenes or fails to comply with rules made under this section is guilty of an offence and shall be liable on conviction to a fine not exceeding One Million shillings or six months imprisonment or to both such fine and imprisonment.

Regulations.

37. The Minister may make regulations not inconsistent with this Act as he considers necessary or desirable to give effect to the provisions of this Act.

Powers of the Minister.

38. The Minister may, by order published in the Gazette, exercise the following powers:-

(a) to declare any building or any government area within the stone Town to be used for special public interest;

(b) delegate any of his powers to the Authority;



- (c) to do anything for the purpose of efficient implementation of anything which this Act whether expressly or impliedly has authorized to be done.

Offences.

39.(1) Any person who wilfully or negligently constructs, builds, alters or demolishes a building or any part of a building, street or open space, or changes the use of a building or open space, or contravenes any Building Regulation, Master Plan or any other Regulations made under this Act, without a written permit from the Authority is guilty of an offence and shall upon conviction be liable to a fine of not less than two million shillings or twelve months imprisonment or to both such fine and imprisonment.

(2) In addition to any such penalty provided under subsections (1) of this Act he shall be ordered, at his own cost, to make good the default. Upon failure or neglect of such order the Authority shall make good such default and shall be entitled to recover the cost from such person and the recovery claim shall be deemed to be an application for execution of a court order.

Penalty where not expressly provided.

40.(1) Any person who contravenes or fails to comply with a provision of this Act, commits an offence against this Act and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding three months or both.

(2) The Minister may by notice in the Gazette from time to time increase the amount of fine provided under the provisions of this Act and upon such increase the new fine shall be valid and effectual as if imposed by this Act.

PART VI FINANCIAL PROVISIONS

Funds of the Authority.

41.(1) The funds and resources of the Authority shall consist of:-

- (a) government subventions, grants, gifts, donations, bequests or other contributions made to the Authority;
- (b) fees collected by the Authority including fees payable under this Act; and
- (c) all other payments or properties due to the Authority in respect of any matter incidental to its functions.

(2) The Authority shall disclose details of the sources and respective amounts of its funds in the annual report.



- Land lease rent, fees and property tax in the World Heritage Site.
- 42.**(1) For the purpose of sustaining conservation and development of assets of the World Heritage Site and its outstanding universal values, the Authority shall be entitled to receive a portion of funds determined jointly by the Minister responsible for finance and Minister responsible for the Authority collected from the followings:
- (2) Levies paid by persons investing in World Heritage Site or persons beneficiary of the World Heritage Site services.
- (3) Land lease rent collected within the World Heritage Site.
- (4) Property tax collected within the World Heritage Site.
- Surplus funds.
- 43.**(1) The Authority shall deposit to a special account, all surplus funds of the Authority, within ninety (90) days after the end of each financial year.
- (2) The surplus funds shall be used for the budget of the following financial year and shall not in anyway be used for supplementary budget.
- Budget.
- 44.** Before the end of each financial year, the Director General shall prepare and submit to the Board for its approval, estimate of its income and expenditure for the next ensuring year which, on approval, shall be forwarded to the Minister for inclusion in the annual budget of the Government.
- Accounts and Audit.
- 45.**(1) The Board shall provide or cause to be provided and kept proper books of accounts and records with respect to:-
- (a) the receipt and expenditure of moneys by the financial transactions and affairs of the Authority;
- (b) the assets and liabilities of the Authority and shall cause to be made out of every financial year a balance sheet showing the details of the income and expenditures and all its liabilities of the Authority.
- (2) For the purpose of subsection (1) of this section, the Board shall prescribe adequate financial procedures and internal audit systems and the Director General shall be responsible to ensure that these procedures are strictly adhered to by all concerned.
- (3) The annual account of the Authority shall be audited by Controller and Auditor General or any other person authorised so to do by him.



(4) As soon as the account of the Authority have been audited and in any case not later than three months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on the statement made by the Auditor.

Annual
report.

46.(1) The Board shall prepare or cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operations of the Authority during the year accompanied by:-

- (a) a copy of the audited accounts of the Authority, together with the auditors' reports on the accounts;
- (b) a statement of all directives given by the Minister to the Authority under this Act during the year; and
- (c) such other information as the Minister may direct.

(2) The Board shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing reasonably request from time to time.

PART VII MISCELLANEOUS PROVISIONS

Saving
and
repealing.

47.(1) The Stone Town Conservation, and Development Authority Act, 1994 is hereby repealed.

(2) The applicable regulations, rules, orders or notices made under the Zanzibar Stone Town Conservation and Development Authority Act, 1994 shall continue to be in force, as if they have been made as regulations, rules, orders or notices and agreements under this Act until such time as they are amended or revoked by regulations, rules, orders or notices made under this Act.

(3) Anything done under the said repealed Act which is in force on the effective date shall be deemed to have been done under the provisions of this Act.

Overriding
provision.

48.(1) Notwithstanding the provisions of any other law for the time being in force, this Act shall override the provisions of other laws which they contradict this Act in matters pertaining to the land use, development, building control and conservation of buildings within the World Heritage Site.



(2) Provided, and for avoidance of doubt it is hereby expressly provided, that nothing in this Act confers upon the Authority power to distribute, alienate or lease land in the conservation areas save as it is otherwise provided for in this Act.

PASSED in the House of Representatives of Zanzibar on 25th day of March, 2010.

A handwritten signature in blue ink, appearing to read 'Ibrahim Mzee Ibrahim'.

{ IBRAHIM MZEE IBRAHIM }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR