

CONTENTS

Page

A Bill for An Act to Repeal the Business Licensing Regulatory System Council Act, No. 13 of 2013 and Enact the Zanzibar Business Licensing Regulatory and Management Act and other Matters Related Therewith	610
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NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 27th November, 2024 and is gazetted for the public notice incorporating together with their object and reasons.

ZANZIBAR
5th November, 2024

(Eng. Zena Ahmed Said)
***Secretary to the Revolutionary
Council and Chief Secretary***

A BILL*for*

**AN ACT TO REPEAL THE BUSINESS LICENSING
REGULATORY SYSTEM COUNCIL ACT, NO. 13 OF 2013
AND ENACT THE ZANZIBAR BUSINESS LICENSING
MANAGEMENT AND REGULATORY ACT AND
OTHER MATTERS RELATED THEREWITH**

ENACTED by the House of Representatives of Zanzibar

**PART ONE
PRELIMINARY PROVISIONS**

Short
title and
commen-
cement.

1. This Act may be cited as the Zanzibar Business Licensing Management and Regulatory Act, 2024 and shall come into operation upon being assented to by the President.

Application.

2. This Act shall apply for the purpose of managing and regulating all licensing authorities operating in Zanzibar.

Interpre-
tation.

3. In this Act, unless the context otherwise requires:

“Authority” means the Business Licensing Management and Regulatory Authority established under section 4 of this Act;

“Agent” means a person who acts for, or manage the affair of other people in business;

“Board” means the Board of Directors of the Authority established under section 9 of this Act;

“business” includes any form of trade, profession, occupation or commercial activities;

“commercial activities” means the provision of goods or services in term of exchange or payment;

“Director General” means the Director General of the Authority appointed under section 15 of this Act;

“Government” means the Revolutionary Government of Zanzibar;

“Inspector” means a person appointed under section 43 of this Act;

“license” means a legal permission from the licensing authorities to carry on business or profession activities in accordance with provisions of any respective law and includes permit, service and any other authorization;

“licensing authority” means a body with statutory authority to issue license, permit, service or any other authorization in Zanzibar;

“Local Government” has the meaning as defined in the Local Government Authority Act, No. 7 of 2014;

“Minister” means the Minister responsible for trade;

“National Business Licensing Register” means National Business Licensing Register established under section 24 of this Act;

“National Online Business Management System” means a system which allows online licensing application, sharing of information and monitoring licensing authorities; and

“President” means the President of Zanzibar and Chairman of the Revolutionary Council.

PART TWO ESTABLISHMENT OF THE AUTHORITY

4.-(1) There is established an Authority to be known as the Business Licensing Management and Regulatory Authority and its acronym shall be “BLRA”.

Establishment of Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, by its corporate name and subject to the laws, be capable of:

- (a) suing and being sued;
- (b) acquiring, holding, purchasing and disposing of any movable and immovable property;
- (c) entering into any contract or transactions;
- (d) borrowing any such sum of money from any financial institution; and
- (e) performing or doing any act or things which the body corporate may be entitled to perform or do.

Seal and
Logo of the
Authority.

5.-(1) There shall be a seal and logo of the Authority in shape and size as may be determined by the Board.

(2) The application of seal and logo of the Authority on any document shall be authenticated by the signature of Director General or any other officer of the Authority authorized by the Director General.

(3) A document purporting to be an instrument issued by the Authority, shall be sealed with the seal of the Authority and authenticated in accordance with the provisions of subsection (2) of this section.

Objectives
of the
Authority.

6. The objectives of the Authority shall be, to:

- (a) strengthen and simplify business licensing management and regulatory system in Zanzibar; and
- (b) regulate licensing authorities and eliminating hindrances in doing business.

Functions
of the
Authority.

7. The functions of the Authority shall be, to:

- (a) regulate and manage licensing authorities to comply with the provisions of this Act;

- (b) review all existing and proposed requirements to issue a license, permit, service or other authorization and direct the relevant licensing authority to amend such requirements for non-compliance;
- (c) establish, implement and operate the National Business System and National Online Business Management System;
- (d) regulate, monitor and require the licensing authorities to utilize the systems that are issued by the Authority in the issuance of license, permit, service and other authorization;
- (e) recommend to the Government on matters arising out of the reviews undertaken under paragraph (b) of this section;
- (f) conduct assessments and monitoring relating to licensing, permits, services and authorizations for conducive business environment; and
- (g) perform any other function for the purpose of implementation of the provisions of this Act.

(2) The Authority shall, in exercising its functions under subsection (1) of this section, the consult stakeholders from relevant occupations and the business community.

8. The Authority shall have the powers, to:

- (a) issue directives to the licensing authorities relating with the issuance of license, permit, services or other authorization;
- (b) set and review the rates for fees and charges of licenses, permits, services and other authorizations;
- (c) inspect licensing authorities to ensure compliance of the provisions of this Act;

Powers
of the
Authority.

- (d) evaluate the capacity of staff, organizational structure and operational system of the licensing authority;
- (e) propose new categories of licenses, permits, services or other authorizations which deems fit to be issued by the licensing authorities;
- (f) suspend or cancel a license, permit, service or other authorization from the licensing authorities;
- (g) cease licenses of the same character to be issued by two different authorities; and
- (h) require any licensing authority to provide information relating to license, permit, service, other authorization, fees or other charges as it may require in the performance of its functions.

**PART THREE
ADMINISTRATION AND MANAGEMENT OF THE
AUTHORITY**

Establish-
ment and
composition
of the
Board.

9.-(1) There shall be a Board of Directors of the Authority which shall be compose of:

- (a) a Chairperson who shall be appointed by the President;
- (b) Director General;
- (c) Director responsible for Coordinating Local Government Authority;
- (d) a State Attorney from the Attorney General's Chambers;
- (e) three members each one from:
 - (i) Ministry responsible for finance;
 - (ii) Ministry responsible for trade; and

(iii) Zanzibar National Chamber of Commerce.

(2) Members referred under subsection (1)(d) and (e) of this section shall be appointed by the Minister in consultation with the relevant institution based on their qualifications, experience and gender.

10. A person shall qualify to be appointed as a Chairperson of the Board if the person:

Qualifica-
tions of the
Chairperson.

- (a) holds at least first degree in the field of business, law, tax, public administration, economic, finance, accounting, tourism or any other related field from the institution recognized by the Government;
- (b) has working experience of at least seven years in management position; and
- (c) has high level of integrity.

11.-(1) The Board shall appoint an employee of the Authority to be a Secretary of the Board.

Secretary of
the Board.

(2) A person shall qualify to be appointed as Secretary of the Board if that person has:

- (a) at least first degree in the field of law or qualified corporate secretary from the institution recognized by the Government; and
- (b) working experience of not less than five years in the public services.

(3) The Secretary of the Board shall be accountable to the Board, and shall:

- (a) in consultation with the Chairperson, prepare the agenda of the meetings of the Board;
- (b) take accurate minutes of the meetings of the Board;

- (c) maintain the correct and sufficient records of the Board;
- (d) give proper notification of the meeting of the Board to the members; and
- (e) perform any other function as may be assigned by the Board.

Functions
of the
Board.

12. The Board shall have the functions, to:

- (a) formulate, monitor, control and supervise the implementation of all matters concerning with the administration of the Authority;
- (b) advice the Minister on matters pertaining to business licensing system and licensing authorities;
- (c) determine the strategic and policies governing the operations of the Authority; and
- (d) perform any other function conferred by this Act.

Powers of
the Board.

13. The Board shall, in execution of its functions, have powers, to:

- (a) direct the Director General to furnish it any information, report or other document which the Board considers necessary for performance of its functions;
- (b) establish Staff Regulations and Financial Regulations of the Authority;
- (c) review and approve policies, work plan, strategic plan, budget and reports of the Authority;
- (d) give lawful instructions to the Executive Secretary relating to management and performance of the Authority;
- (e) take disciplinary action against any staff of the Authority in accordance with the law;
- (f) recommend organizational structure of the Authority

subject to the provisions of the Public Service Act, No. 2 of 2011;

- (g) subject to the provisions of the Public Service Act, No. 2 of 2011, determine the terms and conditions of service, salaries and allowances including any other benefits for the staffs of the Authority;
- (h) approve fees and charges after receiving recommendations from the Authority; and
- (i) recruit staff in accordance with the provisions of the Public Service Act, No. 2 of 2011.

14. Provisions relating to proceedings of the Board shall be prescribed in the Schedule of this Act.

Proceedings
of the
Board.

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

Appoint-
ment of the
Director
General.

(2) The Director General shall be a Chief Executive Officer and be responsible for day-to-day activities of the Authority.

(3) A person shall qualify to be appointed as the Director General if that person has:

- (a) at least first degree from an institution recognized by the Government;
- (b) working experience of at least seven years; and
- (c) high level of integrity.

16.-(1) The Authority may establish departments, units and divisions in accordance with the provisions of the Public Services Act, No. 2 of 2011.

Depart-
ments,
units and
divisions.

(2) The heads of departments and units shall be appointed by the Board based on their qualifications and experience.

(3) The heads of divisions shall be appointed by the Director General based on their qualifications and experience.

(4) The heads of departments, units and divisions shall be accountable to the Director General.

Staff of the Authority.

17. There shall be staff of the Authority to be employed in accordance with the provisions of the Public Service Act, No.2 of 2011.

PART FOUR PRINCIPLES OF MANAGING AND REGULATING BUSINESS LICENSING

Principles of issuing licenses, permits, services and other authorizations.

18.-(1) The licensing authorities shall observe the following principles:

- (a) uniform and simple procedures and criteria for licensing, permits services and other authorization;
- (b) transparent, equitable, effective, efficient and low- cost licensing system;
- (c) ensure that the service rendered corresponds with the fees charged;
- (d) payment of specific and clearly fixed fees and imposed for the sole purpose for defraying the administrative costs in respect of the license, permit, service or other authorization;
- (e) ensure the legitimacy of licenses, permits, services or other authorizations;
- (f) exchange of relevant information among licensing authorities to simplify the issuance of licenses, permits, services or other authorization;

- (g) license, permit, service or other authorization shall be for the purpose of regulating and managing business and not restrict competition;
- (h) licenses shall be valid for a period of twelve months or more;
- (i) permits shall be valid for a period of less than twelve months;
- (j) avoidance of bureaucratic inertia and bureaucratic discretion; and
- (k) maintain data protection and commercial confidentiality for all information gathered under the system except where disclosure of information is required by law.

(2) The licensing authorities shall ensure that the requirements to have a license, permit, service or other authorization shall not result or give rise to:

- (a) detriment to the public interest;
- (b) detriment to the national security;
- (c) breach of international obligations;
- (d) breach of provisions of quality control, quality assurance, safety or health and hygiene;
- (e) professional incompetence;
- (f) unfair trading or unfair competition that cannot be effectively prevented by other legal mechanisms;
- (g) depletion of natural resources, cultural heritage or unsustainable use; or
- (h) any other justifiable reasons.

(3) A requirement imposed relating to license, permit, service or other authorization shall only relate to business which is carried on or proposed to be carried on.

Introduction
for new
license,
permit,
service
or other
authorization.

19.-(1) A licensing authority that intends to introduce new license, permit, service or other authorization shall:

- (a) give notice in writing of that intention to the Director General;
- (b) hold consultations with the stakeholder to be affected by the intended action; and
- (c) submit to the Director General a report of the consultations together with an assessment of the impact of business activity that the imposition is proposed to apply.

(2) The Director General shall review the report submitted under subsection (1)(c) of this section and where the requirements do not meet the criteria set out in section 18 of this Act, shall make a recommendation to the licensing authority.

Approval
of issuance
of licenses,
permits,
services
or other
authoriza-
tions.

20. Any licensing authority which intends to issue license, permit, service or other authorization, shall apply for approval to the Authority in accordance with the procedures prescribed under the regulations.

List of
licensing
authorities.

21.-(1) The Authority shall, by order published in the Gazette, issue a list of licensing authorities authorised to issue license, permit, service and other authorisation.

(2) Any licensing authority that is not included in the list referred to in subsection (1) of this section, shall not issue a license, permit, services or other authorization to establish a business or engage in commercial transactions.

Duty to
provide
guidance
and
assistance.

22.-(1) A licensing authority shall have a duty to provide guidance and assistance to applicants applying for license, permit, service or other authorization.

(2) Where a licensing authority receives a written application

concerning a matter outside its competence may direct the applicant to the relevant licensing authority.

23.-(1) An application for license, permit, service and other authorization made to the licensing authority shall be processed as soon as possible and, in any case, shall not exceed thirty working days. Handling of application and enquiry.

(2) When an enquiry is made to the licensing authority relating to application, license, permit, service or other authorisation shall be determined within seven working days.

24.-(1) The Authority shall establish and maintain the National Business Licensing Register of all licensing authorities and license, permit, service or other authorization issued in Zanzibar. National Business Licensing Register.

(2) Subject to the provisions of subsection (1) of this section, the Minister may prescribe in the regulations:

- (a) information to be collected and recorded by the Authority relating to licenses, permits, services and other authorizations;
- (b) information to be included in the national register or other registers;
- (c) manner of maintaining the National Business Licensing Register is to;
- (d) inspection of the National Business Licensing Register; and
- (e) publication of information included in National Business Licensing Register.

25.-(1) A licensing authority shall, in processing applications, ensure and observes the rule of equal treatment. Principle of equality.

(2) The applicant shall not be discriminated against on the ground of their ethnic, origin, sex, colour, nationality, religion, political affiliation, family, disability or other comparable considerations.

Principle of proportionality.

26. A licensing authority shall observe the principle of proportionality in making decision and may reach an adverse decision when the lawful purpose sought cannot be attained.

Right to be heard.

27.-(1) An applicant for a license, permit, service or other authorization or appellant shall be given the opportunity to express his views on the application or appeal before a licensing authority reaches a final decision.

(2) Where an applicant or appellant has been given the right to express his views under subsection (1) of this section, a licensing authority shall notify the applicant or appellant or his representative within fourteen working days which the application or appeal comes up for determination.

Notice.

28. Where a licensing authority is dissatisfied with any matter in connection with:

- (a) an application made for license, permit, service or other authorization; or
- (b) a business carried on,

the licensing authority shall:

- (i) in case of paragraph (a) provide the applicant with a refusal notice within three working days with the reasons for such refusal; or
- (ii) in the case of paragraph (b) provide the applicant notice of intention to cease business to the concerned person within three working days and with the reasons for such cessation.

Right to information.

29.-(1) An applicant for a license, permit, service or other authorization or an appellant shall have the right to acquire information relating to application or appeal.

(2) Where a licensing authority has reached a decision on a request for information under subsection (1) of this section, shall notify the applicant or appellant within three working days.

(3) The provisions of this section shall not apply to the investigation and conduct of criminal case, except that the accused in such proceedings may demand access to the case file after the case has been discontinued or concluded.

30.-(1) A licensing authority may restrict the access of information to an applicant or appellant for public or private interest.

Restriction and denial of right to information.

(2) Where a licensing authority denies access to information to the applicant or appellant, shall, in writing, notify the applicant or appellant with reasons of such denial.

(3) Subject to the applicable laws, a denial of restriction of access to information may be complained to the competent authority within seven working days.

31.-(1) A licensing authority shall ensure that in making decision, reference shall be made in accordance with the rules of procedures on which the licensing authority's decision is based.

Statement of decision.

(2) When a decision of a licensing authority is made, the statement of decision shall contain the main opinions deciding the outcome of the fact and a brief description of the most important facts influencing the decision in a case.

PART FIVE

PROCEDURES FOR LICENSES, PERMITS, SERVICES OR OTHER AUTHORIZATIONS

32.-(1) An application for a grant, cancellation, renewal or transfer of a license, permit, service or other authorization to a licensing authority shall be in such form as may be prescribed by the relevant licensing authority.

Application procedures.

(2) The application referred under subsection (1) of this section, shall be completed and signed by the applicant or his agent and shall be submitted to the licensing authority together with, if applicable:

- (a) a certified copy of the business registration certificate or the business registration number;
- (b) proof of membership of the relevant professional and training institution or association;
- (c) a Police Clearance Certificate; and
- (d) Tax Identification Number.

(3) A licensing authority may accept submission of an application under this section by electronic means and accompanied by an electronic signature.

Terms and conditions of license permit, service or other authorization.

33. Where there are special types of activities relating to license, permit, service or other authorization issued by the licensing authority that require special technical terms and conditions, such terms and conditions shall be stipulated by law.

Consideration of applications.

34.-(1) A licensing authority shall, before issuing license, permit, service or other authorization, refer the application to the relevant senior licensing officer for consideration.

(2) Where the licensing authority is satisfied that the applicant has met all the relevant criteria, shall issue license, permit, service or other authorization to the applicant.

Attendance of the applicant or his representative.

35.-(1) The licensing authority may, where applicable, issue a notice to attend a meeting to a new applicant or his representative at which the application is to be considered.

(2) The licensing authority may decline to consider an application if the applicant or his representative, without any prior notice, does not attend a meeting at which the application is to be considered.

(3) Notwithstanding the provisions in subsection (1) of this section, an applicant for the renewal or permanent transfer of a license, permit, service or other authorization or who is making an application in respect of a new branch office does not need to attend a meeting at

which his application is being considered unless the applicant has been notified by the licensing authority to attend.

36.-(1) The applicant shall have an obligation to obtain any other license, permit, service or other authorization required under any other law. Licensing process.

(2) A licensing authority shall facilitate applications by providing all relevant information to enable applicants to comply with the provisions of subsection (1) of this section and the information shall be contained in the guide required by section 22 of this Act.

37.-(1) The licensing authority shall issue license, permit, service or other authorization to every applicant who complies with the provisions of relevant law within three working days. Issuance of license permit, service or other authorization.

(2) The licensing authority shall, when required, make out a duplicate of any license, permit or other authorization issued by it under this section and shall certify such duplicate to be a true copy of the original license, permit or other authorization.

38.-(1) A new license, permit, service or other authorization shall come into effect on being issued by the licensing authority. Effect of license, permit and other authorization.

(2) Where an application is made for renewal of a license, permit, service or other authorization, in respect of which the application is made shall continue to have effect until the application for renewal is granted by the licensing authority or if the application for renewal is refused, until the time within which an appeal may be made has elapsed or, if an appeal has been dismissed or determined.

39. The Authority shall publish fees and charges for license, permit, service or other authorization issued by licensing authority in a manner deems fit. Fees and charges.

40.-(1) A licensing authority may, on receipt of an application, transfer to a new owner or, heirs or legatees of a deceased holder a license, permit, service or other authorization granted in relation to the premises or business in accordance with the provisions of the Business Entity Registration Act, No. 12 of 2012. Transfer of license, permit, service and other authorization.

(2) A license, permit, service or other authorization transferred under subsection (1) of this section, shall have effect until the expiry and shall be held subject to the conditions on which it was originally granted.

(3) Where a license, permit, service or other authorization has been transferred under this section to any person, the licensing authority shall, on payment of the appropriate fee, endorse on the license, permit, service or other authorization a note of the transfer.

(4) A license, permit, service or other authorization issued to individuals of their personal skills, qualifications, experience or other personal aptitude are non-transferable.

Register of applications and decisions.

41.-(1) A licensing authority shall keep a register of applications and decisions for licenses, permits, services and other authorizations.

(2) The register of applications and decisions under subsection (1) of this section, shall be inspected by the Authority.

Suspension and cancellation of a license, permit, service or other authorization.

42.-(1) A licensing authority may suspend or cancel a license, permit, service or other authorization on the following grounds:

- (a) the holder is no longer fit to hold such license, permit, service or other authorization;
- (b) the holder is in breach of the terms and conditions applicable to that license, permit, service or other authorization;
- (c) the use of the premises in respect of which the license, permit, service or other authorization is a threat to public health or safety;
- (d) the premises in respect of which the license, permit, service or other authorization applies no longer meets the standards laid down by the relevant law; or
- (e) the holder or his agent refused entry to a duly authorized inspector or to cooperate with an inspector as required

by this Act or other law applicable to the license, permit, service or other authorization.

(2) The licensing authority may, in considering a complaint derived from suspension or cancellation under this section, consider any misconduct on the part of the holder of the license, permit, service or other authorization whether or not constituting a breach of the provisions of the relevant law.

(3) Where the licensing authority decides to order the suspension of a license, permit, service or other authorization, the suspension shall not take effect until of the expiry time within which the holder may appeal or if an appeal is lodged, until it has been abandoned or determined.

(4) The provisions of subsection (3) of this section shall not apply where immediate suspension is required in the interests of the health and safety for other persons or public.

(5) The period of suspension of a license, permit, service or other authorization under this section shall be a fixed period not exceeding one year.

43.-(1) A licensing authority may appoint inspectors to ensure compliance of the provisions of this Act and other relevant laws relating to business, license, permit, service or other authorization. Inspectors.

(2) A licensing authority shall provide an identity card to an inspector and the inspector shall present such identity card on entry into any premise that is to be inspected or to any person to obtain information relating to license, permit, service or other authorization under the provisions of this Act and other relevant laws.

(3) An inspector may:

- (a) enter and inspect, at reasonable times, any premise at which a business is conducted in relation to license, permit, service or other authorization;

- (b) conduct investigations or audit of the facilities and services provided;
- (c) take original or copies of documents including electronic documents; and
- (d) order the closure of the business where the business is in a serious breach of this Act or any other relevant law or where it poses a threat to public safety.

(4) An inspector shall not disclose any information acquired in the course of his inspection, investigation or audit unless is required by the court or to provide the information as part of his work.

(5) An inspector who has a personal, pecuniary or direct interest that may affect the consideration of any matter before him shall not inspect or investigate on that matter.

(6) Any inspector referred to under this section who abuses his position, unlawfully causes damage, seizes property or discloses any information in the course of his duties commits an offence and shall, upon conviction, be liable to a fine of not less than Three Million Shillings and not exceeding Ten Million Shillings or imprisonment for a term of not less than one year and not exceeding three years or both such fine and imprisonment.

Immunity
of the
inspector.

44. An inspector, while exercising powers conferred by this Act or other relevant law, shall not be liable for anything done or omitted to be done if such act is done or omitted in good faith.

Appeal.

45.-(1) A person aggrieved by a decision of the licensing authority may appeal against such decision in accordance with relevant law of the licensing authority.

(2) The grounds of appeal shall be one of the following:

- (a) the decision was based on insufficient or wrong information as to the facts;

- (b) the decision was based on circumstance which subsequently changed in a material way;
- (c) the licensing authority erred in law;
- (d) the licensing authority acted contrary to natural justice;
- (e) the decision was beyond the powers of the licensing authority; or
- (f) the licensing authority was in breach of the provisions of this Act or other relevant laws.

(3) An appeal shall be applied within twenty-one working days from the date of notification of the decision to the person to whom it applies.

PART SIX FINANCIAL PROVISIONS

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

- (a) such sum of money as may be approved by the House of Representatives;
- (b) money received by the Authority for services rendered by the Authority;
- (c) lawful grants, gifts, donations, contributions or loans as the Authority may receive from any person or institution;
- (d) fees and charges collected under this Act;
- (e) income from investments made by the Authority; and
- (f) any such money that may be legally acquired by the Authority.

47.-(1) The Director General shall, in respect of every financial year, submit to the Board for deliberation and recommendation on detailed estimates of the income and expenditure for the Authority for the next financial year. Budget.

(2) Upon deliberation and recommendation by the Board, the budget of the Authority shall be dealt in the same manner as part of the budget of the Ministry.

(3) The estimates of income and expenditure of the Authority shall be prepared subject to the provisions of the Public Finance Management Act, No. 12 of 2016 and any other directives as may, from time to time, be issued by the Government.

(4) The Director General shall ensure that all payments made by the Authority's funds are correctly made and properly authorized and adequate control is maintained over its property and over the incurring of liabilities by the Authority.

Accounts
and audit.

48.-(1) The Authority shall properly keep and maintain books of accounts which shall include all financial records and transaction for every financial year.

(2) The annual financial statements of the Authority shall be audited in accordance with provisions of the Public Finance Management Act, No. 12 of 2016 and other relevant financial laws.

Opening
bank
account.

49. The Authority shall, subject to the provisions of Public Finance Management Act, No. 12 of 2016 open bank accounts for proper performance of its functions under this Act.

Power to
invest.

50. The Authority shall have the power to invest its funds in the investment which will be profitable, safe and legal in accordance with the relevant laws.

PART SEVEN OFFENCES AND PENALTIES

Offences
and
penalties.

51.-(1) A licensing authority which:

- (a) imposes fees or charges without providing the intended service;

- (b) imposes fees or charges without having the governing law which conferred the functions or power;
- (c) fails to supervise the functions concerning issuance of license, permit, service and other authorization under this Act;
- (d) obstructs an officer of the Authority in carrying out the function of the Authority under this Act; and
- (e) fails to comply with the provisions of this Act,

commits an offence and shall, upon conviction, be liable to a fine of not less than Ten Million Shillings and not exceeding Fifty Million Shillings.

(2) Where a licensing authority commits an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of any director, manager, other similar officer of the licensing authorities or any person who was purporting to act in any such capacity he, as well as the licensing authority shall be guilty of that offence and shall be liable to be prosecuted against and punished accordingly.

52.-(1) The Director General may compound an offence committed by a licensing authority under this Act or its regulations by requiring it to pay a fine of not less than half of the fine prescribed for such offence, provided that, the licensing authority or inspector:

Compounding
Offences.

- (a) admits the commission of an offence;
- (b) pays all his defaults payment under this Act

(2) The procedures relating to compounding of offence shall be prescribed in the regulations.

(3) The compounding of offence under subsection (1) of this section, shall not be regarded as conviction for the alleged offence and provided that the default payment is paid in full, no prosecution for the alleged offence shall be instituted or maintained.

PART EIGHT
MISCELLANEOUS PROVISIONS

Regulatory
fees.

53. The Authority shall, in consultation with licensing authorities, charge the regulatory fees in accordance with procedures prescribed in the regulations.

Protection
from
personal
liability.

54. The staff of the Authority shall not be personally liable for any matter done or omitted to be done if such matter is done or omitted to be done in good faith in executing the functions or powers of the Authority under this Act.

Guidelines.

55. The Authority may issue guidelines for effective operations of its functions under this Act.

Regulations.

56. The Minister may make regulations for the proper implementation of the provisions of this Act.

Repeal and
saving.

57.-(1) The Business Licensing Regulatory System Council Act, No. 13 of 2013 is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done or purported to have been done under the repealed Act, shall be deemed or purported to be done under the provisions of this Act.

SCHEDULE

PROCEEDINGS OF THE BOARD [Made under section 14]

1. The members of the Board shall elect one among them to be a Vice-Chairperson of the Board. Vice-Chairperson.
2. Save for ex-officio members, the Chairperson and other members of the Board shall hold the office for a term of three years from the date of their appointment and may be eligible for re-appointment for another term only. Tenure of the members.
- 3.-(1) The Board shall ordinarily meet once in every three months and may meet for extraordinary meeting at any time when need arises for the discharge of its functions. Meetings of the Board.
- (2) All meeting of the Board shall be presided by the Chairperson and in his absence, the Vice Chairperson shall preside the meeting of the Board and if the Chairperson and the Vice-Chairperson are absent, the members present shall elect one among themselves to preside the meeting.
4. More than half of the total number of the members shall constitute quorum at any meeting of the Board. Quorum.
5. Decisions of the Board shall be made by consensus, where there is no consensus, the decisions shall be made by majority vote and where there is an equal vote, the Chairperson shall have a casting vote. Decisions of the Board.
6. Subject to the provisions of this Act, the Board shall regulate its own procedures in respect of the meetings and proper conduct of its activities including Committees of the Board. Procedures of the meeting.
7. The Board may co-opt any person to attend in any deliberation of the meeting of the Board as an expert but the co-opted member shall have no right to vote. Co-opted member.

Minutes of the meeting of the Board.

8. The minutes of the meetings of the Board shall be confirmed by the Board at the next meeting and signed by the Chairperson and the Secretary.

Committees of the Board.

9. The Board may, for the purpose of facilitating the performance of its functions, establish committees to perform specific functions as may deem necessary.

Delegation of the functions of the Board.

10.-(1) The Board may, if deems fit for the proper discharging of its functions, delegate some of its functions to the committees of the Board.

(2) Where the Board delegates its functions under subsection (1) of this section, it shall give directives in writing as may be necessary to ensure the proper performance of the functions.

Cessation of membership.

11. The member shall cease to hold office upon the occurrence of the following:

- (a) resignation;
- (b) if is absent without reasonable excuse for three consecutive meetings of the Board;
- (c) if he becomes incapacitated to perform his duties by reasons of physical or mental health;
- (d) if he ceases to be a representative of the institution which nominated that member;
- (e) if he is terminated by the Minister where he does not meet the expectation of the Authority; or
- (f) death.

Disclosure of the interest.

12.-(1) The member of the Board who has direct or indirect personal interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at the beginning of the meeting of the Board.

(2) A disclosure of interest under subsection (1) of this section, shall be recorded in the minutes of the meeting and the member making such disclosure shall not:

- (a) be present during the deliberation of the Board for making of the determination; or
- (b) influence any other member in making the determination.

13. The Chairperson and other members of the Board shall be entitled to be paid such allowances in accordance with the Public Service Act, No. 2 of 2011.

Allowances
of the
members of
the Board.

OBJECT AND REASONS

The object of this Bill is to repeal the Business Licensing Regulatory System Council Act, No. 13 of 2013 and enact the Zanzibar Business Licensing Regulatory and Management Act which establishes an Authority that will be responsible for monitoring and regulating the whole system of issuing the business licenses, permits, services and other authorizations imposed by the licensing authorities in Zanzibar. The main target is to ensure that the licensing process and other authorization are made transparently and effectively for the better economic environment and business sustainability.

This Bill also intends to enhance the effectiveness of licensing authorities by instituting a framework for regular inspections and performance evaluations that will ensure the licensing authorities to perform their duties with efficiency, professionalism, and in alignment with established standards of safety and security. Also, to ensure that the process of issuing the license, permits, services and other authorization do not affect the business in Zanzibar.

Also, the Bill aims to create a better business environment that encourages growth and boosts the economy of Zanzibar. However, the Bill intends to create a new system of issuing the licenses, permits, services and other authorizations that will strength the conducive atmospheres on business by eliminating bureaucracy.

This Bill is divided into Eight parts.

Part One is about preliminary provisions which provide for a short title and commencement of the Act, application and interpretation of some key words used therein.

Part Two provides for the establishment of the Business Licensing Regulatory and Management Authority, seal and logo of the Authority, objectives, functions and powers of the Authority.

Part Three is about the Administration and Management of the Authority whereby the Board of Directors of the Authority has been established which shall be the main Organ for the management of the

Authority. This part also covers the provisions relating to the functions and powers of the Board, appointment of the Director General, qualifications of the Director General, structure of the Authority and staffs of the Authority.

Part Four is about the provisions relating to principles regulating and managing business licensing including principles of issuing licenses, permits, services and other authorizations, introduction of new licenses, permits, services and other authorizations. However, this part provisions relating to procedures for approval of issuance of licenses, permits, services and other authorizations are provided. Also, list of licensing authorities, duty to provide guidance and assistance, handling of application and enquiry and other matters are provided.

Part Five provides for the provisions relating to the procedures for licenses, permits, services or other authorization which includes application procedures, terms and conditions of license, permit, service and other authorization, consideration of applications. In addition to that, in this part, licensing process, permits, services and other authorizations, effects and transfer of licenses from the original owner to other person also are provided. Also, in this part, power to suspend and cancellation of licenses, permits, services and other authorizations, and procedures for appeal of aggrieved person against that action, are provided.

Part Six provides for the financial provisions which include funds and resources of the Authority, budget, account and audit of the Authority. Also, it provides powers of the Authority to open bank account and power to invest.

Part Seven is about offences and penalties. Also, in this part, it provides powers of the Chief Executive Officer of the Authority to compound offences committed under this Act, subject to the procedures as prescribed under the Regulations made under this Act.

Part Eight provides for miscellaneous provisions including regulatory fees, protection from personal liability, guidelines and regulations. Also, in this part, it provides for repealing the Business Licensing Regulatory System Council Act, No. 13 of 2013 and saving provisions.

Finally, there is a Schedule which provides for proceedings of the Board.

638

ZANZIBAR

5th November, 2024

(HON. OMAR SAID SHAABAN)
**MINISTER OF TRADE AND INDUSTRIAL
DEVELOPMENT
ZANZIBAR**

