



THE FUND FOR PRESERVATION OF HISTORICAL HERITAGE
ACT NO. 8 OF 2003

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ACT NO. 8 OF 2003

I ASSENT

Amani Abeid Karume
{AMANI ABEID KARUME}

PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

6th OCTOBER....., 2005

AN ACT TO ESTABLISH A SPECIAL FUND FOR PRESERVATION OF
HISTORICAL HERITAGE OF ZANZIBAR

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the Fund for Preservation of Historical Heritage Act, 2003 and shall come into operation on such date as the Minister may, by notice published in the Official Gazette, appoint.

Interpretation.

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



"Board" means the Board of Trustees of the Fund established under section 7 of this Act;

"Chairman" means the Chairman of the Board appointed under section 8 of this Act;

"Department" means the Department responsible for the matters relating to the preservation of the historical heritage and culture;

"Director" means Director responsible for matters relating to preservation of the historical heritage and culture;

"Fund" means Fund for preservation of historical heritage of Zanzibar established under section 2 of this Act;

"Government" means the Revolutionary Government of Zanzibar;

"Historical heritage" includes documents, museum and historical sites and matters of Zanzibar;

"Minister" means the Minister responsible for the preservation of historical heritage and culture;

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



PART II

ESTABLISHMENT OF THE FUND

Establishment of
the Fund.

3.(1) There is hereby established a Trust Fund which shall assist the historical heritage of Zanzibar which shall be known as the Fund for Preservation of Historical Heritage of Zanzibar and its headquarter shall be in Zanzibar Town.

- (2) The Fund shall have the following:
- (i) emblem and common seal with a design as provided in the regulations made under this Act, which shall be used in the official business of the Fund;
 - (ii) in its corporate name be capable of suing and being sued;
 - (iii) be capable of acquiring, purchasing, selling, leasing and alienating any movable or immovable property, except ancient monuments as provided in the Monuments Act, 2002;
 - (iv) the power to enter into agreements with national and international institutions acceptable by the Laws of the land;
 - (v) the power to do any other thing for the better implementation of its responsibilities under this Act.



Director of the Fund.

4.(1) The Director shall be the Director of the Fund and also the Secretary of the Board.

(2) The Director shall be the executive officer of day to day functions of the Fund.

(3) The Director shall be responsible for discharging the liability and claims of the Fund, and shall:

- (i) supervise the management and direct administration of the Fund;
- (ii) prepare scheme of service and present budget of the Fund to the Board every year or whenever is required;
- (iii) for the purposes of the Fund shall be answerable to the Board and shall carry out the decision of the Board.

Staff of the Fund.

5.(1) The Board may, subject to the condition laid by it, appoint officers and other staff as required for the better implementation of the function and responsibilities of the Fund.

(2) The officers and other staff appointed by the Board shall be paid in accordance with their job description provided by the Board.

(3) Every officer or staff appointed by the Board in accordance with the provisions of subsection (1) of this section shall have power and authority to execute any function given by the Director and this Act.



Functions of the Fund.

6. The main functions of the Fund shall be:

- (a) to initiate various activities for increasing revenue for the purposes of assisting the preservation, protection and development of buildings and other historical matters;
- (b) to collect revenue for the Fund from various sources;
- (c) to assist in the maintenance and preservation of the buildings, historical heritage and culture of Zanzibar;
- (d) to co-operate with other national and international institutions which deal with the preservation and development of ancient buildings and historical heritage;
- (e) to receive gift, donations, grants and other income revenue for the Fund.

PART III

BOARD OF TRUSTEES

Establishment of the Board.

7. There is hereby established the Board to be known as the Board of Trustees of the Fund which shall supervise and control revenue and expenditure of the Fund subject to the government policy.

Composition of the Board.

8.(1) The Board shall consist of the following members:



- (a) a chairman appointed by the President;
- (b) one member appointed by the Minister from:
 - (i) the Zanzibar Stone Town Conservation Authority;
 - (ii) Ministry of Finance;
 - (iii) House of Representatives of Zanzibar;
 - (iv) Ministry responsible for Culture.
- (c) Director of Fund shall be the Secretary and the member of the Board and shall have right to vote.

(2) The Board may invite other persons to attend the Board meeting if it thinks fit to do so, save that the invitees shall have no right to vote.

Tenure of office.

9.(1) A member of the Board unless his appointment is revoked earlier by the appointing authority that appointed him or when he retires or when he ceases to be the member for any other reasons, shall hold the office for the term of three years from the appointed date, but he may be reappointed for another periods but he shall not hold the office for consecutive three terms.

(2) The member shall cease to be a member on the occurrence of any of the following:



- (a) on his death;
- (b) when he fails to attend three consecutive meetings;
- (c) if he resigns in writing;
- (d) if he ceases to be a employer or member of his institution.

(3) If a member fails to carry out his responsibility for any reason, the appointing authority may appoint a temporary member in his place, and the appointed member shall hold the office until the former member resumes his office or his term expires whatever comes first.

(4) If a member of the Board is died or resigns, the appointing authority shall appoint another person in his place who shall hold the office of the late member for the remaining period.

Board meeting.

10.(1) In ordinary meeting the Board shall meet four times a year, but when the need arises, the Board may meet at any time and at any place in Zanzibar for the extra-ordinary meeting.

(2) The Chairman shall preside in all Board meetings and in his absence the members present shall elect one among them to be the chairman of that meeting.

(3) The quorum of the meeting of the Board shall be a half of all members.



(4) The decision of the Board shall be by the majority of the votes of members present, and if the votes are equal, the chairman shall have the casting vote.

(5) Minutes of each Board meeting shall be kept in appropriate form by the Secretary and shall be confirmed by the chairman in the next meeting.

(6) Members of the Board shall be paid sitting allowance as determined by the Board and approved by the Minister.

Functions of the Board.

11. The Board shall have the following functions:

- (i) to supervise the management and administration of the Fund intended for the conservation and development of buildings, historical heritage, historical areas, culture and community education;
- (ii) to supervise and assist in research activities and publishing of books relating to historical and culture buildings, technical information and maintenance of buildings;
- (iii) to initiate various resources of revenue and to control the revenue of the Fund;
- (iv) to advise the Minister on the better implementation of the activities of the Fund;



- (v) to do any other thing which, in the opinion of the Board, shall promote the better implementation of this Act.

PART IV **FUNDS**

Funds of Fund.

12. The revenue resources of the Fund shall consist of:

- (a) grants from the government or donors;
- (b) fees for entrance and services;
- (c) any contribution from any person, public or private institution national or international;
- (d) small projects initiated by the Board for the purposes of increasing the revenue of the Fund.

Permission to borrow.

13.(1) Subject to the approval of the Minister, the Board may allow the Fund to borrow money for the activities of the Fund and for the re-payment conditions as may be prescribed by the Board.

(2) Any person who wants to credit loan to the Fund shall ensure that the permission of the Minister is given.

Financial year.

14.(1) In this part 'financial year' is any period not exceeding consecutive twelve months prescribed by the Board for that purpose.



(2) In not less than one month before the commencement of the financial year, the Board shall approve the budget of the Fund of incoming year.

(3) If it happen that the Fund requires extra expenses in the existing financial year, the Board shall authorise that expenses, if it thinks appropriate.

Account records.

15.(1) The Fund shall kept all books of accounts and records of a income and expenditure which shall be audited in accordance with the procedure of keeping public money.

(2) The audit report shall be submitted to the Board not more than three months after the end of the concerned financial year.

(3) The Board shall submit the audit report to the Minister not more than one month after the Board has received it.

(4) A copy of the audit report shall be submitted to the Controller and Auditor General by the Board.

(5) The Board shall submit to the Minister an annual report of the respective financial year not more than four months after the end of the financial year.

PART V MISCELLANEOUS PROVISIONS

Regulations.

16. The Minister, where he thinks appropriate, may make regulations for the better implementation of this Act.



Tax exemption.

17. The Fund is a Government Institution which carried out its functions without profit shall be exempted from all taxes.

PASSED in the House of Representatives on the 10th day of April, 2003.

KJ Chande

**KHAMIS JUMA CHANDE
CLERK OF THE HOUSE OF REPRESENTAIVES**