

A BILL

for

An Act to amend the Zanzibar Public Leaders' Code of Ethics Act No. 4 of 2015

	<p style="text-align: center;">PART ONE PRELIMINARY PROVISIONS</p>
Short title and Commencement.	<p>1. This Act may be cited as the Zanzibar Public Leaders' Code of Ethics (Amendment) Act, 2017 and shall come into operation immediately after being assented to by the President.</p>
Construction.	<p>2. This Act shall be read as one with the Zanzibar Public Leaders' Code of Ethics Act, No. 4 of 2015 in this Act referred to as the "Principal Act".</p>
	<p style="text-align: center;">PART TWO AMENDMENTS OF THE ZANZIBAR PUBLIC LEADERS' CODE OF ETHICS ACT, NO. 4 OF 2015</p>
Amendment of Section 2.	<p>3. Section 2 of the Principal Act is amended by deleting and substituting for it the following:</p> <p style="padding-left: 40px;">“2. This Act shall apply to all Public Leaders as defined under this Act.”</p>
Amendment of section 3.	<p>4. Section 3 of the Principal Act is amended:</p> <p style="padding-left: 20px;">(a) by inserting in the appropriate alphabetical order the following new definitions:</p> <p style="padding-left: 40px;">“public institution” means an independent or autonomous entity or office in the public service;</p> <p style="padding-left: 20px;">(b) by deleting and substituting the following definitions:</p> <p style="padding-left: 40px;">“Asset” means a thing, item or property owned by a Public Leader, his spouse or child which has value and can be sold or used to pay debt”</p> <p style="padding-left: 40px;">“Commission” means the Zanzibar Public Leaders' Ethics Commission established under section 4 of this Act;</p>

	<p>“Conflict of interest” refers to a situation where a Public Leader:</p> <p>(a) has a personal interest on a public issue of which he has authority on; or</p> <p>(b) participates in decision making on a public issue which he has personal interest;</p> <p>“Public Leader” means a person holding a public post referred to or listed in the First Schedule to this Act;</p> <p>(c) by deleting the definition of the word “Leader” and “ethics”.</p>
Amendment of Part Two.	5. The Principal Act in Part Two is amended by deleting the words “code of” appearing in Part Two of the Principal Act between the words “leaders” and “Ethics” .
Amendment of section 4.	6. Section 4 of the Principal Act is amended by deleting the words “code of” appearing between the words “leaders” and “ethics”.
Amendment of section 5.	7. Section 5 of the Principal Act is amended as follows: <p>(a) by renumbering section 5 to be section 5(1);</p> <p>(b) by renumbering section 5(a) to be a new subsection (2) and deleting its contents and substituting for it as follows:</p> <p>“(2) The Chairman shall be responsible for the functions of the Commission and shall exercise the powers and duties of the Commission specified under this Act.”</p> <p>(c) by renumbering section 5(b) to be a new subsection (3),</p> <p>(d) by inserting the following new subsection (4) as follows:</p>
Amendment of section 6.	8. Section 6 of the Principal Act is amended: <p>(a) by renumbering proviso of section 6(2) to be new subsection (3);</p> <p>(b) by renumbering subsection (3) and (4) as subsection (4) and (5) respectively;</p>

	<p>(c) by deleting subsection (3) as renumbered and substituting for it the following:</p> <p style="padding-left: 40px;">“(3) For the purpose of subsection (2) of this section, misconduct means violation of moral ethics as mentioned under section 18 of this Act”,</p> <p>(d) by inserting immediately after the renumbered subsection (5), the following new subsection (6) and (7):</p> <p style="padding-left: 40px;">“(6) In the absence of a Chairman or inability of the Chairman to perform his duties, the President may appoint, for a particular period, a person to be an acting Chairman who shall perform the duties of the Chairman.</p> <p style="padding-left: 40px;">(7) A person shall not be qualified to be appointed acting Chairman, unless that person has the same qualifications of the Chairman referred to in section 7(1) of this Act.”</p>
<p>Amendment of section 9</p>	<p>9. Section 9 of the Principal Act is amended:</p> <p>(a) by renumbering section 9 to be section 9(1);</p> <p>(b) by inserting immediately after renumbered subsection (1) a new subsection (2) as follows:</p> <p style="padding-left: 40px;">“(2) a Commissioner shall hold office for a period of three years and may be reappointed for another term.”</p> <p>(c) by adding immediately after section 9 the following new sections:</p> <p>Termination.</p> <p>“9A. The President may terminate the appointment of a Commissioner for:</p> <p style="padding-left: 40px;">(a) inability to perform the functions of his office;</p> <p style="padding-left: 40px;">(b) misbehaviour;</p> <p style="padding-left: 40px;">(c) conviction of a criminal offence;</p> <p style="padding-left: 40px;">(d) failure to comply with the provisions of this Act; or</p> <p style="padding-left: 40px;">(e) any other sufficient cause.</p>

	<p>Resignation. “9B.-(1) A Commissioner may, at any time, resign his office by instrument in writing addressed to the President.</p> <p>(2) A person shall cease to be a Commissioner from the date of the receipt of the instrument from the President.”</p> <p>Vacancy.</p> <p>“9C. Vacancy in the Commission occurs:</p> <p>(a) on the death, resignation or termination of the appointment of a Commissioner; or</p> <p>(b) on the absence of a Commissioner from three consecutive meetings of the Commission, unless the absence is approved by the Chairman; or</p> <p>(c) on the expiration of his term.”</p>
<p>Amendment of section 10</p>	<p>10. The Principal Act is amended by adding immediately after section 10 the following new sections 10A and 10B:</p> <p>“Secretary of the Commission</p> <p>10A-(1) There shall be a Secretary of the Commission who shall be appointed by the President.</p> <p>(2) A person shall not be appointed as a Secretary of the Commission unless that person:</p> <p>(a) is a Zanzibari and a holder of at least a degree in Law, Public Administration, Management or any other related fields; and</p> <p>(b) has working experience of at least seven years in the related fields; and has high level of integrity in the public service.</p> <p>(3) A Secretary of the Commission shall not assume his office unless he has taken an oath before the President.</p> <p>Duties of the Secretary</p> <p>10B –(1) The Secretary of the Commission shall, subject to the provisions of this Act and to the directives of the Chairman, be the administrative officer of the Commission and shall, in that capacity, be responsible to the Commission for the day to day administrative</p>

	<p>operations.</p> <p>(2) In addition to the duties referred to in subsection (1), the Secretary shall:</p> <p>(a) attend the meeting of the Commission;</p> <p>(b) record the proceeding of the Commission and keep the minutes of each meeting in proper form; and</p> <p>(c) generally, perform such other duties connected with the work of the Commission as the Commission may require.”</p>
Amendment of section 12.	<p>11. Section 12 of the Principal Act is amended:</p> <p>(a) by inserting immediately after subsection (1)(m) a new paragraph (n) as follows:</p> <p>“(n) conduct physical verification in respect of a declaration of assets made under this Act”;</p> <p>(b) by renumbering paragraph (n) to be paragraph (o).</p>
Amendment of section 13.	<p>12. Section 13 of the Principal Act is amended by adding immediately after paragraph (c) the following new paragraph (d):</p> <p>“(d) order any person to attend before the Commission for the purpose of being interviewed, orally or in writing, in relation to any matter which may assist investigation of an alleged breach of this Act”.</p>
Amendment section 16.	<p>13. The Principal Act is amended by adding immediately after section 16 the following new section 16A:</p> <p>Request for further particulars</p> <p>“ 16A-(1) The Commission shall examine a declaration of assets filed under this Act and ensure that it complies with the requirements of the Act, and may request from a Public Leader any information or explanation relevant to a declaration of assets made by him.</p> <p>(2) The Commission may require that:</p> <p>(a) A Public Leader furnish such particulars relating to his financial affairs or assets as may be considered necessary; or</p> <p>(b) A Public Leader attends at the office of the Commission in order to</p>

	verify his declaration of assets.”
Amendment of section 26.	14. Section 26 of the Principal Act is amended in subsection (1) as follows: (a) by inserting the word “either” between the words “of” and “both”; and (b) by inserting at the end of this subsection the words “or the alleged person only as Commission may determine”.
Amendment of section 27.	15. Section 27 of the Principal Act is amended in subsection (1) by deleting the words “if no appeal instituted” appearing in the end of this subsection.
Amendment of section 31.	16. Section 31 of the Principal Act is amended by rephrasing it as follows: Offences. “31. Any person who without justification or lawful excuse: (a) obstructs or hinders a person acting in the exercise of his functions under this Act; (b) refuses any directives by the Chairman under this Act; (c) refuses summons from the Commission; or (d) divulge any information which he or she has obtained in the cause any duty conferred by this Act, commits an offence and is liable to imprisonment of not less one year but not exceeding two years or fine not less than One Million but not exceeding two millions Shilling or both such fine and imprisonment.
Amendment of section 36	17. Section 36 of the Principal Act is amended by deleting its marginal note and substituting for it the following: “Annual financial report”
Amendment of section 37:	18. Section 37 of the principal Act is amended: (a) by adding immediately after subsection (2) the following new subsection (3): “ (3) In exercising of the provisions under subsection (1) of this section, the Chairperson shall, by order in writing supported by a warrant issued by the Regional Magistrate, authorise an officer of the Commission to investigate a bank account of a Public Leader concerned”.

	<p>(b) by deleting marginal note of section 37 and substituting for it the following:</p> <p>“Inspection of bank account”</p>
Amendment of section 41.	19. Section 41 of the Principal Act is amended by deleting the words “after the approval of the House of Representatives” appearing in the closing words of that section.
Miscellaneous Amendments	20. The Principal Act is amended by deleting and substituting the word “Leader” to be read “Public Leader” wherever it appears.
	<p style="text-align: center;">OBJECTS AND REASONS</p> <p>The objects and purpose of this Bill is to introduce/recommend some amendments to the Zanzibar Public Leaders’ Code of Ethics Act No. 4 of 2015 in order to facilitate smooth implementation and operation of the functions of the Zanzibar Public Leaders’ Ethics Commission. This Bill is divided into two parts:</p> <p>Part One: details preliminary provisions concerning short title, commencement and construction of this proposed Bill.</p> <p>Part Two: sets out proposed amendments in sections 2, 3, 4, 5, 6, 9, 12, 13, 26, 27, 31, 36, 37 and 41. The proposed amendments under these sections either delete, delete and substitute or insert some interpretations, words or sections. The Bill also proposes introduction of new sections 9A, 9B, 9C, 10B, 10B and 16A which deal with the termination, resignation, vacancy of office of a Commissioner, powers of the Commission to request further particulars from a Public Leader and appointment of the Secretary of the Commission.</p> <p style="text-align: center;">Haroun Ali Suleiman MINISTER (PO) CONSTITUTION, LEGAL, PUBLIC SERVICE AND GOOD GOVERNANCE ZANZIBAR</p>