A Bill for An Act to Amend the Establishment
of the Office of Mufti Act, No. 9 of 2001 ................................. 1002

NOTICE

The Bill following hereunder shall be presented before the House
of Representatives for the first reading which will start its session on 18th
September, 2019 and is Gazetted for the public notice incorporating together
with their objects and reasons.

ZANZIBAR
28th August, 2019

(Dr. ABDULHAMID Y. MZEE)
Secretary to the Revolutionary
Council and Chief Secretary
A BILL for

AN ACT TO AMEND THE ESTABLISHMENT OF THE OFFICE OF MUFTI ACT, NO. 9 OF 2001

ENACTED by the House of Representatives of Zanzibar.

PART ONE
PRELIMINARY PROVISIONS

1. This Act may be cited as the Establishment of the Office of Mufti (Amendment) Act, 2019 and shall come into operation immediately after being assented to by the President.

2. This Act shall be read as one with the Establishment of the Office of Mufti Act, No. 9 of 2001, in this Act referred to as the “Principal Act”.

PART TWO
AMENDMENT PROVISIONS

3. Section 2 of the Principal Act is amended by adding the interpretation of the new word at the appropriate alphabetical position as follows:

“Council” means the Council of Ulamaa established under section 11A (1) of this Act;

4. The Principal Act is hereby amended by adding new section 4A immediately after section 3 as follows:

4A“(1) There shall be a common seal and logo of the Office of the Mufti in a shape and size as may be determined by the Council.

(2) The application of the seal and logo of the Office of the
Mufti on any document shall be authenticated by the signature of the Secretary to the Mufti or any other officer authorized by the Secretary to the Mufti.

(3) Every document purporting to be an instrument issued by the Office of the Mufti, sealed with the seal of the Office of the Mufti and authenticated in accordance with sub section (2) of this section.

5. Section 5 of the Principal Act is amended by adding new subsection (3) immediately after subsection (2) as follows:

“(3) Where the Mufti is absence, the Deputy Mufti shall exercise all functions and powers of the Mufti”

6. Section 8 of the Principal Act is amended by:

(a) repealing the subsection (1) and replacing with the new subsection (1) as follows:

“(1) The Mufti may, in consultation with the Minister, establish departments and units of the Office of the Mufti when it deems necessary in accordance with provisions of the Public Service Act”

(b) adding a new subsections (2) and (3) immediately after subsection (1) as follows:

“(2) The heads of the departments established under subsection (1) of this section, shall be appointed by the Minister after recommendation of the Mufti in accordance with provisions of the Public Service Act”.

“(3) The heads of the units shall be appointed by the Mufti in accordance with provisions of the Public Service Act”.
(c) renumbering the subsections (2) and (3) of this section to be subsections (4) and (5) respectively.

7. Section 9 of the Principal Act is amended by:

(a) adding the words “madrasa and” between the word “all” and “mosques in paragraph (i) of subsection (1);

(b) adding new paragraphs (o) and (p) immediately after paragraph (n) as follows:

“(o) coordinate national Idd prayers and Idd Council”

“(p) supervise the convertion certificates”

(b) renumbering the paragraphs (o) and (p) of the subsection (1) to be paragraphs (q) and (r) respectively.

8. Section 10 of the Principal Act is amended by:

(a) adding new paragraph (d) immediately after paragraph (c) as follows:

“(d)” to cancel the permit of any Islamic activities or any Islamic gathering in Zanzibar or suspend Islamic preachers who contravenes the provisions of the per-mit”

(b) renumbering the paragraphs (d) and (e) of the subsection (1) to be paragraphs (e) and (f) respectively.

9. The Principal Act is hereby amended by adding new section 11A immediately after section 10 as follows:

“11A (1) There is hereby established an advisory organ of the Mufti to be known as a Council of Ulamaa in Zanzibar.”
(2) The Council shall be composed of:

(a) Mufti who shall be a chairperson of the Council;
(b) Deputy Mufti;
(c) Chief Kadhi;
(d) Deputy Chief Kadhi;
(e) Executive Secretary of the Wakf and Trust Commission;
(f) Principal of Muslim College; and
(g) one sheikh from each District.

(3) Save for chairperson and ex-officio members, members under paragraph (g) shall be appointed by the Minister upon consultation with the Mufti based on various Islamic sects, experience, education and professionalism relating with Islamic matters.

“(4) The secretary to the Mufti shall be the secretary of the Council”

(5) The meetings procedures, tenure of the members, benefits of the members and other proceedings of the meeting of the Council shall be prescribed by the Regulations made under this Act.

10. The Principal Act is hereby amended by adding new section 11B immediately after section 11A as follows:

“11B.- (1) The Council shall advise the Mufti on Islamic matters submitted to him for the purposes of getting fat-wa and shall perform any other functions as may be determined by the Mufti”
(2) The decision of the Council in providing fatwa shall be the final”

11. Section 11 of the Principal Act is amended by repealing the paragraph (a) and replacing it with new paragraph (a) as follows:

“(a) such sums as may be appropriated by way of subvention by the House of Representatives”.

12. Section 14 of the Principal Act is amended by:

(a) repealing the words “one hundred thousand” and replacing with the words “Five Hundred Thousand” in subsection (1) of this section.

(b) repealing the words “two hundred thousand” and replacing with the words “One Million” in subsection (2) of this section.

13. The Wakf and Trust Commission Act, No. 2 of 2007 is amended by repealing paragraph (d) of sub section (1) of section 4 thereof.
OBJECTS AND REASONS

The objects of Bill is to amend the Establishment of the Office of Mufti Act, No. 9 of 2001 for the purpose of ensuring proper coordination of the Islamic matters through different institution including mosques, madrasa and any other Islamic organization, avoiding of contradiction of duties between Office of Mufti and The Wakf and Trust Commission and providing proper management and coordination of the national Idd prayers and Idd Council.

The proposed Bill intends to establish an advisory organ of the Mufti to be known as a Council of Ulamaa in Zanzibar which the core functions of the Council advise the Mufti on Islamic matters submitted to him for the purposes of getting fat-wa. Having this Council, shall provide the solution on any Islamic matter arising for the muslims in Zanzibar.

The Bill is divided into Two Parts as follows:

**Part One** provides for Preliminary Provisions and including short title and commencement and construction.

**Part Two** is about Amendment Provisions and including amendment of section 2, addition of new section 4A, amendment of section 5, amendment of section 8, amendment of section 9, amendment of section 10, addition of section 11B, amendment of section 11, amendment of section 14 and amendment of the Wakf and Trust Commission Act, No. 2 of 2007.

KHAMIS JUMA MWALIM
MINISTER FOR CONSTITUTION AND LEGAL AFFAIRS
ZANZIBAR.

ZANZIBAR
28th August, 2019