

CONTENTS

Page

A Bill for an Act to Amend the Various Laws and make better provisions thereof	324
---	-----

NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 28th November, 2018 and is Gazeted for the public notice incorporating together with their objects and reasons.

ZANZIBAR
5th November, 2018

(Dr. ABDULHAMID Y. MZEE)
***Secretary to the Revolutionary
Council and Chief Secretary***

**A BILL
for
AN ACT TO AMEND THE VARIOUS LAWS AND
MAKE BETTER PROVISIONS THEREOF**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and
Commence-
ment.

1. This Act may be cited as the Written Laws (Miscellaneous Amendment) Act of 2018 and shall come into operation immediately after being assented to by the President.

Amendment
of
certain laws.

2. The Written Laws specified in Various Parts of this Act are amended in the manner specified in their respective Parts.

**PART TWO
AMENDMENT OF SOCIETIES ACT, NO. 6 OF 1995**

Construction.

3. This part shall be read together as one with Societies Act, No. 6 of 1995, in this Act referred to as the “Principal Act”.

Amendment
of section 6.

4. Section 6 of the Principal Act is amended by deleting the words “Two Hundred Thousand Shillings” and substituting for them with the words “One Million Shillings”.

Amendment
of section 7.

5. Section 7 of the Principal Act is amended in paragraph (b) by deleting the words “Two Hundred Thousand Shillings” and substituting for them with the words “One Million Shillings”.

Amendment
of section 8.

6. Section 8 of the Principal Act is amended in sub-section (2) by deleting the words “Two Hundred Thousand Shillings” and substituting for them with the words “One Million Shillings”.

7. The Principal Act is amended by adding new section 9A Addition of section 9A. immediately after section 9 as follows:

Qualification
of Registrar.

“9A.(1) A person shall qualify to be appointed as Registrar if he:

- (a) is a Zanzibari;
- (b) is Public Servant;
- (c) holds at least First Degree in the field of Public Administration, Law, Social Science or other related field from recognized University;
- (d) has working experience at least seven (9) years in the fields mentioned under paragraph (c) of sub section (1) of this section.

(2) Assistant Registrar shall have the same qualification as the Registrar.”

8. Section 11 of the Principal Act is amended in sub-section (1) Amendment of section 11. by adding new paragraph (c) immediately after paragraph (b) and renumbering the remaining paragraphs accordingly:

“(c) Minutes of the Society containing full names and signatures of the founder members;”

9. Section 13 of the Principal is amended in sub-section (1) Amendment of section 13. by adding new paragraph (j) immediately after paragraph (i) as follows:

“(j) the Society operates contrary with the Zanzibar customs;”

- Amendment of section 15. **10.** Section 15 of the Principal Act is amended by deleting the word “three” appearing between the word “of” and “month” and substituting for it with the word “two” .
- Amendment of section 19. **11.** Section 19 of the Principal Act is amended in sub-section (3) by deleting the words “Fifty Thousand Shillings” and substituting for them with the words “ Four Hundred Thousand Shillings”.
- Amendment of section 24. **12.** Section 24 of the Principal Act is amended in sub-section (2) by deleting the words “Fifty Thousand Shillings” and substituting for them with the words “Four Hundred Thousand Shillings”.
- Amendment of section 26 **13.** Section 26 of the Principal Act is amended in sub-section (3) by deleting the words “Fifty Thousand Shillings” and substituting for them with by the words “Four Hundred Thousand Shillings”
- Amendment of section 27 **14.** Section 27 of the Principal Act is amended in sub-section (2) by deleting the words “Fifty Thousand Shillings” and substituting for them with the words “Four Hundred Thousand Shillings”
- Amendment of section 29. **15.** Section 29 of the Principal Act is amended in sub-section (4) by deleting the words “Fifty Thousand Shillings” and substituting for them with by the words “Four Hundred Thousand Shillings”
- Amendment of section 40. **16.** Section 40 of the Principal Act as follows:
- (a) in sub section (2) by deleting the words “Fifty Thousand Shillings” and substituting for them with the words “Four Hundred Thousand Shillings”;
 - (b) in sub-section (5) by deleting the words “Fifty Thousand Shillings” and substituting for them with the words “Four Hundred Thousand Shillings”
- Amendment of section 45. **17.** Section 45 of the Principal Act is amended in sub-section (1) by deleting the words “Fifty Thousand Shillings” and substituting for them with the words “Four Hundred Thousand Shillings”.

18. The Principal Act is amended by adding new section 58A Addition of section 58A. immediately after section 58 as follows:

Repeal of
section
2(1) (c)
Act No.12
of 2012.

"58A. Section 2(1) (c) of the Business Registration Act No.12 of 2012 is hereby repealed".

PART THREE
AMENDMENT OF THE DRUGS AND PREVENTION
OF ILLICIT DRUG TRAFFIC ACT NO. 9 OF 2009

19. This part shall be read together as one with the Drugs and Prevention of Illicit Drug Traffic Act No. 9 of 2009, in this Act referred to as the "Principal Act". Construction.

20. Section 4 of the Principal Act is amended in sub-section (2) Amendment of section 4. by:

- (a) adding new one member in the existing list in paragraph (k) immediately after paragraph (j);

“(j) the Minister responsible for Women and Children Affairs.”

- (b) renumbering paragraph (k) to (q) accordingly.

21. Section 13 of the Principal Act is amended by deleting the words “or a fine of Forty Millions Shillings or both such fine and imprisonment”. Amendment of section 13.

22. The Principal Act is amended by adding new section 13A Addition of section 13A. immediately after section 13 as follows:

Prohibition
of processing
and possession
of
chemical
precursors.

13A. A person who unlawfully processing or is found in possession of chemical precursors commits an offence and upon conviction shall be liable to a Fine of Five Million Shillings or to imprisonment for a term of fifteen years or to both the fine and imprisonment.

Amendment
of section
15.

23. Section 15 of the Principal Act is amended:

- (a) In sub-section (1):
- (i) In paragraph (b) by changing the punishment in sub paragraph (i) by deleting the words “an imprisonment which shall not be less than fifteen years and to a fine of not less than Twenty Millions Shillings and substituting for them the words “life imprisonment”;
 - (ii) Putting the punishment in paragraph (c) directly and shall be read as follows:

“(c) smokes, inhales, sniffs or otherwise uses any narcotic drug or psychotropic substance commits an offence and upon conviction shall be shall be liable to imprisonment for the term of not more than two years or to a fine of not exceeding Two Million Shillings”

- (b) In sub-section (2) by deleting reference to paragraph “(c)” in the list and the reference from paragraph “(d)” shall remain accordingly.

Amendment
of section
16.

24. Section 16 of the Principal Act is amended by:

- (a) deleting sub-section (1) and substituting for it the following new sub-section(1):

“(1) Any person who in contravention of any provision of this Act or any rule or order made or permit issued under this Act possesses in a small quantity any narcotic drug or psychotropic substance shall, notwithstanding anything contained in this Part, commit an offence:

- (b) deleting the word “Commission” in sub-section (2) which appears at the end and substituting for it the word “Minister”.

25. Section 19 of the Principal Act is amended by:

Amendment
of section
19.

- (a) deleting the words “a fine of not less than Thirty Millions Shillings and to imprisonment for a term of not less than ten years” and substituting for them the words “life imprisonment and fine of not less than One Billion Shillings”
- (b) rectifying the error in cross reference “16” to be read “15”.

26. Section 47 of the Principal Act is amended by deleting subsection (4) and substituting for it the following new subsection:

Amendment
of section
47.

“(4) In proceedings for an offence against this Act, a certificate of analysis as prescribed in this Act from a designated analyst signed by him shall be conclusive evidence of the matters stated in the certificate relating to a substance.”

27. The Principal Act is amended by adding new section 60A immediately after section 60 as follows :

Addition
of the new
section 60A.

Prevention of
offence,
security for
keeping the
peace and
for good
behavior.

“60A.(1) A Magistrate, upon complainant or information on oath against any person suspected to be involved in drug offences, may require the suspected person to show cause why he should not be ordered to execute a bond with surety to be of good behavior for such period not exceeding two years as the Magistrate thinks fit.

(2) In exercising the powers conferred to a Magistrate under subsection (1) of this section, the provisions of section 60 to section 74 of the Criminal Procedure Act shall apply.

OBJECTS AND REASONS

The objects of this Bill is to make amendments of various laws and make better provisions thereof. The laws amended in this Bill are:

1. Societies Act, No. 6 of 1995; and
2. The Drugs and Prevention of Illicit Drug Traffic Act No. 9 of 2009.

This Bill is divided into Three Parts.

Part One is about preliminary provisions which provides for short title and commencement of the proposed Act.

Part Two is about amendment of Societies Act, No.6 of 1995. In this part, the amendments proposed are in sections 6, 7, 8, 19, 24, 26, 27, 29, 40 and 45 by increasing the levels of punishments, addition of new section 9A which is about the qualifications the Registrar, addition of condition for application of Society registration in section 11(1) by adding new paragraph (c) immediately after paragraph (b), addition of new section 58A immediately after section 58 which results to the repealing of section 2(1) (c) of Business Registration Act, No. 12 of 2012.

Part Three is about amendments of the Drugs and Prevention of Illicit Drug Traffic Act No. 9 of 2009. In this part, the amendments proposed are in section 4 by adding one new member of the Commission, in sections 13, 15 and 19 by increasing the levels of punishments, in section 15 (1) (c) by decreasing the punishment to users, addition of new section 13A which provides for Prohibition of processing and possession of chemical precursors and addition of new section of 60A which prescribes on the prevention of offence, security for keeping the peace and for good behavior.

(SAID H. SAID)
Attorney General
Zanzibar