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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 5th May, 2021 and is gazetted for the public notice incorporating together with their object and reasons.

ZANZIBAR
14th April, 2021

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

A BILL

for

**AN ACT TO AMEND VARIOUS LAWS AND MAKE BETTER
PROVISIONS THEREOF**

ENACTED by the House of the Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and Commencement.

1. This Act may be cited as the Written Laws (Miscellaneous Amendment) Act, 2021 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 FOREST RESOURCES MANAGEMENT
AND CONSERVATION ACT, NO. 10 OF 1996**

Construction.

3. This part shall be read as one with the Forest Resources Management and Conservation Act, No. 10 of 1996, in this Part referred to as “Principal Act”.

Amendment
of section 35.

4. Section 35 of the Principal Act is amended by repealing subsection (3) thereof.

**PART THREE
AMENDMENT OF FISHERIES ACT, NO. 7 OF 2010**

Construction.

5. This part shall be read as one with the Fisheries Act, No. 7 of 2010, in this Part referred to as “Principal Act”.

Amendment
of section 3.

6. Section 3 of the Principal Act is amended by adding the interpretation of the following words in their alphabetical order:

“Aquaculture” means cultivation or practice of rearing or raising of fish or aquatic flora in the fresh water environment;

“Fish Landing Site” means an area at the beach of a village where local fishers usually land their catches and also park their fishing vessels upon return from their fishing activities as well as use the area to make repair of their fishing vessels and

carry out scientific research including data collection and any other activities approved by fishermen's committees;

7. The Principal Act is amended by adding a new section 11A immediately after section 11 as follows: Addition of new section 11A.

Establishment of Fish Landing Site. **“11A.** There is established a Fish Landing Site commonly known as Diko in coastal village along or near to the beach within Zanzibar which shall be identified by the Department in collaboration with relevant Government Institutions and owned by the Ministry”.

PART FOUR AMENDMENT OF EDUCATION ACT, NO. 6 OF 1982

8. This part shall be read as one with the Education Act, No. 6 of 1982, in this Part referred to as “Principal Act”. Construction.

9. Section 17 of the Principal Act is amended by repealing subsection (3) thereof. Amendment of section 17.

PART FIVE AMENDMENT OF THE OFFICE OF THE CHIEF INSPECTOR OF EDUCATION ACT, NO. 10 OF 2018

10. This part shall be read as one with the Office of the Chief Inspector of Education Act, No. 10 of 2018, in this Part referred to as “Principal Act”. Construction.

11. Section 8 of the Principal Act is amended by repealing subsection (2) and replacing with a new subsection (2) as follows: Amendment of section 8.

“(2) The report of inspected school shall be submitted to school and the Principal Secretary of the Ministry.”

PART SIX
AMENDMENT OF THE PUBLIC AND ENVIRONMENTAL
HEALTH ACT, NO. 11 OF 2012

Construction. **12.** This part shall be read as one with the Public and Environmental Health Act, No. 11 of 2012, in this Part referred to as “Principal Act”.

Amendment of section 30. **13.** Section 30 of the Principal Act is amended by adding a new subsection (2) immediately after subsection (1) as follows:

“(2) Buildings or premises or their parts or any structure shall not be occupied until a health clearance has been issued by the inspector.”

Addition of a new section 51A. **14.** The Principal Act is amended by adding a new section 51A immediately after section 51 as follows:

Demolition of unfit building. **51A.-** (1) The Director may, in consultation with relevant authorities, and after demolition order of the court, demolish any building or structure which, in its opinion is:

- (i) dilapidated;
- (ii) defectively constructed;
- (iii) constructed at a public place, open space, path or any road reserve area; or
- (iv) situated that repairs or alteration of such building are not likely to remove the nuisance.

(2) The Director shall, before making any demolition under this section, serve fourteen days’ notice to the owner of such building or structure to quit the building before such date as may be specified in the notice.

(3) Where the owner fails to comply with a demolition notice under this section commits an offence and shall, upon

conviction, be liable to a fine of not less than Five Hundred Thousands Shillings and be required to pay the cost of demolition.”

15. Section 58 of the Principal Act is hereby repealed and replaced by a new section 58 as follows:

Repealing
and
Replacement
of section 58.

Notification
of infectious
diseases.

“58-(1) Where the owner or occupier of any premises used for human habitation is suffering from any infectious disease or any disease symptoms of which may raise a suspicion that may be an infectious disease, the following provisions shall have effect:

- (a) a medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from infectious disease or suspected to be infectious, send to the District Medical Officer a report stating the name and sex of patient, the situation of the premises, potential sources and disease cause from which, in the opinion of such medical practitioner, such patient is suffering or suspected to be suffering;
- (b) any patient or relatives of the patient who is diagnosed or suspected from contracting an infectious disease shall be informed by medical practitioner and obliged to comply with specified direction and measures addressed by medical practitioner; and
- (c) the occupier or owner of the premises shall, as soon as he becomes aware that the patient is suffering from an infectious diseases or is suspected to be suffering from an infectious disease, send a notice thereof to the in-charge of a nearby health facilities who will notify the District Medical Officer where such person resides.

(2) For the purpose of this section, the ship or vessel, while in any port of Zanzibar, shall be deemed to be premises

and the master or owner or occupier of such premises provided that, in any case of any such ship or any other vessel, the notification referred to in subsection (1) of this section shall be made to the Port Health Officer.

(3) A person required by this section to send a notice or certificate fails forthwith to send the same, commits an offence and shall, upon conviction, be liable to a fine of not less than Five Hundred Thousand Tanzanian Shillings or imprisonment for a term of not less than three months or both such fine and imprisonment.

(4) For the purpose of this section, port includes any port of Zanzibar whether official or not official”.

PART SEVEN
AMENDMENT OF THE LOCAL GOVERNMENT
AUTHORITY ACT, NO. 7 OF 2014

Construction. **16.** This part shall be read as one with the Local Government Authority Act, No. 7 of 2014, in this Part referred to as “Principal Act”.

Amendment of section 2. **17.** Section 2 of the Principal Act is amended by deleting the interpretation of the words “agriculture”, “aquaculture”, “aquatic flora” and “fishing landing site”.

Repealing of section 12. **18.** Section 12 of the Principal Act is hereby repealed.

Amendment of section 25. **19.** Section 25 of the Principal Act is amended in subsection (1) by repealing paragraph (e).

Amendment of section 26. **20.** Section 26 of the Principal Act is amended by:

- (a) repealing paragraph (i), (j) and (n) in subsection (1);
- (b) repealing subsection (2) thereof; and
- (c) renumbering subsection (3) to be subsection (2).

21. Sections 26A, 26B, 26C, 39A, 86B and 86C of the Principal Act are hereby repealed.

Repealing of sections 26A, 26B, 26C, 39A, 86B and 86C.

22. The Principal Act is amended by adding a new section 93A immediately after section 93 as follows:

Addition of a new section 93A.

Guidelines. **“93A.** The Minister may set standards for preparation of guidelines to be made by the Councils for proper implementation of the provisions of this Act.”

23. The First Schedule of the Principal Act is hereby repealed.

Repealing of the First Schedule.

24. The Third Schedule of the Principal Act is repealed and replaced with a new Third Schedule as follows:

Repealing and replacement of the Third Schedule.

THIRD SCHEDULE

**OATH OR SOLEMN AFFIRMATION
(Made under section 29)**

I,, having been elected/ appointed as Councillor, do hereby swear/solemnly affirm that I take that office upon myself, and will dully faithful my duties according to the Constitution of Zanzibar and established laws so help me God.

Public sitting held onin the Council Chamber of the City Council/Municipal Council/Town Council/District Council of.....

.....
Signature

Sworn/Affirm before me.....the Regional Magistrate, thisday of.....; 20.....

OBJECTS AND REASONS

The purpose of this Bill is to propose amendments of various laws as hereunder indicated. The amendments proposed are for the purpose of restoring executive responsibilities from Local Government Authorities to Central Government in their respective ministries aiming at enhancing efficiency in providing quality services to the citizens.

This Bill is divided in seven parts:

Part One: This part provides for preliminary provisions which includes short title, commencement and amendment of various laws.

Part Two: This part is all about amendment of Forest Resources Management and Conservation Act, No. 10 of 1996. In this part, it is proposed to be read together with the Forest Resources Management and Conservation Act, No. 10 of 1996 and makes amendment of section 35 by and repealing sub section (3).

Part Three: This part is about amendment of Fisheries Act, No. 7 of 2010. In this part it is proposed to make amendment of section 3 by adding the interpretation of new words “agriculture”, “aquaculture”, aquatic flora” and “fish landing sites” in their alphabetical order. Also this part makes amendment by adding new section 11A immediately after section 11.

Part Four: This part provides for amendment of Education Act, No. 6 of 1982. This part makes amendment of section 17 by repealing subsection (3).

Part Five: This part is all about amendment of the Public and Environmental Health Act, No. 11 of 2012. This part makes amendment of section 30 by adding subsection (2). This part also adds a new section 51A immediately after section 51 and repealing and replacing section 58.

Part Six: This part deals with the amendments of the of the Office of the Chief Inspector of Education Act, No. 10 of 2018 on which it makes amendment of section 8 by repealing sub subsection (2) and replacing it with new sub subsection (2).

Part Seven: This part deals with amendments of the Local Government Authority Act, No. 7 of 2014. This part recommends amendments of section 2 by deleting the interpretation of the words “agriculture”, “aquaculture”, aquatic flora” and “fish landing sites”. This part also repeals section 12, amends section 26 subsection (1) by repealing paragraph (i), (j) and (n), repealing paragraph (e) in section 25(1) and repealing subsection (2) and renumbering subsection (3) to be subsection (2). This Part also recommends the repealing of sections 26A, 26B, 26C, 39A, 86B, 86C and adding a new section 93A immediately after section 93 that prescribing the role of Minister in preparation of guidelines. This Part also repeals the First Schedule and repealing and replacing the Third Schedule.

Zanzibar
14th April, 2021

DR. MWINYI TALIB HAJI
ATTORNEY GENERAL
ZANZIBAR

