

THE INVESTMENTS PROTECTION ACT, 1986.

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Idris Abdul Wakil
IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

.....19 FEBRUARY..... 1986.

AN ACT TO GIVE PROTECTION TO CERTAIN APPROVED
INVESTMENTS AND FOR MATTERS CONNECTED THEREWITH
AND INCIDENTAL THERETO.

ENACTED by the House of Representatives of
Zanzibar.

Short title and commencement. 1. This Act may be cited as the Investments Protection Act, 1986 and shall come into operation on such a date as the Minister may, by notice in the Gazette appoint.

Interpretation. 2. In this Act, unless the context otherwise requires -

"approved" in relation to any investment foreign currency, period sum or amount means any enterprise, currency, period, sum or amount specified in the relevant certificate issued under section 3;

"ex Zanzibari" means any person of Zanzibar origin and who once was a Zanzibar national.

"foreign assets" includes foreign currency, credits, rights, benefits or property, any currency, credits, rights, benefits or property obtained by the expenditure of foreign currency, the provision of foreign credit, or the use or exploitation of

foreign rights, benefits or property and any profits from an investment in an approved enterprise by the holder of a certificate issued under section 3 in relation to that enterprise;

"foreign national" means:

- (a) a person who is not a Zanzibari;
- (b) a company or other body corporate incorporated outside Zanzibar.
- (c) a company incorporated within Zanzibar in respect of which the Minister is satisfied that the majority of the issued share capital is beneficially owned by foreign nationals within the meaning of this definition;

"Minister" means the Minister for the time being responsible for finance.

PART II

PROVISIONS RELATING TO ISSUANCE OF CERTIFICATE TO FOREIGN INVESTORS.

Foreign investors may apply for and be granted a certificate.

3.(1) A foreign national who proposes to invest foreign assets in Zanzibar may apply to the Minister for a certificate that the enterprise in which the assets are proposed to be invested is an approved enterprise for the purpose of this Act.

(2) The Minister shall consider every application made under subsection (1) of this section, and in any case in which he is satisfied that the enterprise would further the economic development or would be of benefit to Zanzibar, he may issue a certificate to the applicant.

(3) Foreign national who have already invested assets in Zanzibar shall be entitled to the grant of a certificate on application:

Provided that a certificate may be withheld if the Minister is satisfied that the enterprise is inconsistent with the interest of Zanzibar.

Certificate
to contain
certain
information.

4. Every certificate issued under section 3
of this Act shall contain -

- (a) the name of the holder;
- (b) the name and a description of the enterprise
- (c) the amount of the foreign assets invested
or to be invested by the holder of the
certificate in the enterprise divided as
between :-
 - (i) capital being deemed to be a fixed
amount representing the equity of
the holder in the enterprise for the
purposes of this Act and which shall
be expressed in the certificate in,
and shall for the purposes of this
Act be in Tanzania currency; and
 - (ii) any loan which may be expressed in
and may for the purposes of this Act
be in either Tanzania currency or
relevant foreign currency;
- (d) the relevant foreign currency;
- (e) the value of uninvested assets and the
period within which they shall be invested;
- (f) such other matters as may be necessary or
desirable for the purpose of this Act;
- (g) the period of investment including the
date of issue and expiry of the certificate.

Minister may
amend
certificate.

5. The Minister may amend a certificate
granted under section 3 of this Act.

- (a) in any case in which he is satisfied that
some other foreign national has succeeded
to the interest in the enterprise of the
holder of the certificate by substituting
for the name of the holder the name of
his successor;

Provided that the Minister shall not
substitute the name of any person who has
acquired the interest of the holder by
expenditure directly or indirectly of other
foreign assets.

- (b) in any case where an interest in the enterprise passes to any other person on the death of the holder;
- (c) in any case where name of the enterprise is altered by substituting the name as so altered;
- (d) in any case in which new foreign assets are invested or are to be invested in the enterprise by the holder or the holder has withdrawn or been paid, in accordance with this Act, any part of his investment, by varying the approved amount in accordance therewith;
- (e) in any case where the investment consists of the acquisition of share or stock of a body corporate and new shares or stock are acquired otherwise than by the investment of assets which are not foreign assets by amending the number or amount and the description thereof;
- (f) with the written consent of the holder of the certificate by varying the approved foreign currency;
- (g) by extending the period during which foreign assets are to be invested.

Foreign assets to be brought in during approved period.

6. Where a certificate is issued under this Act any foreign assets or part thereof to which the certificate relates have not been invested in the approved enterprise they shall be so invested within the approved period and if not so invested within that period the certificate shall be deemed to have been revoked.

PART III
INVESTMENT INCENTIVES AND REPARTRIATION OF CAPITAL AND DIVIDENDS.

Land use by foreign investors.

7.(1) Subject to the approval of the enterprise the tenure for land utilization by the foreign investor shall be -

(a) for a period of 33 years; or
(b) for a period of 66 years; or
(c) for a period of 99 years,
depending upon the nature and technology of the enterprise.

(2) Notwithstanding the provisions of subsection (1) of this section and upon the expiration of the lease period the foreign investor may apply for the extension of lease period and the Minister responsible for Land may grant a certificate to that effect.

Preferential treatment on land.

8.(1) Preferential treatment on land utilization shall depend -

- (a) on the location of the site;
- (b) on the nature of the investment;
- (c) on the nature and extent of the technology involved;
- (d) on whether the area is well or less developed; and
- (e) on whether the investment is export orientated or not.

(2) Where foreign investors have co-operated for the utilization of less developed area or extensive land areas or of maritime areas for barren slopes such investors can apply for remission of land utilization charge for a certain period and the Minister responsible for Land may grant such remission as he thinks fit.

(3) Preferential treatment will also be given to the type of investments which will use local raw materials or those which the Government will consider as important.

Payment of rent to leased land.

9.(1) Where land is allocated to a foreign investor rent shall be paid annually from the date of operation of the enterprise.

(2) Land rent shall vary with the location of the enterprise.

(3) No land rent shall be payable during the construction period of any enterprise:

Provided that such construction shall not take more than thirty months from the date of offer.

Compensation on improved lands to be on the investor.

10.(1) Compensation to any improvement done on the land where an enterprise is to be constructed shall be the responsibility of the investor.

(2) Such compensation shall be equitable and the payment be in full and prompt.

Taxation.

11.(1) Import duties and other similar taxes on machinery, equipment spare parts, raw materials, fuel brought by him into Zanzibar, packing materials and transportation vehicles imported into Zanzibar for the construction and use of the enterprise indicated in the certificate shall be exempted.

(2) Finished products of the enterprises which are to be exported shall also be exempted from export duties and other similar taxes.

(3) Raw materials for trial operations, provided the quantity does not exceed eighteen months consumption on ~~and~~ shift basis shall also be exempted from export duties.

(4) Necessary goods to be imported for the use of the enterprise experts or staff shall also be exempted from import duties and other similar taxes.

Taxation of the export profit.

12. Any profit earned from exports shall during the first ten years be taxed as follows :-

- (a) where the enterprise is hundred percentum private, then fifty percentum of the export profit will be taxed;
- (b) where the enterprise is fifty percentum joint venture with the Government of Zanzibar or with the Zanzibari the export profit shall not be taxed;
- (c) where the Government of Zanzibar or Zanzibaris owns less than fifty percentum of the shares, tax will be proportional to the percentage of ownership between the Government and other parties.

Re-investment allowed.

13.(1) Where an investor wishes to re-invest from the profits made by him for a period of not less than three years the income tax for the amount of capital represented by the re-investment shall not be charged.

(2) Nothing in this section shall exempt additional investments to the re-investment profit from investment allowance.

Transfer of funds outside Zanzibar.

14. Notwithstanding the provisions of any other law for the time being in force, the holder of a certificate may, in respect of the approved investment to which the certificate relates, transfer out of Zanzibar in the approved foreign currency and at the prevailing official rate of exchange -

(a) the dividends after taxation, arising from or out of his investment of foreign assets:

Provided that any increase in the capital value of the investment arising out of the sale of the whole or any part of the capital assets of the enterprise shall not be deemed to be a profit arising from or out of the investment for the purpose of this Act;

(b) the capital specified in the certificate as representing and being deemed to be the fixed amount of the equity of the holder of the certificate in the investment for the purpose of this Act:

Provided that:-

(i) where any amendment or variation is made in the amount of the capital under the provisions of section 5 of this Act, the amended or varied amount shall be substituted for the original amount; and

- (ii) no additional amount or sum shall be added to the capital specified in the capital value of the investment since the issue of the certificate or since the last amendment or variation of the certificate; and
- (c) the principal and interest of any loan specified in the certificate;
- (d) money for the purpose of raw materials and spare parts which are not available in Tanzania;
- (e) money for purchase of necessary consumables not available in Tanzania;
- (f) money for management fees;
- (g) money for business travel;
- (h) part of expatriates' salaries;
- (i) money for overseas training expenses of the local staff;
- (j) any other item of foreign expenditure that may be approved from time to time.

PART IV
INVESTMENT PROTECTION

No compulsory acquisition except on payment or full compensation.

15. No approved enterprise or any property belonging to any person shall be compulsorily taken possession of, and no interest in or right over such enterprise or property shall be compulsorily acquired; except in accordance with the provisions concerning compulsory acquisition and the payment of reasonable, full and adequate payment of compensation contained in section 17 of the Constitution and as produced in the Schedule to this Act.

Procedure before acquisition.

16. Where nationalisation has to take place:-
(a) an order published in the Gazette and signed by the Minister shall be issued; and

(b) before such nationalisation has taken place prompt arrangement shall be made to assess and pay adequate and fair compensation.

Investors may appeal to tribunal. 17.(1) Where the investor is not satisfied with the compensation granted, he may, within one month from the date he was granted such compensation appeal to the tribunal.

(2) The tribunal shall consist of a Judge of a High Court as the Chairman and such other members not exceeding five, three of whom shall be appointed by the Chairman in consultation with the Minister and the other two by the Investors.

(3) Where such tribunal meets rules of natural justice shall apply mutatis mutandis.

(4) The tribunal's decision shall be final and binding to all parties and shall not be questioned in any court.

(5) All expenses incurred by the tribunal shall be borne by the Government except where the grounds of appeal are not reasonable or where the appellant causes the proceedings of the tribunal to drag on without reasonable cause as shall be determined by the tribunal.

PART V.

CERTAIN OBLIGATIONS TO INVESTOR.

Investors to obey prevailing laws. 18. It shall be the duty of each and every investor to abide by the Laws of Zanzibar and not to engage himself in activities that are prejudicial to the economic interests of Tanzania in general and Zanzibar in particular.

Priority for employment be given to Zanzibaris. 19.(1) Every investor shall in respect of employment give priority to Zanzibaris unless it is necessary to employ people from outside Zanzibar.

(2) Without prejudice to the rights of investors the investor may, if he so wishes appoint and retain key personnel such as the posts of General Manager or Managing Director, financial controller or chief accountant, chief maintenance engineer and or any other person who shall be approved by the Government from time to time.

(3) Training facilities according to training schemes or programmes to be approved by the Minister shall be provided to Zanzibaris working in the enterprise of the investors.

Minister to
approve
foreign
loans.

20. Every investor who intends to secure loan the repayment of which is to be made in foreign currency shall send the terms and conditions of that loan to the Minister for approval.

Safety
measures to
be taken by
the investors.

21. Every investor shall be required to ensure that :-

- (a) provisions are made to minimise pollutions of the air, sea, rivers and land by providing acceptable sewage disposal arrangements;
- (b) the chemical, physical, biological substance and agents under their control are without risk to health;
- (c) the workplaces, machinery equipment and processes under their control are safe and without risk;
- (d) protective clothing and protective equipment to prevent risk of accidents of adverse effects on health are available at his premises of work;
- (e) measures to deal with emergencies and accidents, including adequate first aid arrangements are taken;
- (f) sanitary installations, washing facilities supply of drinking water canteen facilities, rest and recreation room are available;

- (g) measures to prevent, radiation, fire and explosions and electric shock and other hazards are taken; and
(h) any other safety measures which may from time to time be approved by the Government.

Books of accounts of the investors.

22. Every investor shall ensure that books of account, annual accounts, annual budget forecast operational cost result and all matter related to such accounts are kept in a proper and acceptable form.

Government may inspect books of accounts.

23.(1) The investor shall not deny the Government or its authorised agent when so requested, to have access to, and to inspect and verify the income outlay accounts of the enterprise and such other things that may be directly related to such accounts.

(2) The Government in the exercise of its powers under subsection (1) of this section shall ensure strict confidentiality of the findings thereto.

Government undertaking to investors.

24. The Government will facilitate the smooth transactions of all matters in connection with the settlement of the approved expatriates in Zanzibar including the issuance of visas, work permits environmental factors and other necessary formalities.

PART VI
MISCELLANEOUS

Small scale investment projects.

25. Where any project :-
(a) is prompted by a Zanzibari; or
(b) is prompted by a Zanzibari in partnership with ex-Zanzibari; or
(c) is prompted by a Zanzibari in partnership with foreigners,
whose total investment excluding working capital does not exceed three million Tanzanian shillings, and where such investments is mainly in productive

activities or services directly or indirectly connected to the productive sectors shall be left to operate freely under normal applicable laws of Zanzibar:

Provided that such sum may be revised from time to time dependings upon the prevailing circumstances.

Bank accounts.

26. Investors shall -

- (a) open resident account local currency with the Peoples' Bank of Zanzibar; and
- (b) where applicable, open foreign currency account and or external account with Bank of Zanzibar through which all foreign currency transactions will be conducted.

Investment allowance.

27.(1) A special allowance, herein referred to as investment allowance will be allowed on capital expenditure as a deduction from the profit before tax.

(2) Such investment allowance shall be at the rate of twenty five percentum of the local capital expenditure.

Corporation tax.

28. There shall be a corporation tax charged on the profit of the investment as follows:-

- (a) Fourty percentum for residents and fourty-five percentum for non-residents during the first seven years; and
- (b) fourty-five percentum for residents and fifty percentum for non-residents for the subsequent years.

Profit earned from exports.

29.(1) In any exporting enterprise the proportion of income earned from exports will be considered proportionally to the total profit and the proportion of profit from profits earned from exports will, during the first ten years, be taxed as follows :-

- (a) If the enterprise is hundred percentum private, then fifty percentum of exports profits will be taxed;
- (b) if the enterprise is fifty percentum or more joint venture with either the Government or the Zanzibaris then the export profit will not be taxed; and
- (c) if the percentage of ownership between the Government and private parties or between the Zanzibaris and private parties, then the export profit will be taxed proportionally to the percentage of ownership.

Contributions by investors to other institutions in Zanzibar.

30.(1) Where the foreign investor is willing to make contributions to approved charitable institutions involved in social and economic activities in Zanzibar or to trust funds involved in social and economic development onto other local projects which will contribute directly towards economic and social welfare of Zanzibar shall be allowed as expenditure for the purposes of corporation tax circulations:

Provided that such contributions shall not exceed fifty five percentum of the gross profit.

(2) It shall be the duty of the Minister to approve such contribution as deserving such treatment.

Retired foreigners may invest in Zanzibar.

31.(1) Where any person :-
(a) is a foreigner;
(b) has retired from his services of work; and
(c) is not baneed to enter and leave Zanzibar by any law,
such person or a group of persons may be allowed to live in Zanzibar without payment of any tax on his retirement earnings brought to Zanzibar.

(2) Subsection (1) shall only apply to a foreigner who intends to invest in Zanzibar in either housing or other productive activity schemes which would involve not less than three hundred and fifty five thousand United States dollars or its

equivalent or where the average individual retirement income from overseas shall not be less than the equivalent of United States dollars nine hundred per month.

(3) The amounts stated in subsection (2) of this section may be altered from time to time depending upon the prevailing economic circumstances.

Minister to make regulations.

32. The Minister may make regulations or may give directions not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

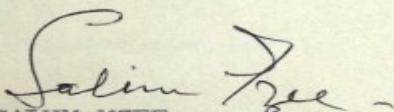
SCHEDULE
THE CONSTITUTION OF ZANZIBAR
(SECTION 17).

Protection from deprivation of property.

17. No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say:

- (a) the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of any property in such manner as to promote the public benefit;
- (b) the necessity thereof is such as to afford reasonable justification for the causing of any hardship that may result to any person having any interest in or right over the property; and
- (c) provision is made by a law applicable to that taking of possession or acquisition for the payment of adequate compensations.

Passed in the House of Representatives on
22nd January, 1986.


SALUM MZEE -
ACTING CLERK TO THE HOUSE OF
REPRESENTATIVES.

SHERIA YA KUHAMISI

VITEGA UCHUMI

SEHEMU YA KWANZA

Kifungu

1. Jina na tarehe ya kuanza kutumika.
2. Ufafamuzi.

SEHEMU YA PILI

VIFUNGU KUHUSIANA NA UTOAJI WA
SHAHADA KWA WATEGAUCHUMI WA KIGENI
"FOREIGN INVESTORS"

3. Mfanya biashara anaweza kuomba kupatiwa shahada.
4. Shahada kuwa na baadhi ya Maelezo.
5. Waziri anaweza kufanya marekebisho katika Shahada.
6. Mali ya Kigeni "Foreign Assets" kuletwa katika muda uliokubaliwa.

SEHEMU YA TATU

VIVUTTO NA UONDOSHAJI WA RASTIIMALI
NA FAIDA

7. Utumizi wa ardhi kwa wafanya biashara.
8. Ubora "preferential" katika matumizi ya ardhi.
9. Malipo ya kodi ya ardhi illickodishwa.
10. Fidia ya kuiendeleva ardhi italipwa na mfanya biashara.
11. Kodi.
12. Kutozwa ushuru kutekana na faida ya mauzo ya Nje.
13. Kutega Uchumi tena "re-investment" kutozwa na faida ya kitegauchumi kunaruhusiva.
14. Uhaulishaji wa fedha nje ya Zanzibar.

SEHEMU YA NNE
HIMAYA KWA VITEGAUCHUMI

15. Hapana kunyang'anywa mali kwa nguvu isipokuwa kwa kulipwa fidia kamili.
16. Utaratibu kabla ya kuchukuliwa mali.
17. Mtegauchumi anaweza kukata rufaa katika Tume.

SEHEMU YA TANO
WAJIBU WA MFANYABIA SHARA

Kifungu

18. Mfanya biashara kutii na kufuata sheria (zilizowekwa).
19. Awali katika kuwaajiri Wazanzibari.
20. Waziri kuidhinisha mikopo (ya Kigeni).
21. Hatua za kuhakikisha Usalama kuchukuliwa na Wafanya biashara.
22. Mahesabu wa Wategauchimi.
23. Serikali inaweza kuchunguza mahesabu.
24. Wajibu wa Serikali kwa Wategauchumi.

SEHEMU YA SITA

MENGINEYO

25. Miradi midogo ya Vitegauchumi.
26. Akaanti ya Benki.
27. Posho la Kitegauchumi.
28. Ushuru wa Shirika.
29. Faida kutokana na mauzo ya nje.
30. Wategauchumi kusaidia Jumuia zilizopo Zanzibar.
31. Wageni waliostaafu kuweza kuweka Vitegauchumi Zanzibar.
32. Waziri anaweza kufanya kanuni.

SHERIA NAM. 2 YA 1986

NAKUBALI

Idris Abdul Sakeil

IDRIS ABDULWAKIL
RAIS WA ZANZIBAR NA
MWENYEKITI WA BARAZA LA MAPINDUZI

19 FEBRUARI 1986

SHERIA YA KUHAMISITEGAUCHUMI
VITIVYOTIDHINISHWA NA MAMBO
YANAYOHUSTANA NAYO

Jina na
tarehe ya
kuanza kutumika.

1. Sheria hii itajulikana kama Sheria ya Kuhami
Vitegauchumi ya mwaka 1986, na itaanza kutumika siku
ambayo Waziri ataitangaza katika Gazeti Rasmi la Serikali.

Ufafamuzi.

2. Katika Sheria hii, ila iwapo maelezo yanahitaji vyenginevye:

"Idhinishwa" kuhusiana na Kitegauchumi ina maana
ya sarafu za kigeni, muda, kiwango ina
maana biashara, sarafu, kiwango cha fedha
kilicheelezwa katika shahada inayohusika
iliyotolewa chini ya kifungu cha 3;

"mali ya kigeni" inajumuisha sarafu za kigeni,
mikopo, haki, faida au milki ambayo
imepatikana kwa kutumia sarafu za kigeni,
mawafikiano ya mikopo ya kigeni au matumizi
au upatikanaji wa haki za kigeni, faida au
milki na manufaa kutokana na kitegeuchumi
katika biasharailiyoidhinishwa kwa mwenye
shahada iliyotolewa chini ya kifungu cha 3
kuhusiana na biashara hiyo;

"raia wa kigeni" maana yake ni:

- (a) mtu ambae si Mzanzibari;
- (b) kampuni au chombo kilichosajiliwa
nje ya Zanzibar;
- (c) kampuni ambayo imesajiliwa Zanzibar

na Waziri atateshelezeka kwamba
hisa kubwa ya rasilimali inamiliikiwa
na raia wa kigeni kwa maana ya maelezo
hayo;

"aliyekuwa Mzanzibari" ina maana ya mtu ambaye
ana asili ya Zanzibar na hapo zamani alikuwa
na uraiya wa Zanzibar;

"Waziri" maana yake ni Waziri mwenye dhamana
anaehusika na mambo ya Fedha.

SEHEMU YA PILI

VIFUNGU KUHUSTANA NA UTOAJI WA SHAHADA

KWA WATEGAUCHUMI WAGENTI

Mfanyabiashara
anaweza kuombewa
kupatiwa
shahada.

3. (1) Raia wa kigeni ambae atataka kuweka
kitegauchumi katika Zanzibar anaweza kufanya hivyo kwa
kuomba shahada kwa Waziri itayothibitisha kwamba biashara
ambaye inatakiwa kufanya ni biashara iliyo thibitishwa
kwa madhumuni ya Sheria hii.

(2) Waziri atazingatia kila ombi lililefanya
chini ya kijifungu (1) chakifungu hichi, na kwa hali yo
yote akitoshelezeka kwamba biashara hiyo itasaidia
uchumi au itamufaisha Zanzibar, atawea kutoa shahada
kwa mwombaji.

Shahada kuwa
na baadhi ya
maelezo.

4. Kila shahada iliyotelewa chini ya kifungu
cha Sheria hii itakuwa na :

- (a) jina la mwenye shahada;
 - (b) jina na aina ya biashara;
 - (c) kiasi cha rasilmali ya kigeni iliyo sekwa
au itayowekwa na mwenye shahada katika
biashara itakuwa:
- (i) rasilmali, ikiwa ni kiwango thabiti
ambacho kinawakilisha mchango au hisa
ya mwenye shahada katika biashara kwa
madhumuni ya Sheria hii, na itaonyeshwa
katika shahada na kwa madhumuni ya
Sheria hii itakuwa kwa thamani ya fedha
za Tanzania; na

(ii) mkepo wowote ambao kwa madhumuni ya Sheria hii utaonyeshwa fedha ya Tanzania au zenyne kulingana na sarafu za kigeni;

(d) sarafu za kigeni;

(e) thamani ya rasilmali ambayo haijatumika na kipindi ambacho itatumika;

(f) mambo yo yote yale ambayo ya lazima au yatahitajika kwa madhumuni ya Sheria hii;

(g) tarehe ya kutolewa na kumaliza.

Waziri anaweza kufanya marekebisho katika shahada iliyotolewa chini ya kifungu cha 3 cha Sheria hii:

(a) iwapo Waziri atatoshelezeka kwamba raja mwengine wa kigeni amechukua nafasi na kumiliki manufaa katika biashara ya mwenye shahada, basi ataandika jina la huyo aliyechukua nafasi ya mwenye shahada;

Isipokuwa Waziri hatoandika jina la mtu yeyote yule ambae amepata manufaa ya mwenye shahada kwa gharama moja kwa moja au vyenginevyo ya mali isiyokuwa ya kigeni.

(b) iwapo manufaa katika biashara yatamsalilia mtu mwengine ye yote wakati wa kifo cha mwenye shahada;

(c) iwapo jina la kibiashara limebadilishwa, basi ataweka badili yake hilo jina jipya;

(d) iwapo mali nyengine za kigeni zimeingizwa katika biashara au zitaingizwa katika biashara na mwenye shahada au mwenye shahada amezitoa au amelipwa kwa mujibu wa Sheria, sehemu yo yote ya kitegauchumi na kubadili kiwango kilicho idhinishwa;

(e) iwapo kitegauchumi kina hisa au bidhaa za kampuni na hisa mpya au bidhaa zimepatikana kwa njia nyengine ya kutegeauchumi kwa mali isiyo ya kigeni, basi atarekebisha nambari au kiwango namaelezo yaliyomo;

- (f) kwa idhini ya maandishi ya mwenye shahada atarekebisha sarafu za kigeni zilizoidhinishwa;
- (g) kwa kuongeza muda ambao mali ya kigeni inatarajiwa kuletwa.

Mali ya kigeni kuletwa katika muda uliokubaliwa. hii mali yo yote ya kigeni au sehemu ya mali hiyo inayohusiana na shahada ambayo haijaletwa katika biashara iliyoidhinishwa, italetwa katika muda uliokubaliwa, iwapo haitoletwa katika muda huo shahada hiyo itajaaliwa kuwa imefutwa.

SEHEMU YA TATU

VIVUTTO NA UONDOSHAJI WA RASIMALI NA FIDIA

Utumizi wa ardhi kwa wategauchumi wa kigeni.

7. (1) Sharti biashara hiyo imeidhinishwa, kipindi cha matumizi ya ardhi kwa wategauchumi wa kigeni kitakuwa:

- (a) kwa muda wa miaka 33; au
- (b) kwa muda wa miaka 66; au
- (c) kwa muda wa miaka 99, itategemea umbile na teknolojia ya biashara yenye.

(2) Bila kuathiri masharti ya kifungu (1) cha kifungu hiki na kumalizika kwa muda wa kodi, Mtegauchumi wa Kigeni anaweza kuomba kuongezwa muda wa kukodi na Waziri anaweza kutoa shahada kwa ajili hiyo.

Ubora katika matumizi ya ardhi.

8. (1) Ubora katika matumizi ya ardhi utategemea:-

- (a) mahali;
- (b) umbile la biashara yenye;
- (c) umbile na kiasi gani teknolojia inahitajika; na
- (d) iwapo sehemu yenyeimeendelea sana au kidogo.

(2) Pale ambapo Mtegauchumi wa Kigeni ataendeleza shughuli zake katika sehemu isiyendelea au sehemu kubwa ya ardhi au maeneo ya bahari au sehemu isiyu na rutuba, Mtegauchumi huyo anaweza kuomba kupunguziwa kwa gharama malipo kwa kipindi fulani na Waziri anaweza kuruhusu kupunguzwa malipo akihisi inafaa.

Malipo ya
kodi kwa
ardhi iliyo
kodishwa.

9. (1) Pale ambapo ardhi imepewa kwa Mtegauchumi wa Kigeni, kodi italipwa kila mwaka kuanzia tarehe ya kuanza shughuli za biashara.

(2) Kedi itabadiilika kulingana na pahala panapofanyiwa biashara.

(3) Kodi haitolipwa wakati wa ujenzi mu maandalizi ya biashara. Isipokuwa majenzi hayo hayatachukuwa zaidi ya miezi thalathini kuanzia tarehe ya ombi hilo.

Fidia ya
kuendeleza
ardhi
italipwa na
Mtegauchumi.

10. (1) Malipo ya fidia kwa ajili ya matengenezo ya ardhi ambayo shughuli za biashara zitafanyika au kujengwa yatalipwa na Mtegauchumi.

(2) Malipo hayo ya fidia yatakuwa ya uadilifu na kamili na kwa mara moja.

Kedi.

11. (1) Ushuru wa vitu vinavyoagizwa kutoka nje na ushuru mwengine wa namna hiyo kwa mashine, zana, vyombo vya akiba (vipuri) mali ghafi, mafuta, vifaa vya kufungia (packing materials) na magari ya kusafirishia yatayoagizwa na kuleta Zanzibar kwa madhumuni ya majenzi na matumizi ya biashara hautotozwa.

(2) Vitu vilivytengenezwa kwa ajili ya kusafirishwa na kuuzwa nje havitotozwa ushuru wa mauzo ya nje na ushuru kama hu.

(3) Mali ghafi kwa ajili ya majaribio, isipokuwa mali ghafi hiyo haitozidi matumizi ya miezi kumi na nane, hayatotozwa ushuru wa mauzo ya nje.

(4) Vitu vyote vya lazima ambavyo vitaagizwa kwa matumizi ya mabingwa au wafanyakazi vitasamehewa ushuru wa kuagiza (import duty) na ushuru kama huo.

Kutozwa ushuru
kwa faida ya
mauzo ya nje.

12. Faida yoyote ile ambayo imepatikana katika mauzo ya nje (export) itatozwa ushuru katika kipindi cha miaka kumi ya mwanzo kama ifuatavyo:

- (a) pale ambapo biashara inamili kiwa na mtu binafsi asilimiamia moja, asilimia hamsini ya faida ya mauzo ya nje itatozwa ushuru;
- (b) pale ambapo biashara inamili kiwa asilimia hamsini katika mradi wa pamoja na Serikali ya Zanzibar au na Mzanzibari, faida ya mauzo ya nje haitotozwa ushuru;
- (c) pale ambapo Serikali ya Zanzibar au Mzanzibari anamili hisa ndogo chini ya asilimia hamsini ushuru utatozwa kulingana na asilimia ya hisa zinazomilikiwa baina ya Serikali ya Zanzibar na Mzanzibari na watu wengine.

Kutegauchumi
tena kutokana
na faida ya
kitegauchumi
kunarahusiwa
"re-investment".

13. (1) Pale ambapo mtegauchumi anataka kutegauchumi tena kutokana na faida iliyopatikana na kitegauchumi katika kipindi kisicho pungua miaka mitatu hatotozwa ushuru kwa hivyo rasilmali ambayo anaifanyia tena biashara.

(2) Hakuna cho chote katika kifungu hiki kitachosamehe ziada ya kitegauchumi katika kutegauchumi tena "re-investment" kutokana na posho au malipo ya kitegauchumi "investment allowance".

Uhaulishaji wa
fedha nje ya
Zanzibar.

14. Bila ya kujali vifungu vyengine vya sheria yoyote ile mwenye shahada anaweza, kulingana na kitegauchumi kilichokubalika kwa mujibu wa shahada, kuhaulisha nje ya Zanzibar fedha ya kigeni iliokubalika kulingana na kima cha ubadilishaji kisheria (official rate of exchange).

- (a) faida inayopatikana kutokana na kitegauchumi chake baada ya kutozwa kodi;

Isipokuwa ongezeko lolote katika rasilmali ya kitegauchumi kutokana na muuze ya mali au sehemu ya mali hiyo katika biashara haitojaaliwa kama faida inayotokana na kitegauchumi kwa madhumuni ya Sheria hii;

- (b) rasilmali ambayo imeainishwa katika shahada kama kiwakilishi na kujaaliwa kiwango kamili cha mchango wa mwenye shahada katika kitegauchumi kwa madhumuni ya Sheria hii;

Isipokuwa pale:

- (i) ambapo marekebisho au mabadiliko yamefanya katika kiwango cha rasilmali chini ya kifungu cha 5 cha Sheria hii, kiwango kilichorekebishwa au kubadilishwa kimebadilishwa badala ya kiwango cha awali; na
- (ii) hakuna kiwango cha ziada au jumla kitachongezwa katika rasilmali iliyoainishwa katika thamani ya rasilmali ya kitegauchumi tokea kutolewa kwa shahada au tokea marekebisho ya mwisho ya shahada; na
- (c) mtaji wa riba ya mkopo ulioainishwa katika shahada;
- (d) fedha kwa ajili ya manumizi ya mali ghafi na vipuri ambavyo havipatikani Tanzania kwa mahitaji na matumizi ya lazima ambayo haya-patikani Tanzania;
- (f) fedha kwa ajili ya gharama za uendeshaji;
- (g) fedha kwa ajili ya safari za kikazi;
- (h) sehemu ya mishahara ya mabingwa;
- (i) fedha kwa ajili ya mafunzo ya nchi za ng'ambo; kwa wafanyakazi wa kienyeji;
- (j) na matumizi yoyote yale ambayo yatagharimtu fedha za kigeni ambayo yataidhinishwa mara kwa mara.

SEHEMU YA NNE

HIMAYA KWA KITEGAUCHUMI

Hapana kunya
ng'anywa
mali kwa
nguvu isipe-
kuwa kwa
kulipwa
fidia kamili.

Utaratibu
kabla ya
kuchukuliwa
mali.

Mtegauchumi
anaweza
kukata rufaa
katika
Tume.

15. Hapana biashara yoyote itayoidhinishwa au mali ya mtu ye yote itayochukuliwa na kunyang'anywa, hakuna manufaa ya haki katika biashara au mali itayochukuliwa kwa nguvu, isipokuwa kwa mujibu wa vifungu vinavyohusiana na uchukua ji kwa nguvu kwa kulipwa fidia muwafaka, na kamili kama ilivyoelezwa katika kifungu cha 17 eha Katiba na kama ilivyekaririwa katika jadweli ya Sheria hii.

16. Wakati ambapo utaifishwaji utafanyika:

- (a) amri itatolewa na itachapishwa katika Gazeti Rasmi la Serikali na kutiwa sahihi na Waziri;
- (b) kabla ya utaifishajihuo kufanyika matayarisho yatafanyika mara moja kutathmini na kulipa fidia munasibu na ya haki.

17. (1) Pale ambapo Mtegauchumi hakuridhika na fidia aliyolipwa, anaweza katika kipindi cha mwezi mmoja tokea tarehe ya kulipwa fidia hiyo kukata rufaa katika Tume.

(2) Tume itakuwa na Jaji wa Mahkama Kuu kama mwenyekiti na wajumbe wengine wasiozidi watano ambao watatu watateuliwa na Mwenyekiti kwa kushauriana na Waziri na wawili watateuliwa na Mtegauchumi mwenyewe.

(3) Pale ambapo Tume inakutana itatilia maanani na kuzitambua sheria za kibinadamu (Rules of Natural Justice) katika usuluhishaji.

(4) Uwamuzi wa Tume utakuwa ni wa mwisho na kuwa lazimu pande zote na hautohojojiwa na mahkama yoyote.

(5) Gharama zote za Tume zitalipwa na Serikali, ila pale ambapo sababu za ukataji rufaa si za kimsingi au mkataji rufaa amesababisha kwa makusudi kuchelewa kwa kuendelea kwa nyenendo za Tume hio.

SEHEMU YA TANO

RAADHI YA WAJIBU WA MTEGAUCHUMI

Wategauchumi
kutii na
kufuata
sheris.

18. Itakuwa ni wajibu wa kila mtegauchumi kufuata na kutii Sheria za Zanzibar na kutojihusisha na vitendo vyo vyote vile ambavyo vitaathiri uchumi wa Tanzania kwa ujumla na hasa Zanzibar.

Uawaliya
katika kuajiri
Wazanzibari.

19. (1) Kila Mtegauchumi katika shughuli za uajiri atatoa fursa uawaliya katika kuwaajiri Wazanzibari isipokuwa pale ambapo ni lazima kuajiri mtu asiyekuwa Mzanzibari.

(2) Bila kuathiri haki ya mtegauchumi katika kuajiri watu katika sehemu muhimu, iwapo atapenda anaweza kuwaajiri Meneja Mkuu au Meneja Mwendeshaji, Mwangalizi wa Hesabu, Fundi Mkuu au mtu mwengine ye yote ambaye atakubaliwa na Serikali mara kwa mara.

(3) Huduma za mafunzo zitatolewa kwa Wazanzibari ambao wanafanyakazi katika biashara ya wategauchumi hao.

Waziri kuidhi-
nisha mikepo
kutoka nje.

20. Kila mtegauchumi ambaye anataka kupata mkopo kutoka nje na ambao utalipwa kwa fedha za kigeni atawajibika kupeleka masharti na makubaliano ya mkopo huo kwa Waziri kwa kuthibitisha.

Hatua za kuha-
kikisha usalama
kuchukuliwa na
Wategauchumi.

21. Kila mtegauchumi atatakiwa kuhakikisha kwamba:

- (a) hatua zinachukuliwa kupunguza mchafuko wa hewa, bahari, mito na ardhi kwa kutayarisha mpango unaokubalika wa kumwaga uchafu;
- (b) mazingara ya kemia, fizikia na ya baolojia yanahifadhiwa bila kusababisha madhara ya afya;
- (c) pahali pa kazi, zana za mashine na utengenezaji wa vitu ambao upo chini ya mamlaka yao upo katika hali ya usalama bila kusababisha ajali;

- (d) nguo za kujikinga na zana za kujikinga na majanga ya ajali au madhara ya siha yanayopatikana katika sehemu za kufanyia kazi;
- (e) huduma za kuoshea, maji ya kunywa, huduma za kantini, chumba cha mapumziko na michezo zinapatikana;
- (f) hatua za kuepuka ajali za moto, mripuko, miale "vadiation", mshtuko inasababishwa na umeme na majanga mengine zinachukuliwa.

Mahesabu ya
Wategauchumi.

22. Kila mtegauchumi atahakikisha kwamba, mahesabu yote, mahesabu ya mwaka, bajeti ya kila mwaka, utabiri wa matokeo ya uendeshaji na shughuli zo zote zile zinazohusiana na mahesabu yanawekwa katika hali maalum na inayokubalika.

Serikali
inaweza
kuangalia
mahesabu.

23 (1) Mtegauchumi hatoikatalia Serikali au mwakilishi wa Serikali, atapoombwa, kuangalia na kuchunguza mahesabu ya biashara na mambo mengine ambayo yanahusiana na mahesabu hayo.

(2) Serikali inapotumia uwezo wake chini ya kifungu (1) cha kifungu hiki itahakikisha kwamba inakuwa ni siri kabisa.

Wajibu wa
Serikali kwa
Wategauchumi.

24. Serikali itarahisisha shughuli na mambo yote ndani ya Zanzibar kuhusiana na makaazi ya mabingwa walioidhinishwa ikiwa ni pamoja na upewaji wa viza, ruhusa au kibali cha kufanyakazi na mambo yote ya lazima.

SEHEMU YA SITA

MENGINEYO

Kitegauchumi
katika miradi
midogo midogo.

25. Pale ambapo mradi:
- (a) umeanzishwa na Mzanzibari, au
 - (b) umeanzishwa na Mzanzibari kwa kushirikiana na aliyekuwa Mzanzibari, au
 - (c) umeanzishwa na Mzanzibari kwa kushirikiana na wageni,

jumla ya kitegauchumi ikiendolewa rasilmali ya kuendeshea kazi haitozidi shilingi milioni tatu kwa sarafu ya Tanzania, na pale ambapo kitegauchumi hicho kinashughulika zaidi na shughuli za uzalishaji au kutoe huduma moja kwa moja au vyenginevyo kuhusiana na sekta za uzalishaji zitafanyakazi chini ya sheria zinazotumika katika Zanzibar, isipokuwa kiwango cha fedha kinaweza kurekebishwa mara kwa mara kutegemea mzingira yalivyo.

Akaunti ya Benki.

26. Mtegauchumi:

- (a) atafungua akaunti ya fedha ya Tanzania "local currency" katika Benki ya Watu wa Zanzibar; na
- (b) pale itapofaa atafungua akaunti ya fedha za kigeni na au akaunti ya nje katika Benki ya Watu wa Zanzibar, kupitia Benki ya Watu wa Zanzibar shughuli zote zinazohusu fedha za kigeni zitafanyika hapo.

Posho la kitegauchumi.

27. (1) Posho maalum ambalo litajulikana kama posho la kitegauchumi litaruhusiwa katika matumizi ya rasilmali kama ni punguze kutokana na faida kabla kutezwa ushuru.

(2) Posho ya kitegauchumi itakuwa katika kiwango cha asilimia ishirini na tano ya matumizi ya rasilmali.

Ushuru wa shirika.

28. Kutakuwa na ushuru wa shirika ambao utatozwa kutokana na faida ya kitegauchumi kama ifuatavyo:

- (a) asilimia arobaini kwa shirika kaazi na asilimia arobaini na tano kwa shirika lisikuwa kaazi, katika kipindi cha miaka saba ya mwanzo; na
- (b) asilimia arobaini kwa shirika kaazi na asilimia hamsini kwa shirika limilekuwa kaazi kwa kipindi kinachofuata.

Faida iliyo-patikana na mauzo ya nje.

29. Katika kila biashara ya uuzaaji nje kiwango cha tija iliyopatikana kwa mauzo kitafikiriwa kwa mtunganisho wa faida yote, na kiwango cha faida inayopatikana katika kipindi cha miaka kumi ya mwanzo itatozwa kodi ifuatavyo:

- (a) iwapo biashara inamiliikiwa na mtu binafsi asilimiamia, basi asilimia hamsini ya faida ya mauzo ya nje yatatozwa ushuru;
- (b) iwapo asilimia hamsini ya biashara au zaidi inamiliikiwa kwa pamoja na fedha Serikali ya Zanzibar au Mzanzibari basi faida ya mauzo ya nje haitotozwa ushuru; na
- (c) iwapo asilimia ya umilikaji baina ya Serikali na watu binafsi au baina ya Mzanzibari na watu binafsi, basi faida ya mauzo ya nje itatozwa ushuru kulingana na asilimia za umilikaji.

Misaada kutoka kwa watega-uchumi kupewa jumuia zili-zopo Zanzibar.

30. (1) Pale ambapo wategauchumi wa kigeni wanapotaka kutoa misaada kwa jumuia fadhili "cheritable institution" zilizoidhinishwa na zinazoshiriki katika shughuli za kijamii na kiuchumi katika Zanzibar au mfuko wa hazina unajishughulisha na shughuli za maendeleo katika miradi ya ndani ya nchi ambayo itasaidia moja kwa moja uchumi na huduma za kijamii katika Zanzibar wataruhusisha kuwa kama matumizi kwa madhumuni ya mahesabu ya ushuru wa shirika, isipokuwa msaada huo hautozidi asilimia hamsini na tano ya faida yote.

(2) Itakuwa ni wajibu wa Waziri kuidhinisha msaada huo kwa wanaostahiki.

Wageni walio-staafu wanaweza kutegauchumi Zanzibar.

31. (1) Pale ambapo mtu ye yote:

- (a) ni mgeni;
- (b) amestaafu; na
- (c) hakuzuiwa na sheria yoyote kuingia na kuishi Zanzibar, mtu huyo au watu hao wanaweza

kuruhusija kuishi Zanzibar bila kulispa
ushuru wo wote kutokana na kipato chake
cha malipo ya kustaa fu ambacho atakileta
Zanzibar.

(2) Kijifungu (1) kitawahusu wageni ambao
wanataka kutegauchumi Zanzibar kwa mradi wa ujenzi wa majumba au
sehemu za uzalishaji mali ambao utagharimu dola si chini
ya mia tatu na hamsini na tano elfu kwa sarafu ya Marekani
au zenye thamani kama hiyo au pale ambapo mtu huyo ana
kipato cha wastani ambacho anakipata kutoka nje si chini
ya dola za Kimarekani mia tisa kwa mwezi.

(3) Kiwango kilichotajwa katika kijifungu
cha pili cha kifungu hichi kinaweza kubadilishwa mara
kwa mara kulingana na hali ya uchumi.

Waziri
kufanya
kanuni.

32. Waziri anaweza kufanya kanuni au kutoa
maelekezo ambayo hayatakuwa ni kinyume au kipingana na
Sheria hii, katika kuelezea mambo yanayotakiwa au yana-
yoruhusija kuelezwaji, au ni lazima au yanafaa kuelezwaji
katika kutekeleza Sheria hii.

JADWEIT

KATIBA YA ZANZIBAR, 1984

KIFUNGU CHA 17

Kinga
kutokana na
kudhulumiwa
mali.

17. Hakuna mali ya mtu yeyote itayechukuliwa kwa nguvu na hakuna riba au haki yo yote inayotokana na mali hiyo itayochukuliwa kwa nguvu isipokuwa pale ambapo masharti yafuatayo yametimizwa yaani:

- (a) Kumilikiwa au kuchukuliwa kwa mali hiyo ni muhimu sana kwa ajali ya ulinzi, usalama wa wananchi, mazingira ya afya, kuimarisha maendeleo ya upimaji wa mji pamoja na kuendeleza mambo ambayo yataleta faida kwa wananchi kwa ujumla;
- (b) umuhimu wa kuchukuliwa kitu hicho ni mkubwa sana hata kwamba inahalalisha uchukuwaji wake hata kama utampa ugumu na matatizo mwenye mali hiyo; na
- (c) sheria imewekwa kuhusiana na umilikaji au uchukuaaji huo kwa kutoa fidia inayolingana.

Imepitishwa na Baraza la Wawakilishi tarehe 22 Januari,
1986.

Salim Mzee.
[SALIM MZEE]
KAINU KATIBU WA
BARAZA LA WAWAKILISHI
ZANZIBAR.

/f.