



**THE ZANZIBAR SOCIAL SECURITY FUND
(AMENDMENT) ACT, 2002**

ARRANGEMENT OF SECTIONS

**PART I
PRELIMINARY**

<u>SECTION</u>	<u>TITLE</u>
1.	Short title and Commencement.
2.	Amendment of Act No. 2 of 1998.
3.	Amendment of Section 2.
4.	Amendment of Section 5.
5.	Amendment of Section 9.
6.	Amendment of Section 13.
7.	Amendment of Section 15.
8.	Amendment of Section 16.
9.	Amendment of Section 18.
10.	Amendment of Section 22.
11.	Amendment of Section 30.
12.	Amendment of Section 31.
13.	Amendment of Section 32.
14.	Amendment of paragraph 3.
15.	Amendment of Second Schedule.



ACT NO. 9 OF 2002

I ASSENT

Amani
{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

07 NOVEMBER
....., 2002

**AN ACT TO AMEND THE ZANZIBAR SOCIAL SECURITY
FUND ACT NO. 2 OF 1998**

ENACTED by the House of Representatives of Zanzibar

- | | |
|---------------------------------|---|
| Short title and commencement. | 1(1) This Act may be cited as the Zanzibar Social Security Fund (Amendment) Act, 2002 and shall come into operation immediately after being assented to by the President. |
| | (2) This Act shall be read as one with the Zanzibar Social Security Fund Act, No.2 of 1998 in this Act referred to as the "Principal Act". |
| Amendment of Act No. 2 of 1998. | 2. This Act shall be read as one with the Zanzibar Social Security Fund Act, No.2 of 1998 in this Act referred to as the Principal Act. |
| Amendment of Section 2. | 3. Section 2 of the Principal Act is hereby amended as follows: |



- (i) by inserting at the appropriate alphabetical position the following definition:

"Employer" means any person, public authority, company, association, agent or representative whether citizen or non citizen who enters into the contract of service to employee, for the payment of salary;

- (ii) by deleting the definition of the word salary and substituting for the following :

"Salary" means basic salary.

- (iii) in the definition of the word "member" by deleting the word "of" immediately after the word "member" and by deleting the words "5 years" and replaced by the words "sixty months".

Amendment of
Section 5.

4. Section 5 of the Principal Act is hereby amended as follows:

- (i) by deleting subsection (3) thereof and substituting for the following:

"(3) Both member and the employer contributions shall be paid in a prescribed manner to the Fund by the employer within fifteen days after the date of payment of salary to which such contributions relate."

- (ii) by adding subsection (5) immediately after subsection (4) as follows :

"(5) This Section shall not apply to any person who is covered under the Pension (Political Appointee) Act No.1 of 1990 and the Specified State Leaders Retirement Benefit Act No.4 of 1988 as amended by Act No.7 of 1997.



Amendment of
Section 9.

5. Section 9 of the Principal Act is hereby amended as follows:

- (i) in subsection (1) by deleting the proviso thereof and substituting for the following:

"the employer shall become liable to pay penalty equal to five percent of the total amount of that contributions for each month or part of a month after the date when payment should have been made and the amount of the penalty shall be recovered as a liability owing to the Fund by the employer."

- (ii) in subsection (2) by deleting that subsection and substituting for the following:

"(2) In case to which sub-section (1) of this section apply, where any amount of contributions is still unpaid three months after the due date an additional interest of five per centum shall immediately become due and payable on the amount and similar interest shall so become due and payable at the expiration of each succeeding period of three months on any amount of contributions still unpaid at each such expiration."

- (iii) by adding subsection (3) immediately after subsection (2) as follows:

"(3) The Managing Director, if he thinks fit may remit the penalty imposed under this section to a limit of Tanzania shillings one hundred thousand only, and when the penalty to be remitted exceeds one hundred thousand the Managing Director shall require the approval of the Board".

Amendment of
Section 13.

6. Section 13 of the Principal Act is hereby amended by adding subsection (4) immediately after subsection (3) as follows :



"(4) the income of the Fund shall be exempted from taxation."

Amendment of
Section 15.

7. Section 15 of the Principal Act is hereby amended by deleting that Section and substituting for the following:-

"Entitlement of fund benefits. "15(1) A member shall be entitled to receive pension and gratuity in one of the following Conditions:

- (a) Immediately on retiring after attaining pensionable age;
- (b) on medical evidence to the satisfaction of the Board that an employee is permanently disabled;
- (c) on retirement from the service with the consent of or on the directions of the President where the President, by writing under his hand, declared this paragraph shall apply to him.

(2) In case of death, the deceased member shall be entitled to the gratuity which shall be paid to his beneficiaries in accordance with paragraph 7 of the General Provisions of this Act.

(3) A female member shall be entitled to maternity benefit once in every three years.

(4) A member shall be entitled to receive medical care benefit in accordance with the limit provided in the First Schedule".

Amendment of
Section 16.

8. Section 16 of the Principal Act is hereby amended as follows :

- (i) in subsection (1) by deleting the word "person" appeared in the second line and substituting by the word "member".
- (ii) in paragraph (b) of subsection (1) by deleting the words "shall have been" and substituting for the word "is".



- (iii) by renumbering paragraph (d) as subsection (2) and subsection (2) as subsection (3).
- (iv) in subsection (2) by deleting the words "five years" and substituting for the words "sixty months".
- (v) in paragraph (b) of subsection (3) by adding the words "or Labour Act, No. 3 of 1997 between the words 1990 and as.

Amendment of Section 18.

9. Section 18 of the principal Act is hereby amended by renumbering paragraph (f) of subsection (1) as subsection (2) and other subsections shall change accordingly.

Amendment of Section 22.

10. Section 22 of the principal Act is hereby amended as follows:-

- (i) by adding a new subsection (3) as follows:

"(3) The Managing Director in consultation with the reliable sources may estimate the age of the member where such member has not declared his or her date of birth."

- (ii) by renumbering subsection (3) as (4).

Amendment of Section 30.

11. Section 30 of the Principal Act is hereby amended as follows:

- (i) in subsection (1) by deleting that subsection and substituting for the following.

"(1) The Zanzibar National President Fund Act, No. 7 of 1990 is hereby repealed."

- (ii) by adding subsection (3) immediately after subsection (2) as follows: :



“(3) Section 97 of the Labour Act, No. 3 of 1997 is hereby repealed.”

Amendment of Section 31.

12. Section 31 of the Principal Act is hereby amended as follows:

- (i) by renumbering paragraph (a) as subsection (1), paragraph (b) as subsection (2) and paragraph (c) as subsection(3);
- (ii) in subsection (1) by adding the words “or sections” between the word “Acts” and “shall”.

Amendment of Section 32.

13. Section 32 of the Principal Act is hereby amended as follows:-

- (i) by deleting the words “forty” and substituting for the word “fifty”.
- (ii) by adding the words “or Labour Act, No. 3 of 1997 at the end of that section.

Amendment of paragraph 3.

14. Paragraph 3 in the general provisions is hereby amended by deleting the words “January to December” and substituting for the words “July to June” and by deleting the words “31 March” and substituting for the words “30th October”.

Amendment of Second Schedule.

15. The Second Schedule of the Principal Act is hereby amended as follows:

- (i) in paragraph 1(1)(iii) by deleting the word “six” and substituting for the word “five”.
- (ii) by adding a new paragraph 8 as follows:-

“8. Any member of the Board may at any time resign his office by giving a written notice to the appointing authority and specifying the date of resignation, and if no date is so specified the date



of receipt of the notice shall be deemed to be the date of resignation."

(iii) by renumbering paragraphs 8,9 and 10 as paragraphs 9, 10 and 11 respectively.

(iv) by adding a new paragraph 12 as follows:

"12. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them."

(v) by renumbering paragraph 11 as paragraph 13.

Passed in the House of Representatives on the 2nd day of October, 2002.

A handwritten signature in blue ink, reading 'Khamis Juma Chande'.

{ KHAMIS JUMA CHANDE }
CLERK OF THE HOUSE OF REPRESENTATIVES