



## **"KIKOSI CHA VALANTIA" ACT, 2004**

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ACT NO. 5 OF 2004

I ASSENT

{AMANI ABEID KARUME}  
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

18<sup>TH</sup> AUGUST

....., 2004

**AN ACT TO REPEAL THE VOLUNTARY SPECIAL BRIGADE ACT, 1982  
AND TO ESTABLISH THE ZANZIBAR VALANTIA BRIGADE  
AND OTHER MATTERS CONNECTED THEREWITH**

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**ENACTED by the House of Representatives of Zanzibar.**

**PART I**

**PRELIMINARY - PROVISIONS**

Short title and  
commencement.

1. This Act may be cited as "Kikosi cha Valantia" Act, 2004 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:



"Chief of Valantia" means the Chief of 'Valantia' appointed under section 9 of this Act;

"Commission" means the Special Department Service Commission established under Act No. 7 of 1986;

"disciplinary regulations" means the regulations made under section 24 of this Act;

"Government" means the Revolutionary Government of Zanzibar;

"Minister" means the Minister for the time being responsible for 'Valantia';

"Officer of Volunteer" means officer of volunteer who retired from the service of 'Valantia' and registered for voluntary basis;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Service" means any servant of 'Valantia' who is serving the 'Valantia' on employment conditions or volunteer;

"Volunteer" means a voluntary service in the 'Valantia' without paid or not of servant who shall be registered on employment conditions.

## **PART II** **ESTABLISHMENT OF VALANTIA AND OTHER** **AUTHORITIES**

Establishment of  
'Valantia'.

3. There is hereby established a special force as "Kikosi cha Valantia, Zanzibar" (hereinafter referred as 'Valantia' or in acronym KVZ and shall be among the special departments of the Government in accordance with the requirements of the Zanzibar Constitution, 1984.





Duties of  
'Valantia'.

4. The duties of 'Valantia' shall be as follows:

- (a) to cooperate with defence and security forces or any other institution in the defence of the United Republic of Tanzania or security of the citizen and their properties or to under take other duties which 'Valantia' is responsible under any existing law;
- (b) to counter and disaster which may arise and affect the society;
- (c) to protect the property of the Government;
- (d) to maintain peace and security in the country;
- (e) to discharge al military functions for the purposes of controlling emergency situation in defence and security;
- (f) to undertake any assignment given or direct by the President or Minister [any appointed authority].

Commander-in-  
chief.

5. The President shall be the Commander-in-chief of 'Valantia' and shall have the powers as prescribed in the Zanzibar Constitution, 1984.

Powers of the  
Minister.

6.(1) Subject to the powers given to the President under the Zanzibar Constitution 1984 and this Act, the Minister shall have the powers and authorities as prescribed under this Act and regulations made under it.

(2) In the process of carrying out his functions, the Minister shall put into consideration, moral, cultural and ethics of 'Valantia' as military component.

Powers of the  
Commission.

7. The powers of the Commission in the 'Valantia' shall be limited to the service matters as prescribed in the Commission Act and its regulations.



Board of inquiry.

8.(1) The President, Minister, Chief of 'Valantia' or Commission where it is expediate that the board of inquiry shall be formed to inquire into or to get information on any matter relating to governance, discipline or administration of the 'Valantia'.

(2) Under any circumstances, the report of the board of inquiry shall not be used as evidence against any servant save in the case of the offence of producing false evidence before the board of inquiry.

Appointment of Chief of 'Valantia'.

9.(1) There shall be a Chief of 'Valantia' who is a Zanzibari and who shall be appointed by the President, after considering qualifications, capability and experience from defence and security forces and shall be responsible for the daily supervision and administration of 'Valantia'.

(2) The Chief of 'Valantia' shall hold office for any period determined by the President or until he attained his retirement age.

Appointment of Administrative Officer.

10.(1) There shall be a Chief Administrative Officer who shall be a Zanzibari who is in the service of 'Valantia' and who shall be appointed by the President after receiving the recommendation of the Commission.

(2) The Chief Administrative Officer of 'Valantia' shall hold office for any period determined by the President or until he attains his retirement age.

Appointment of other officers.

11.(1) The appointment of heads of departments of 'Valantia' shall be made by the Chief of 'Valantia' after receiving the approval of the Minister.

(2) The appointment of all Regional and District Commanders of 'Valantia' shall be made by the Chief of 'Valantia' in consultation with the heads of department.



### **PART III**

#### **CONSTITUTION AND SERVANTS**

Constitution of  
'Valantia'.

12.(1) The Minister through regulations made under this Act, shall constitute 'Valantia' as he deems necessary.

(2) In providing that Constitution, the Minister shall put into consideration the administrative division of Zanzibar from Regional, District to Shehia.

Servants of  
'Valantia'.

13.(1) 'Valantia' shall have the following servants:

- (a) employed; and
- (b) volunteer.

(2) The number of service in 'Valantia' shall be determined by the Commission.

(3) Rights, benefits and service rules of servants shall be stipulated in the regulations made under this Act.

Employed  
servants.

14.(1) Employed servants shall be servants men who are employed for the first time in the 'Valantia' with the age between 18 and 35.

(2) The employed servants shall be employed in the 'Valantia' as:

- (a) a servant of any rank in accordance with the regulations of 'Valantia' or Commission;
- (b) a civil servant in accordance with the Civil Service Regulations..

(3) No provision of this Act shall be interpreted or construed as disqualified employed servants of 'Valantia' above the age of 35 who are in the service after the commencement of this Act.





Volunteer  
Servants.

15. Volunteer Servants shall be Zanzibaris who are registered on the basis of voluntary service in the 'Valantia'.

#### **PART IV**

#### **USING OF WEAPONS AND PROTECTION OF SERVICE**

Power of arrest  
and search.

16. In exercising of his functions, every servant of 'Valantia' shall have the right and power of arrest and search for the reason of or accusation of any breach of any law of Zanzibar without contravening the laws of the country relating to arrest and search.

Immunity.

17. In exercising of his functions, every servant of 'Valantia' shall have legal immunity from prosecution of criminal offence while exercising his duties if he is not in breach of law or his service rules.

Right of training  
of defence and  
security.

18. Any Servant of 'Valantia' shall have the right of training of defence and security in any Institution in Zanzibar or in the United Republic of Tanzania or elsewhere outside Tanzania.

Right of having  
and using  
weapons.

19. Any servant of 'Valantia' shall have the right of using small weapons where it is necessary by order of his commander in accordance with the directives prescribed in the regulations made under this Act.

Joint exercise  
with Defence and  
Police Force.

20.(1) The President may, where he is required by Defence or Police Force to order the 'Valantia' to join the Tanzania People's Defence Forces and work hand in hand in the Defence of United Republic or Police for the security of citizens and their property.

(2) Where the 'Valantia' or any part thereof work together with the Tanzania People's Defence Force for the Defence of United Republic of Tanzania or with Police Forces or any special department of SMZ for the security of the citizens and their property, the 'Valantia' department shall be considered to be under the command of Tanzania People's Defence Forces or Police Forces or that special department of SMZ as the case may be.



Responsibility of working within or outside Zanzibar.

21. Every servant of 'Valantia' is required to perform his ordinary functions in any part of Zanzibar or outside Zanzibar if there is any order issued under section 20 of this Act.

#### **PART V**

#### **RIGHTS AND DISCIPLINARY PRODECURES**

Right of promotion.

22.(1) Without prejudice the directives issued in the regulations of the Commission, servants of 'Valantia' shall have right to be promoted by the authorities identified in those regulations.

(2) The promotion shall depend upon the availability of the post in the structure, various training, discipline and hard working.

Salary and allowances.

23.(1) Sevants of 'Valantia' shall have right to have salary and other allowances in accordance with the scale as may be prescribed from time to time by the Commission.

(2) Such salary and allowances may be increased, cut down, or decreased in accordance with the regulations of 'Valantia'.

The Minister to make regulations.

24.(1) Subject to the provision of this Act, the Minister may make disciplinary regulations and service matters which without prejudice to the generality prescribed in this Act, shall provide:

- (a) procedure of inquiry of disciplinary offences and prosecution of those cases together with penalty for the breach of discipline;
- (b) composition and jurisdiction of 'Valantia' Courts;
- (c) right and powers of 'Valantia' Military Police;



- (d) any other matters relating to the better implementation and discipline inforcement within that force;
- (e) composition, procedures and divisions of 'Valantia';
- (f) responsibilities to be carried out by various officers and directives of implementation;
- (g) payment of salary, allowances and pension and gratuity of the servants;
- (h) types of leaves and conditions thereof;
- (i) the circumstances and time when servants of 'Valantia' may use arms for self defence or otherwise.

(2) The following punishment or combination of more than one may be imposed on the breach of discipline:

- (a) warning;
- (b) severe reprimand;
- (c) minor punishment;
- (d) fine not exceeding half of salary of the offender;
- (e) demotion in rank;
- (f) imprisonment not exceeding fourteen days;
- (g) dismissal.

(3) Every servant of 'Valantia' shall be under the disciplinary regulations save those employed on civil service terms who shall be under the law and regulations relating to civil servants.



(4) Any regulations made or amended under this Act shall come into force after being published in the official Gazette.

Dis-obedience.

25. Any servant of 'Valantia' who:

- (a) strikes or otherwise uses violence to an officer senior or place in command over him or junior to him;
- (b) uses threatening or insubordinate language to any such officer;
- (c) refuses to obey a lawful order of any such officer;
- (d) steals or involved in any stealing;
- (e) absents himself from the place of work without leave for more than twenty one days;

shall be guilty of an offence and on conviction by the 'Valantia's Court' shall be liable to the dismissal.

'Valantia's Court'.

26. There shall be 'Valantia's Courts' which shall have power and jurisdiction for each as prescribed by the regulations made under this Act.

Valantia Military Police.

27. There shall be 'Valantia' Military Police for the purposes of enforcement of discipline, Law, regulations and other orders within the 'Valantia', and their powers and privileges shall be prescribed in the regulations made under this Act.

Political offences.

28.(1) No servant of 'Valantia' who is in the Military terms shall participate in any political activities save voting.

(2) Any servant of 'Valantia' under military terms who is:

- (a) found to be a member of any political party;





- (b) supporting political parties or showing political fanatic;
- (c) attending meetings or demonstration organized by political parties in secret or public except if he is there in the official duty;
- (d) wearing emblems or clothes which belong to any political party;
- (e) possessing pictures of political leaders which are intended to provide political message;
- (f) campaigning for any political party;
- (g) showing his political affiliation in public whether by words or action;
- (h) insulting political leaders;

shall be guilty of an offence and on conviction shall be dismissed.

Illegal  
possession of  
'Valantia'  
property.

29.(1) Any person who is not 'Valantia' servant who possesses any property issued to the servant of 'Valantia' or resembling such property and fails to give satisfactory statement relating to that property shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not less than three months and not exceeding six months.

- (2) Any person without lawful permit:
  - (a) sells or manufactures any property or resembling that property which is issued to the servant of 'Valantia' in carrying out his duties; or
  - (b) assist or cooperate with servant of 'Valantia' or any other person in selling or destroying any property;





shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not less than three months and not exceeding six months.

(3) No person shall manufacture; import or sell any property used by or resemble the property used by 'Valantia' and on conviction shall be liable to imprisonment for a term not less than six months and not exceeding nine months.

Offences relating  
to sexual  
harassment.

30.(1) Any servant of 'Valantia' who:

- (a) is found to make sexual relations with a fellow servant;
- (b) uses his position or rank to fulfil his sexual desire with his junior servant;
- (c) uses force or threat or intimidation or any fraudulent means to have sexual desire;
- (d) impregnates a female servant or volunteer or if a female servant herself is found impregnated by a male servant or volunteer;
- (e) commits any act or makes any gesture or utters words which are likely to cause sexual gesture to the servant or volunteer;
- (f) unlawfully takes or seduces or asks sexual relations or commits sexual intercourse with a wife or husband of another servant or any close relatives of his fellow servant of 'Valantia' within or outside the camp;
- (g) abets or assists any other member of 'Valantia' or any other person to commit any of the above offences;

shall be guilty of an offence and on conviction by 'Valantia' Court be liable to dismissal from service.



(2) Any member of 'Valantia' who is found guilty of any competent court of any of offences under any Act shall be deemed to have been convicted under this Act.

(3) Any person who is aggrieved by an act of any servant under this section, if he so wishes, is not barred from instituting civil or other proceedings in any other competent court even if such servant has been convicted under the 'Valantia' Court.

## **PART VI**

### **MISCELLANEOUS**

Safety measures  
in the premises  
of 'Valantia'.

31. The regulation of 'Valantia' shall provide directives relating to entrance, control and security within and around the areas of 'Valantia' and its property and such directives shall provide penalty for those who breached that directives: the penalty shall be a fine not exceeding one hundred thousand or imprisonment for a term not exceeding one month.

The jurisdiction  
of ordinary  
Courts.

32.(1) No provision in this Act which prevents the servant to be tried in ordinary Court for that offences which can be tried and decided in that Court.

(2) Any servant who is tried and convicted in the ordinary court shall be deemed to be convicted under the disciplinary regulations of 'Valantia'.

Repeal of Act  
No. 8 of 1982.

33.(1) The Voluntary Special Brigade Act, No. 8 of 1982 is hereby repealed.

(2) Notwithstanding the repeal made under subsection (1) of this section:

- (a) anything done or action taken under the repealed Act, to the extent not contrary to this Act, shall be deemed to be done or taken under the provision of this Act;



- (b) any regulations, rules or orders given under the repealed Act which are still in force shall continue to be in force until new regulations, rules or orders be made under this Act;
- (c) any legal action taken or continued to be taken to any offence or payment under the repealed Act shall be continued under this Act.

**PASSED** in the House of Representatives on the 2<sup>nd</sup> day of April, 2004.

*Khamis Juma Chande*

**KHAMIS JUMA CHANDE**  
**CLERK OF THE HOUSE OF REPRESENTATIVES**  
**ZANZIBAR**