



**THE HOUSE OF REPRESENTATIVES
(IMMUNITIES, POWERS AND PRIVILEGES)
ACT NO.4 OF 2007**

ARRANGEMENT OF SECTIONS

SECTION

TITLE

**PART I
PRELIMINARY PROVISIONS**

1. Short title and Commencement.
2. Interpretation.

**PART II
PRIVILEGES AND IMMUNITIES OF
THE HOUSE AND OFFICERS**

3. Freedom of speech and debate.
4. Immunity from legal proceedings.
5. Freedom from arrest for civil debts.
6. Civil process not to be served within precincts of the House.
7. Freedom of members to hold meetings in Constituencies.
8. House Flag and its use.
9. Members to be furnished with information.
10. Right to enter the precincts of the House.
11. Power of the Speaker to order withdrawal from precincts of the House.
12. Jurisdiction and procedure in relation to breaches, contempts etc.
13. Code of Conduct for members.

**PART III
EVIDENCE**

14. Power to order attendance of witnesses.
15. Attendant to be notified by summons.



Power to issue warrant to compel attendance.
Witness may be examined on oath.
Objection to answer question or to produce documents.
Privileges of witnesses.
Evidence of proceedings in House or Committee not be given without leave.
Certificate to witnesses making full disclosure.
False evidence.
Interference with witnesses.
False documents.
Contempt.
Questions relating to determination of evidence and production of documents.

PART IV OFFENCES AND PENALTIES

House Proceedings to be judicial.
Offence relating to admittance to the House.
Corrupt or improper practice.
Other offences against members and officers.
Disobediences.
Other offences.
Acceptance of bribes by members.
Protection of person publishing on authority of the House
Publication of proceedings without malice.
Unqualified persons sitting or voting in House.

PART V GENERAL PROVISIONS

No arrest without the consent of the Director of Public Prosecution.
Information as to the arrest of member.
Power of Speaker and officers not subject to jurisdiction of courts.
Power of Sergeant at Arms.
Power of arrest.



Sanctions for prosecutions.

Hansard printed by order of the House to be admitted on evidence.

Status of Powers under this Act.

Absence of the Speaker.

Allegation on the mental condition of member.

Procedure for filing a suit at High Court.

Clerk of the House to issue circular to clarify on rights and Privileges.

Duties of member.

Penalty for members.

No enforcement of judgments before expiry of period allowed for appeal.

Regulations.

Repeal of Act No. 3 of 1990.

SCHEDULE

FLAGE OF THE HOUSE





ACT NO.4 OF 2007

I ASSENT

Amani Abeid Karume

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

19th JUNE....., 2007

**AN ACT TO REPEAL THE HOUSE OF REPRESENTATIVES
(IMMUNITIES, POWERS AND PRIVILEGES) ACT, 1990
AND TO PROVIDE FOR BETTER PROVISIONS RELATED
TO IMMUNITIES, POWERS AND PRIVILEGES OF
MEMBERS OF THE HOUSE OF REPRESENTATIVES IN
THE EXERCISE OF THEIR FUNCTIONS AND 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 House of Representatives (Immunities, Powers and Privileges) Act, 2007 and shall be read as one with the Chapter Five of the Constitution, and shall come into operation immediately upon being assented to by the President.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Committee" means a standing committee of the House established in accordance with section 85 of the Constitution and includes sessional and any Committee



selected by the House or the speaker to exercise the power of the House.

"Constitution" means the Constitution of Zanzibar, 1984;

"Clerk" means the Clerk of the House and includes any person acting as such on the authority of the Speaker;

"House" means the House of Representatives of Zanzibar;

"Hansard" means the minutes of the House or official records of the votes or proceedings of the House.

"Member" means any member of the House and in any case where the Speaker is not a member of the House, the Speaker;

"Meeting" means sitting or sittings of the House commencing when the House first meets after being summoned at any time and terminating when the House is adjourned sine die or at the conclusion of a session;

"Minister" means the Minister responsible for the affairs of the House of Representatives;

"Office of the House" means the office of the House of Representatives of Zanzibar established under section 77 of the Constitution;

"Officer of the House" means the Clerk or any other officer or person acting within the precincts of the House under the Order of the Speaker and includes any police



officer on duty within the precinct of the House;

"Police Officer" means any member of the police force;

"Precincts of the House" means the hall in which the House sits in session for the transaction of its business together with the offices, rooms, chambers, lobbies, galleries, courtyards, gardens and any other place, provided for the use or accommodation of members, officers or strangers and any passages connecting such places and any other places immediately contiguous thereto as may from time to time be declared by the Speaker as being within the precincts of the House;

"Public Officer" means any person in the service of, or holding office under the Government of Zanzibar or any of its parastatals whether or not such service or office is permanent or temporary or paid or unpaid;

"Secretariat" means an executive committee of the House which assists the Clerk in the exercise of his or her functions and it is composed of heads of departments and divisions in the organization structure of the House, and the committee clerks;

"Standing Orders" means the Standing Orders of the House for the time being in force in accordance with the provisions of section 86(2) of the Constitution;

"Speaker" means the Speaker of the House and includes the Deputy Speaker and any other member elected in accordance



with section 73 or 74 of the Constitution by the House to act as such;

"Stranger" means any person other than the President, the Speaker, Member or an officer of the House.

PART II PRIVILEGES AND IMMUNITIES OF THE MEMBERS OF THE HOUSE AND OFFICERS

Freedom of speech and debate.

3. Subject to the provisions of the Standing Orders regulating procedure of the House, there shall be freedom of speech and debate in the House and such freedom of speech and debate shall not be questioned in any court of law or place outside the House.

Immunity from legal proceedings.

4. No civil or criminal proceedings may be instituted against any member or be liable to be questioned in any court of law or place outside the House for words spoken before, act done in bona fide pursuance of the House decision or written in a report to, the House or to a Committee or by reason of any matter, or thing brought by him by petition, bill, resolution, motion or otherwise or any vote given by him in the House or any Committee thereof.

Freedom from arrest for civil debts.

5. No member shall be liable to be arrested for any civil debt except for a debt the contraction of which constitutes a criminal offence, whilst going to, attending at or returning from a sitting of the House or any Committee.

Civil process not to be served within then precincts of the House.

6. Notwithstanding anything to the contrary, no summons issued by any court of law of Zanzibar or outside Zanzibar in the exercise of its civil jurisdiction shall be served or executed within the precincts of the House while the House is sitting or



through the Speaker or any Officer of the House, nor shall any member be arrested on civil process; save by the leave of the Speaker first obtained while a member, is within the precincts of the House and while the House or a Committee is sitting.

Freedom of members to hold meetings in constituencies.

7.(1) Subject to this Act and to any statutory or other provision regulating the convening and organisation of such meeting, a member shall be free to hold public meetings in his constituency and all responsible authorities shall facilitate them in manner as convenient to the member as is possible under the circumstances.

(2) Any person who causes obstruction at such public meeting shall be guilty of an offence and liable to be proceeded against by the relevant authority in accordance with the law.

House Flag and its use.

8.(1) There shall be a flag of the House which shall be of the description specified in the Schedule to this Act.

(2) Subject to the provisions of any written law regulating the use, fly or hoist of the National flag, a member may use the flag of the House while he is:-

- (a) in office at his electoral constituency;
- (b) at public meeting other than a meeting convened either by a political party or for purposes of electoral campaigns; or
- (c) proceeding on a journey within Zanzibar.

(3) The Minister may make Regulations for the better carrying out of the purposes and provisions



of this section in relation to the use of the flag of the House.

Members to be furnished with information.

9. Subject to this Act and to any statute relating to security of the government, a member shall be furnished by the Public Officer Concerned, any information he requests.

Right to enter the precincts of the House.

10.(1) No stranger shall be entitled as of right to enter or to remain within the precincts of the House.

(2) The Speaker may issue such order as he may in his discretion deem necessary or desirable for the regulation of the admittance and the conduct of strangers within the precincts of the House.

(3) Copies of Orders made under this section shall be duly authenticated by the Clerk and exhibited in a conspicuous position in the precincts of the House and such copies when so authenticated and exhibited shall be deemed to be sufficient notice to all persons affected thereby.

Power of the Speaker to order withdrawal from precincts of the House.

11. The Speaker or any other officer authorised by the Speaker may at any time order any stranger to withdraw from the precincts of the House.

Jurisdiction and procedure in relation to breaches, contempts etc.

12.(1) Subject to the Constitution and the Standing Orders of the House, the House shall have all such powers and jurisdiction as may be necessary for inquiring into, judging and pronouncing upon the commission of any act, matter or thing, not amounting to an offence under this Act, which is a breach of Legislative privilege.

(2) The Speaker shall have the power, subject to the Standing Orders of the House, to determine whether or not any act, matter or thing is one into



which the House may inquire, judge and pronounce upon.

(3) The House or a Committee, as the case may be, in relation to any act, matter or thing, may recommend to the Speaker that he requests the Director of Public Prosecutions to take necessary steps if he deems just to bring to trial any person connected with the commission of any offence under this Act.

(4) The Speaker whether on his own accord or upon a recommendation of a Committee, reports to the Director of Public Prosecutions all acts, matters and things amounting to an offence under this Act, committed by any person, and the Director of Public Prosecutions shall proceed in relation to such report in accordance with the law.

Code of
conduct for
members.

13. The House may by resolution adopt code of conduct for Members of the House.

PART III EVIDENCE

Power to order
attendance of
witnesses.

14.(1) The House or any Standing Committee or any Sessional Committee may, subject to provisions of this section and section 20 of this Act, order any person to attend before the House or before such Committee and to give evidence or to produce any document in the possession or under the control of such person.

(2) The power conferred by subsection (1) of this section on a Sessional Committee may be exercised by any other Committee which is specially authorized by a resolution of the House to exercise such powers in respect of any matter or question specified in the resolution.



Attendant to
be notified by
summons.

15.(1) Any order to attend, give evidence or produce documents before the House or Committee, shall be served to the person required to attend or to produce the documents by a summons under the hand of the Clerk issued under the direction of the Speaker.

(2) In every summons under subsection (1) of this section, there shall be stated the time and the place where the person summoned is required to attend and the particular documents which he is required to produce and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof to his usual or last known place of abode in the United Republic of Tanzania with some adult person and there shall be paid or tendered to the person summoned if he does not reside within four miles of the place of attendance specified in the summons such sum for his expenses as may be prescribed by Standing Orders.

(3) A summons under this section may be served by an officer of the House or by a Police Officer.

Power to
issue warrant
to compel
attendance.

16.(1) If a person to whom a summons referred to in section 15 of this Act, is directed, does not attend before the House or the Committee at the time and place mentioned therein, the Speaker may upon being satisfied that the summons was duly served or that the person to whom the summons is directed willfully avoids service, issue a warrant to apprehend him and bring him at a time and place to be stated in the warrant, before the House or Committee.

(2) A warrant issued under this section shall be executed by the Police Officer.

(3) The Speaker, on the issue of a warrant under this section, may if he thinks fit, by an



appropriate endorsement on the warrant, direct that the person named in the warrant be released after arrest on his entering into such a recognizance before a Court for his appearance before the House or Committee as may be required in the endorsement.

Witness may
be examined
on oath.

17.(1) The House or an authorized Committee may require that any facts, matters and things relating to the subject matter of inquiry before the House or such Committee be verified or otherwise ascertained, by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath.

(2) An oath required to be taken under the provisions of this section may be administered by the Clerk or by any other person appointed by the Speaker for that purpose, or in the case of a witness before a Committee, by the Chairman, or by the Secretary to the Committee.

Objection
to answer
question or
to produce
documents.

18.(1) Where any person ordered to attend or to give evidence or to produce any document before the House, refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature and does not affect the subject of inquiry the Speaker may excuse the answering or the production thereof.

(2) Where any person ordered to attend or to give evidence or produce any document before any Committee, refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature, and does not affect the subject of inquiry, the Chairman of the Committee may report such refusal, to the Speaker with reasons therefore, and the Speaker if satisfied may thereupon excuse the answering of such question or the production thereof.



(3) Subject to the provisions of subsections (1) and (2) of this section, any person who refuses to be examined before or to answer lawful and relevant questions put by the House or Committee unless such refusal be excused as herein before provided, commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(4) The mode of taking evidence and procedures shall be as provided in the Criminal Procedure Act, No.7 of 2004.

Privileges of witnesses.

19.(1) Subject to the provisions of subsections (2) and (3) of this section, every person summoned to give evidence or to produce any document before the House or a Committee thereof shall be entitled, in evidence or the disclosure of any Communication or the production of any such a document to the same rights and privileges as before a Court of law.

(2) Unless the President otherwise directs in writing no public officer shall refuse:-

- (a) to give before the House or a Committee thereof any evidence; or
- (b) to produce before the House or a Committee thereof, any document; or
- (c) to furnish to the Secretariat of the House any information relating to the correspondence of any civil department or any matter affecting the public service and secondary evidence shall not be received by or produced before the House or a Committee of the contents of any



such document which the President has directed shall not be produced. Such directions shall only be given when in the opinion of the President it would be contrary to the public interest to give such evidence or to produce such document as aforesaid.

(3) An answer by a person to a question put by the House or Committee shall not except in the case of criminal proceedings under section 91, 95, 97 and 98 of the Penal Act or of an offence against this Act, be in any proceedings civil or criminal admissible in evidence against him.

Evidence of proceedings in House or Committee not be given without leave.

20.(1) Notwithstanding the provisions of any other law, no member or officer of the House and person employed to take minutes of evidence before the House or any Committee shall, save as provided in this Act, give evidence elsewhere in respect of the contents of any document laid before the House or such Committee as the case may be, or in respect of any proceedings or examination held before the House or such Committee, as the case may be, without the special leave of the House first had and obtained.

(2) The special leave referred to in subsection (1) of this section, may be given during recess or adjournment by the Speaker or, in his absence or other incapacity or during any dissolution of the House by the Clerk.

Certificate to witnesses making full disclosure.

21.(1) Every witness before the House or an authorised Committee who shall answer fully and faithfully any question put to him by the House or such Committee to its satisfaction shall be entitled to receive a certificate stating that such witness was upon his examination so required to answer and did answer any such question.



(2) Every certificate under subsection (1) of this section, shall in the case of a witness before the House be under the hand of the Speaker, and in the case of a witness before a Committee be under the hand of the Chairman thereof.

(3) The Speaker after consultation with the Director of Public Prosecutions, if he is satisfied that:-

- (a) the certificate was issued to the witness after giving a false representation; or
- (b) the evidence adduced by the witness is calculated at misleading the House or any Committee thereof;

shall cancel the certificate and such witness shall be guilty of an offence punishable as if he has committed an offence under section 111 of the Penal Act.

(4) On production of such certificate to any Court of law, such Court shall stay any proceedings, civil or criminal against such witness for any act or thing done by him before the time and revealed by the evidence of such witness, and may, in its discretion, award to such witness, the expenses which he may have been put.

(5) Where the certificate is cancelled under subsection (3) of this section, the witness to whom the certificate was issued shall not be accorded with any protection provided for under subsection (4) of this section.

False evidence.

22. Any person who before the House or any authorised Committee intentionally gives a false answer to any questions put to him during the course of any examination, shall be guilty of an



offence and shall be punishable as if he has committed an offence under section 111 of the Penal Act.

Interference
with witnesses.

23. Any person who:-

- (a) tempers with, or deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by him before the House or any Committee; or
- (b) threatens, molests or in any way punishes, damnifies or injures or attempts to punish, damnify or injure any person for having given evidence which he has given before the House or any Committee;

shall be guilty of an offence and shall be liable on conviction to a fine not less than fifty thousand shillings or to imprisonment for a term not less than three months and not exceeding twelve months or to both such fine and imprisonment.

False
documents.

24. Any person who presents to the House or any Committee any false, untrue, fabricated or falsified document with intent to deceive the House shall, where such presentation does not constitute an offence under section 19 of this Act be guilty of an offence and shall be liable on conviction to punishment as if he committed an offence under section 310(1) of the Penal Act.

Contempt.

25. Any person shall be guilty of an offence who:-

- (a) having been called upon to give evidence before the House or an authorised



Committee thereof refuses to be sworn or make an affirmation; or

- (b) being a witness misconducts himself; or
- (c) causes an obstruction or disturbance within the precincts of the House Chamber during a sitting of the House or of a Committee thereof; or
- (d) shows disrespect in speech or manner towards the Speaker or Chairman of the Committee; or
- (e) commits any other act of international disrespect to or with reference to the proceedings of the House or of a Committee of the House or to any person presiding at such proceedings,

shall on conviction be liable to a fine not less than fifty thousand shillings or to imprisonment for a term not less than one month and not exceeding six months or to both such fine and imprisonment.

Questions relating to determination of evidence and production of documents.

26. Where at any time any questions arise in the House or Committee regarding:-

- (a) the right or power of the House or Committee to hear, admit or receive oral evidence; or
- (b) the right or power of the House or Committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the House or Committee; or



- (c) the right or privilege of any person including a member of the House or Committee that question shall, subject to the proceeding provisions of this Act, and except in so far as express provision is made in these provisions for the determination of that question, be determined in accordance with the usage and practices of Legislatures.

PART IV OFFENCES AND PENALTIES

House
Proceedings
to be judicial.

27. Any proceedings before the House or a Committee thereof at which any person gives evidence or produces any document, shall be deemed to be judicial proceedings for the purposes of sections 91,95,97 and 98 of the Penal Act.

Offence
relating to
admittance to
the House.

28. Any person who:-

- (a) being a stranger enters or attempts to enter the precincts of the House in contravention of any order of the Speaker; or
- (b) being a stranger fails or refuses to withdraw from the precincts of the House when ordered to withdraw there from, by the Speaker; or
- (c) being a stranger, contravenes any order made under this Act by the Speaker regulating the admittance of strangers to the precincts of the House or any rule made by the Speaker under the Standing Orders; or
- (d) attends any sittings of the House as the representative of any news reporter after



the general permission granted under any order made under this Act or under the Standing Orders to the representative of that news reporter has been revoked;

shall be guilty of an offence and shall, on conviction be liable to a fine not less than fifty thousand shillings or to imprisonment for any term not less than one month and not exceeding six months or to both such fine and imprisonment.

Corrupt or
improper
practice.

29.(1) Any person who offers to any member or officer or to any person who is an employee or a partner of a member or officer either directly or indirectly any bribe, fee, compensation, gift or reward in order to influence such member or officer in his conduct as such member or officer or for or in respect of the promotion of or opposition to any bill, resolution, matter, rule or things submitted to, or intended to be submitted to the House, shall be guilty of an offence.

(2) Any member or officer or any person who is an employee or a partner of a member or officer who demands, accepts, or receives, directly or indirectly, any bribe, fee, compensation, gift or reward the offering of which is or would be an offence under this section, shall be guilty of an offence.

(3) Any person who commits an offence under this section, shall be liable on conviction to a fine not less than five hundred thousand shillings or to imprisonment for a term not less than three years or to both such fine and imprisonment.

(4) In any proceedings against any person for an offence under this section the court may, if it finds the offence proved:-



- (a) order that the value or the amount of any bribe, fee, compensation, gift or reward offered or accepted or received in contravention of this section shall be forfeited; or
- (b) order that the amount or the value of any bribe, fee, compensation, gift or reward accepted or received in contravention of this section, shall be repaid by the person accepting or receiving the same, or by the person on whose behalf the same was accepted or received, or by the person on whose behalf such latter person was acting.

Other offences
against
members and
officers.

30.(1) Any person who:-

- (a) assaults, obstructs or insults any member or officer going to or coming from the precincts of the House Chamber, or any place where a Committee meets; or
- (b) endeavors to compel either directly or indirectly any member by force, insult or menace to declare himself in favor of or against any Bill, resolution, matter, rule or thing submitted to or intended to be submitted to the House; or
- (c) assaults, interferes with, resists or obstructs of any officer while in the execution of his duty; or
- (d) sends to any member any threatening letter, or challenges any member to fight on account of his conduct as a member;

commits an offence.



(2) Any person who is guilty of an offence under the provisions of subsection (1) of this section, shall on conviction be liable to a fine not less than three hundred thousand shillings or to imprisonment for a term not less than three years or to both such fine and imprisonment.

Disobediences.

31.(1) Any person who wilfully and without lawful excuse fails to comply with or contravenes any order made under section 11 or 16 of this Act, creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the House or any Committee while the House or Committee is sitting or who willfully fails to obey any other order of the House and disturbs the performance of its functions, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or upon failure to pay such fine, to imprisonment for a term not exceeding twelve months.

(2) No offence is committed under this section unless the Speaker or an officer has drawn to the attention of the person concerned the fact that such failure or contravention is contrary to such order and the person thereafter continues in such failure or contravention as aforesaid.

Other offences.

32.(1) Any person who:-

- (a) publishes any false or scandalous libel on the House or any Committee which willfully misrepresents in any way proceedings of the House or any Committee;
- (b) publishes save by the general or special leave of the House a report of any proceedings of the House or any Committee when proceedings have not been held in public; or



- (c) publishes save by the general or special leave of the House any paper, report or other document prepared expressly for submission to the House before the same has been laid on the table of the House; or
- (d) prints or causes to be printed a copy of any Act which is in force or a copy of any report, paper or journals of the House as purporting to have been printed by the Government printer or by or under the authority of the House or of the Speaker and the same is not printed; or
- (e) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed; or
- (f) publishes or prints any libel on any member concerning his character or conduct as a member and with regard to action performed or words uttered by him in the course of the transaction of the business of the House;

commits an offence and shall on conviction be liable to a fine not less than three hundred thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) Any person who uses the flag of the House contrary to section 8 of this Act, or the Regulations made in relation to the use of such flag, commits an offence and shall on conviction be liable to a fine not less than three hundred thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.



Acceptance
of bribes by
members.

33. Any member who offers or accepts or agrees or obtains or attempts to offer or to obtain for himself or for any other person any bribe, fee, commission, reward or benefit of any kind for speaking, voting or acting on account of his having so spoken, voted or acted or having so refrained, commits an offence and shall be liable on conviction to a fine not less than one million shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Protection of
person
publishing
on authority
of the House.

34. Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant by order under the authority of the House of any report, papers, minutes, votes and proceedings, may, on giving to the plaintiff or prosecutor as the case may be, forty-eight hours written notice of his intention to bring before the court in which such civil or criminal proceedings are being held a certificate under, the hand of the Speaker, that the reports, papers, minutes, votes and proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servants by order or under the authority of the House together with an affidavit verifying such certificate and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Publication of
proceedings
without malice.

35. In any civil proceedings instituted for publishing any report or summary of or, any extract from or abstract of any report, paper, minutes, votes and proceedings of the House, if the court be satisfied that such report, summary, extract or abstract was published bona fide and without malice, judgment shall be entered for the defendant.



Unqualified
persons sitting
or voting in
House.

36.(1) Any person who:-

- (a) having been elected or appointed a member of the House but not having complied with the necessary formalities that enable him to sit or vote in the House; or
- (b) sits or votes in the House after his seat therein has become vacant or he has become disqualified from sitting or voting therein; knowing or having reasonable grounds to believe that he has not complied with the necessary formalities or that his seat has become vacant as the case may be;

shall be guilty of an offence and shall on conviction be liable to a fine of not less than one hundred thousand shillings for every day upon which he so sat and voted.

(2) The fine prescribed by subsection (1) of this section shall be recoverable by action in the High Court of Zanzibar at a suit by the Attorney-General and when recovered, shall be credited to the general revenue of the Revolutionary Government of Zanzibar.

PART V GENERAL PROVISIONS

No arrest
without the
consent of the
Director of
Public
Prosecution.

37. No member shall be arrested or detained for accusation of committing criminal offence or civil wrong for an offence committed in the course of exercising his duties unless a written consent is given by the Director of Public Prosecutions.

Information
as to the
arrest of
member.



30. (1) When a member is arrested on a criminal charge or for criminal offence or is sentenced to imprisonment by Court, the committing authorities shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or imprisonment as the case may be, and also the place of detention or imprisonment of the member.

(2) When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned.

(3) It shall be the right of the House members to receive from the Speaker immediate information of the arrest, detention, conviction, imprisonment and release of a member.

Power of
Speaker and
officers not
subject to
jurisdiction
of courts.

39. Neither the Speaker nor any officer of the House shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or such officer by or under this Act.

Power of
Sergeant
at Arms.

40. Every Sergeant at Arms of the House shall for the purposes of this Act and of the application of the provisions of the criminal law within the precinct of the House have all the powers and enjoy all the privileges of a Police Officer.

Power of arrest.

41. Any Sergeant at Arms of the House may arrest without warrant.

- (a) any person who commits any offence contrary to section 30 or 31 of this Act in his presence;
- (b) any person within the precincts of the House who he reasonably suspects of having committed or being about to



commit an offence contrary to any of the said section.

Sanctions for prosecutions.

42. No prosecution for an offence under this Act shall be instituted except with the written sanction of the Director of Public Prosecutions of Zanzibar.

Hansard printed by order of the House to be admitted on evidence.

43. Upon any inquiry touching the privileges, immunities and powers of the House or of any member, any copy of the Hansard or Standing Order printed or purporting to be printed by the Government Printer or any copy of the Hansard or Standing Orders duly authenticated as such under the hand of the Clerk shall be admitted as evidence of such Hansard or Standing Orders in all courts and places without any further proof to be given.

Status of Powers under this Act.

44. The power of the House and of the Speaker under this Act shall be supplementary to any power conferred by the Constitution or Standing Orders.

Absence of the Speaker.

45.(1) For the purposes of this section "absence" in relation to the Speaker or the Deputy Speaker, means:-

- (a) that the office of Speaker or the office of Deputy Speaker is vacant; or
- (b) that the Speaker or the Deputy Speaker is incapable of or is from any course prevented from performing the duties of the House.

(2) For the duration of any period during which the Speaker is absent, the powers and privileges vested in the Speaker by this Act shall be vested in the Deputy Speaker.



(3) For the duration of any period during which both the Speaker and the Deputy Speaker are absent:-

- (a) the power and privileges vested in the Speaker by the provisions other than section 21 and 34 of this Act shall:
 - (i) in so far as they relate to any matter arising at a sitting of the House for the transaction of business be vested in such member of the House as may be elected by the House by virtue of the provisions of section 81 of the Constitution to preside at the sitting of the House when such matters arise; and
 - (ii) in so far as they relate to any other matters be vested in such member of the House; and
 - (iii) the powers vested in the Speaker by section 21 and 34 shall be vested to the Clerk.

Allegation
on the mental
condition of
member.

46.(1) Where it is alleged that a member of the House is of unsound mind or suffer from mental illness, the Speaker shall appoint a panel of three persons who are not members of the House to enquire into the allegation and submit their report to the Speaker.

(2) The panel appointed under subsection (1) of this section shall consist of:

- (a) Judge of the High Court of Zanzibar as Chairman; and



- (b) two medical doctors who specialize in the field of psychiatrics.

(3) The Speaker, having received the report and finding of the panel, shall forward the same to the House for final decision.

Procedure
for filing a
suit at High
Court.

47.(1) Subject to the provisions of section 72 of the Constitutions any person who questions or challenges the membership of a member of the House shall not file his suit before the High Court without giving a prior notice to the Attorney General of Zanzibar.

(2) Subject to the provisions of section 72 of the Constitution, any person who questions or challenges the decision made to disqualify a member and declared his seat vacant shall, prior to the filing of his case before the High Court give a written notice to the Attorney-General of Zanzibar.

(3) No person shall have the right to file a suit under the provisions of subsections (1) and (2) of this section after the expiry of three months from the date on which the course of action arose.

Clerk of the
House to
issue circular
to clarify on
rights and
Privileges.

48. The Clerk of the House shall, after he has been directed to do so by relevant authorities in the Authority of the House, issue circulars explaining and elaborating the rights and privileges of leaders and members of the House in the followings:

- (a) Salary;
- (b) Sitting allowance;
- (c) Constituency allowance;
- (d) Acting allowance;
- (e) Traveling allowance;



- (f) Holidays and holiday allowance;
- (g) Transport;
- (h) Loans;
- (i) Medical treatment;
- (j) Sensitivity allowance;
- (k) Retirement benefit after the completion of their terms in the House;
- (l) Insurance;
- (m) Housing;
- (n) Telephone; and
- (o) Other privileges.

Duties of member.

49. A member shall in addition to the duties provided under section 88 of the Constitution have the following duties and obligations:-

- (a) to guard the integrity of the House and its Committees and not involving himself in willful disobedient acts that would bring the House or its Committee into ridicule; and
- (b) to use sittings of the House and committees to defend the rights and interest of the citizens in accordance with the provisions of the Constitution, the Constitution of United Republic of Tanzania 1977 and national ethics.

Penalty for members.

50.(1) Any member who contravenes the provisions of section 49 of this Act may be suspended by the House from the service of the House and its Committees.



(2) If a member is suspended under subsection (1) of this section his suspension shall:-

- (a) on the first occasion continues for 21 days;
- (b) on the second occasion for 60 days;
- (c) on any subsequent occasion, until the House resolves to terminate the suspension of that member.

(3) A member who is suspended from the House shall forthwith withdraw himself from the precincts of the House and shall not be entitled to be paid any allowance except for the basic salary, constituency and housing allowances for the entire period of the suspension.

No enforcement of judgments before expiry of period allowed for appeal.

51. Subject to section 71(3) of the Constitution and other relevant provisions of the Constitution no judgment or order against any member of the House who commits any civil or criminal offence shall be enforced before the expiry of the period allowed for appeal or where no period is provided for appeal no enforcement shall be made before the expiry of two months from the day judgment or order was delivered.

Regulations.

52. The Minister may make Regulations for the better carrying out of the provisions of this Act.

Repeal of Act No. 3 of 1990.

53. The House of Representatives (Immunities, Powers and Privileges) Act No. 3 of 1990 is hereby repealed.



SCHEDULE

FLAG OF THE HOUSE (Under section 8.)



PASSED in the House of Representatives on the 12th day of April, 2007.

(IBRAHIM MZEE IBRAHIM)
CLERK OF THE HOUSE OF REPRESENTATIVES