



**AN ACT TO ESTABLISH THE ZANZIBAR NATIONAL
BUSINESS COUNCIL AND PROVIDE OTHER
MATTERS CONNECTED THERETO**

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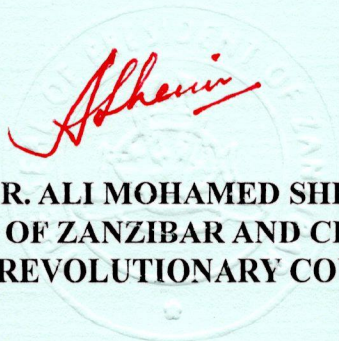
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THIRD SCHEDULE



ACT NO. 10 OF 2017

I ASSENT



{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

1st November, 2017

**AN ACT TO ESTABLISH THE ZANZIBAR NATIONAL
BUSINESS COUNCIL AND PROVIDE OTHER
MATTERS CONNECTED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title and
commence-
ment.

1. This Act may be cited as the Zanzibar National Business Council Act of 2017 and shall come into operation upon being assented to by the President.

Application.

2. This Act shall apply to the Public and Private sector on business forum and other matters related thereto.

Interpretation

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

“Act” means the Zanzibar National Business Council Act;

“Chairman of the Council” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Chamber” means the Zanzibar National Chamber of Commerce, Industries and Agriculture;



“Committee” means the Committees of the Council established under section 18 of this Act;

“Council” means the Council established under section 4 of this Act;

“Executive Secretary” means the Executive Secretary of the Council appointed under section 11(1) of this Act;

“Minister” means the Minister responsible for Trade;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Steering Committee” means the Steering Committee established under section 14 of this Act.

PART TWO ESTABLISHMENT OF THE ZANZIBAR NATIONAL BUSINESS COUNCIL

Establishment
of the Council.

4.-(1) There is hereby established a Council to be known as Zanzibar National Business Council by its acronym shall be known as ZNBC.

(2) The Council shall be a business forum for public and private sector dialogue.

Seal of the
Council.

5.-(1) There shall be a common seal of the Council in a shape and size proposed by the steering committee and determined by the Council.

(2) The application of the seal of the Council on any document shall be authenticated by the signature of the Executive Secretary or any other officer of the Council authorized by him.

(3) Every document purported to be an instrument issued by the Council, sealed with the seal of the Council and authenticated in accordance with subsection (2) of this section, shall be deemed to be an instrument of the Council and shall be received in evidence without further proof.

Composition
of the Council.

6.-(1) The Council shall be composed of the following members:

(a) the President who shall be a Chairman;



(b) Ministers from Ministries of the Revolutionary Government of Zanzibar;
and

(c) Not exceeding twelve members from Private Sector.

(2) Notwithstanding the provisions of subsection (1) (b) and (c) of this section, the ratio of the Council members from public sector and private sector shall be equal.

(3) The Chairman may invite any person with special knowledge from public or private sector to attend the Council meeting for providing expertise as the Chairman deems necessary.

Appointment
of the
members of
the Council.

7.-(1) The Chairman shall have the power to appoint members of the Council as follows:

(a) Ministers from different Ministries as he deems appropriate; and

(b) Heads from the Private Sector organizations who shall come from Zanzibar National Chamber of Commerce, Industry and Agriculture (ZNCCIA) and non - ZNCCIA members.

(2) In appointing members under subsection (1) (b) of this section, the President shall consult with the Chamber.

(3) Subject to the provisions of subsection (2) of this section, the President shall consider gender in appointing members from private sectors.

(4) The members from Private sector shall come from various sectors including Trade, Finance, Industry, Tourism, Agriculture and Fisheries, Mining, Transport and Communication, Education, Health, Construction and Engineering and other Commercial sectors.

(5) The Chairman of the Council after receiving proposal and consultation with private sector, may remove and replace member from private sector.

Objectives of
the Council.

8. The Zanzibar National Business Council shall have the followings objectives, to:

(a) provide forum for Public and Private sector dialogue with a view to reach consensus and mutual understanding on strategic issues related to economic management and development;



- (b) accelerate economic growth in order to reduce poverty and maintain sustainable development;
- (c) assess from time to time, developments of external and domestic business environment, challenges and opportunities with the view to promoting practical solutions;
- (d) exchange views on the prevailing operating and regulatory environment with the view to enhancing the ease of doing business and service delivery;
- (e) assess and propose improvement in conducive business environment that will encourage Foreign Direct Investment (FDI), and competitiveness; and
- (f) consider any other matter that deems relevant to the achievement of objectives of the Zanzibar National Business Council.

Functions of
the
Council.

9. The functions of the Council shall be:

- (a) to promote public private partnership;
- (b) to provide platform for business dialogue between Public sector and Private sector;
- (c) to consider issues emanating from the business forums pertaining to economic development and suggest strategic resolutions to the responsible sectors for implementation;
- (d) to conduct or cause to be conducted research, surveys or study into any aspect of social and economic development policy as the Council may deem necessary;
- (e) to review the implementation of the Council's resolutions by the responsible sectors;
- (f) to receive, consider and provide recommendations on policy, researches, reports or proposals related to business and economic development submitted to the Council by the sectors;
- (g) to set targets as well as performance benchmarks for implementing Council's directives, decisions or resolutions;



- (h) to monitor and evaluate the implementation of the functions of the Council;
- (i) to receive and consider the annual performance report of the Council and provide guidance;
- (j) to liaise with other business Councils from outside Zanzibar for seeking knowledge and information sharing;
- (k) to establish Committees where necessary for carrying out functions of the Council;
- (l) to receive implementation report from Regional Council for approval; and
- (m) to perform any other function for the purpose of enhancing business environment and economic development.

(2) The Council may, if deems fit for the proper discharge of its functions delegate some of its functions to committee or Executive Secretary or Regional Council for the better and effective performance of the Council.

Meeting of
the Council.

10. The Council meeting, quorum and resolutions shall be conducted as provided in the First Schedule of this Act.

Appointment
of Executive
Secretary.

11.-(1) There shall be an Executive Secretary of the Council who shall be appointed by the President.

(2) A person shall qualify to be appointed as Executive Secretary, if he holds at least a first degree in the field of Public Administration, Business Administration, Law, Economics or other related field from recognized University and has working experience of at least five years.

(3) The Executive Secretary shall be answerable for conducting and executing his functions as directed by the Council or Steering Committee.

Duties of the
Executive
Secretary.

12.-(1) For the purpose of this Act, the Executive Secretary shall be responsible for day to day management of the activities and coordinating functions of the Council.



(2) Without prejudice to the provisions of subsection (1) of this section, the Executive Secretary shall perform the following duties:

- (a) to perform day to day activities of the Council;
- (b) to keep records of the meeting of the Council and its Committees;
- (c) to prepare agenda of the Council meetings, Steering Committee and Committees;
- (d) to make follow up of the implementation of the Council's resolutions;
- (e) to coordinate the Regional Council activities;
- (f) to prepare the annual budget of the Council's activities and submit to the Steering Committee for approval;
- (g) to formulate Council Strategic Plan;
- (h) to prepare annual performance report of the Council; and
- (i) to perform any other function directed by the Council or Steering Committee.

(3) In implementing the functions mentioned under subsection (1) of this section, the Executive Secretary shall be under the supervision and guidance of the Minister.

Staff of the Council.

13.-(1) The Executive Secretary may, after approval of Steering Committee, employ such number of the staff as he considers necessary to carry out Council's functions in accordance with the Public Service Act.

(2) The staff of the Council employed under subsection (1) of this section, shall be under the control and supervision of the Executive Secretary.



PART THREE

ESTABLISHMENT AND COMPOSITION OF THE STEERING COMMITTEE OF THE COUNCIL

Establishment
of the Steering
Committee.

14. There shall be a Steering Committee of the Council.

Composition
of the Steering
Committee.

15.-(1) The Steering Committee shall consist of ten members with equal representation from the Public and Private sector as follows:

- (a) the Chief Secretary and the Secretary of the Revolutionary Council who shall be the Chairman of the Steering Committee;
- (b) Co-Chairperson who shall be nominated by the Steering Committee from among members of the Private sector;
- (c) members from the Public Sector who shall be appointed by the Chief Secretary as he deems appropriate; and
- (d) members from the Private Sector who shall be senior officials representing their parent Organizations and shall come from the Chamber, Employers Association, Tourism Investors, Marine transport and NGO's.

(2) In appointing the members from private sector, the Chamber and other Organizations which are not members of the Chamber shall submit their proposed names to Chief Secretary for appointment.

(3) The Executive Secretary shall be the Secretary of the Steering Committee.

(4) Without prejudice to the composition of the Steering Committee, members from Private sector may be replaced by the Steering Committee where necessary.

Functions
of the
Steering
Committee.

16. The Functions of the Steering Committee shall be, to:

- (a) organize meetings of the Council;
- (b) prepare agenda of the meeting of the Council;



- (c) supervise and follow up the implementations of recommendations and resolutions of the Council;
- (d) oversee the functions of the Executive Secretary of the Council in order to ensure the intended objectives are attained;
- (e) draw up procedures and protocols for handling and routing the resolutions and agreements of the Council including monitoring and implementation of Council resolutions;
- (f) facilitate meetings of the Committees of the Council;
- (g) approve annual budget, work plan and employment issues and submit to the Minister;
- (h) facilitate the functions of the Council;
- (i) supervise the general management and administration of the Council;
- (j) establish organization at structure and working procedures as may be necessary for implementation of functions of the Council;
- (k) establish committee whether of its own members or otherwise, to whom it may delegate such of its powers as it may deem appropriate;
- (l) approve action plan and objectives of the Committee and monitor its progress in achieving them on continuous bases; and
- (m) perform any other duty conferred upon it under this Act or directives issued by the Council.

Meeting of
Steering
Committee.

17. The meeting, quorum and resolutions of the Steering Committee shall be conducted as provided in the Second Schedule of this Act.



PART FOUR ESTABLISHMENT OF THE COMMITTEES OF THE COUNCIL

Committees
of the
Council.

18.-(1) There shall be Committees established by the Council as may think appropriate.

(2) The Committees established under subsection (1) of this section, shall have the power to deal with any matter brought to them by the Council, Institution of business community or any person interested thereto.

(3) The Council shall have the following Committees:

- (a) Economic, Trade, Investment and Tax Committee;
- (b) Tourism Committee;
- (c) Agriculture, Livestock, Fisheries and Environment Committee; and
- (d) Labour issues Committee.

(4) Without prejudice to the provisions of subsection (3) of this section, the Council may establish or remove any other committee as it considers necessary for the performance of its functions under this Act.

(5) The members of the Committees established under subsection (3) of this section shall be as provided under Third Schedule of this Act.

(6) Subject to the directives and instructions as may be provided by the Council, the Committees may regulate its own procedures.

Co-opting of
person.

19.-(1) The Committees may co-opt any person with specialized knowledge to attend and participate in the deliberation of the committee for the purpose of advising such a committee on any matter.

Functions
of the
Committees.

20.-(1) Each Committee of the Council shall have its own functions as follows:

- (a) Economic, Trade, Investment and Tax Committee shall be responsible for:



- (i) facilitating implementation of the resolutions of the Council or business forum;
 - (ii) receiving any issues or complaint related to business from any interested person for consideration;
 - (iii) advising on factors for sustainable economic development;
 - (iv) propose factors enhancing conducive business environment for Trade, Industry and Investment;
 - (v) solving problems facing trade, Industry and investment sectors;
 - (vi) enhancing revenue and tax collections;
 - (vii) improving problems from tax regime and solving them;
 - (viii) address investment opportunities to the Public Private Partnership;
and
 - (ix) performing any other matter directed by the Council.
- (b) Tourism Committee shall be responsible for:
- (i) advising on the development of tourism industry;
 - (ii) identifying problems facing tourism in Zanzibar;
 - (iii) proposing and address measures to overcome the problems relating to Tourism industry;
 - (iv) proposing and address measures for promoting Tourism Industry;
 - (v) facilitating implementation of the Council; and
 - (vi) performing any other matter directed by the Council.
- (c) Agriculture, Livestock, Fisheries and Environment Committee shall be responsible for:



- (i) advising on the development of Agriculture, Livestock, Fisheries and Environment sectors;
- (ii) identifying Problems facing Agriculture, Livestock, Fisheries and Environment sectors;
- (iii) proposing measures to those problems relating to Agriculture, Livestock, Fisheries and Environment issues;
- (iv) facilitating implementation of the resolutions of the Council; and
- (v) performing any other matters directed by the Council.

(d) Labour Issues Committee shall be responsible for:

- (i) identifying employment opportunities;
- (ii) addressing the problems facing employers and employees;
- (iii) identifying labor issues and propose measures for improvements;
- (iv) facilitating implementation of the resolutions of the Council; and
- (v) performing any other matter directed by the Council.

(2) The Council may add or change the Committees or members of the Committees where it deems appropriate.

(3) The Executive Secretary shall be a Secretary of the Committees but he may delegate his powers to other officers where necessary.

(4) The Chief Secretary shall notify in writing the members of the Committee on their membership.

(5) The Committees shall submit the implementation reports for approval as required by the Council within period to be determined by the Executive Committee.

(6) Save for the ex-official members, other members from Private Sector shall hold office for the term of five years and may be eligible to be appointed for another one term only.



PART FIVE

PROVISIONS RELATING TO THE REGIONAL COUNCILS

Composition
of Regional
Council.

21.-(1) There shall be a Regional Council in each Region which shall be responsible to exercise the functions delegated by the Council at Regional level.

(2) The Regional Commissioner from respective Region shall be the Chairman of the Regional Council.

(3) The Regional Council shall be composed of twelve members, six from Public Sector and six from Private Sector.

(4) Members of the Regional Council from Public Sector shall be appointed by Regional Commissioner in consultation with relevant Public Sector Organizations.

(5) The members of Regional Council from Private Sector shall be appointed by the Regional Commissioner in consultation with the key Private sector Organizations within the Region.

(6) Regional Administrative Secretary shall be the secretary of the Regional Council.

Functions of
the Regional
Council.

22. The Regional Council shall have the following functions, to:

- (a) implement the resolutions of the Council;
- (b) provide business recommendations to the Council;
- (c) submit performance report to the Council;
- (d) communicate to the Executive Secretary for any existing issue related to business for deliberation and solutions;
- (e) keep a dialogue platform between public and private sectors at regional level;
- (f) receive and consider issues relating to the improvement of business and economic development in the region and provide recommendations;



(g) discuss and find solutions of the bottlenecks facing business development in the region; and

(h) perform any other functions as directed by the Council.

Role of the
Regional
Council.

23.-(1) The Regional Council shall have the role to facilitate the functions of the Council in the level of respective Region in order to provide business forum between government and private sectors.

(2) The Regional Council shall exercise its functions under the supervision and directives from the Council.

(3) The Regional Council shall meet twice in every year, but may at any time convene a meeting, where it deems necessary.

(4) The Regional Council may establish working Committees where it deems appropriate for the smooth running of the functions of the Council at the Regional Level.

(5) The Regional Council shall keep records of every meeting and prepare a comprehensive annual performance report and submit to the Steering Committee of the Council and such annual report shall include:

(a) implementation of the functions and activities of the Regional Council;

(b) implementation of the directives of the Council;

(c) income and expenditures;

(d) proposed recommendations in enhancing business development in the Region; and

(e) implementation of any other matter related to business in the performance of the Regional Council.

(6) The sources of funds of Regional Council shall be derived from the Council.



PART SIX ESTABLISHMENT OF BUSINESS FORUM

Establishment
of business
forum.

24.-(1) There shall be a Business Forum of the Council which shall be composed of:

- (a) the Chairman of the Council who shall be the Chairperson;
- (b) members of the Council;
- (c) members of the Regional Council;
- (d) members from Chambers;
- (e) members from other business Organizations; and
- (f) others business persons as the Council may determine.

(2) The Council shall organize a business forum between Public and Private sector in order to strengthen Public Private Partnership dialogue.

(3) The business forum shall be organized once in every calendar year, but it may be held at any time where it deems necessary.

(4) The Council may invite any person to attend the business forum.

(5) The business forum shall receive, discuss, and provide recommendations on matters presented by the Council.

PART SEVEN FINANCIAL PROVISIONS

Sources of
the funds.

25. There shall be sources of funds of the Council which shall consist of:

- (a) such sums as may be appropriated for the purpose of the Council by the House of Representatives of Zanzibar;
- (b) donations and contributions from private sectors; and



- (c) such sums as may in any lawful manner become payable to or vested in the Council under the provisions of this Act;

Annual
estimate.

26.-(1) At least three months before the commencement of each financial year, the Executive Secretary shall prepare annual estimates of the revenue and expenditure of the Council for the ensuing year.

(2) The Executive Secretary shall, before the commencement of each financial year, submit to the Steering Committee, annual estimates of the revenue and expenditure for approval.

Accounts and
Audit.

27.-(1) The Council shall supervise the keeping of proper books of accounts and records through proper records of expenditure receipts.

(2) The books of accounts and records of the funds shall be kept in accordance with procedures made under the Public Finance Act and its Regulations.

(3) The books of accounts of the Council shall be audited by Controller and Auditor General or any person authorized by him and shall be audited three months after the end of each financial year.

(4) The audited accounts and the auditor's report on such accounts shall be submitted to the Council not before six months after the end of the financial year to which they relate.

(5) It shall be the duty of the Executive Secretary after receipt of the report from the Auditor, to submit the same to the Steering Committee.

(6) The Executive Secretary shall give the Controller and Auditor General all the information and facilities required to perform the auditing.

(7) The Executive Secretary shall submit an annual report on the management of the funds in respect of that financial year, including the balance sheet of the funds to the Steering Committee and the Minister in accordance with Public Finance Management Act.

(8) The financial transactions of the Council shall be conducted in accordance with the provisions of the Public Finance Management Act and its Regulations.



PART EIGHT MISCELLENEOUS PROVISIONS

Regulations. **28.** The Minister may, in consultation with the Steering Committee, make Regulations for the better carrying out of provisions of this Act.

Repeal and
Saving. **29.**-(1) The Legal Notice No. 106 of 2011 is hereby repealed.

(2) Notwithstanding repealed Legal Notice under subsection (1) of this section, anything done or purported to have been done under the repealed Legal Notice shall be deemed to have been done under the provisions of this Act.



FIRST SCHEDULE

Proceedings of meetings of the Council

[Made under section 10]

Meetings of Council.

1. The Council shall meet at least once in every calendar year, but may at any time convene a meeting, where it deems necessary.

Quorum.

2. Quorum for Council meetings shall be more than half of the members of the Council, provided that among the members present, both public and private sectors shall be represented by at least forty percent of such members forming the quorum.

Presiding of Meeting.

3. The meetings of the Council shall be presided over by the Chairman.

Resolutions on emergence issue.

4.-(1) Where in the opinion of the Chairman, if a matter is of an urgent nature which cannot wait the convening of the Council meeting, that matter may be discussed and decided at Committee level.

(2) The resolutions made under section 4(1) of this schedule shall be valid and binding and reported to the regular meeting of the Council for consideration and approval.

Consensus.

5. The resolutions of the Council for any matter brought for deliberation shall be made by consensus.



SECOND SCHEDULE

Proceedings of the meetings of the Steering Committee [Made under section 17]

Meetings
of Steering
Committee.

1. The Steering Committee shall meet ordinarily twice in a year and may meet at an extra ordinary meeting any time when the need arises for the discharge of business at such places as the Steering Committee may determine.

Presiding of
Meetings.

2. All meetings of the Steering Committee shall be presided over by the Chairperson or in his absence the Co-Chairperson from Chamber shall preside such meeting.

Co-Chairper-
son.

3. The Members of Steering Committee shall appoint one member from amongst them to be Co-Chairperson.

Quorum.

4. More than half of the total number of members from Public and Private sectors shall constitute a quorum at any meeting of the Steering Committee.

Consensus.

5. The Steering Committee shall make its resolutions by consensus of the members present in a meeting.



THIRD SCHEDULE

Members of the Committees of the Council [Made under section 18 (5)]

1. The composition of the Committees shall be as follows:

(a) Economic, Trade, Investment and Tax Committee Members:

- (i) The Minister responsible for Trade who shall be Chairperson;
- (ii) The Minister responsible for Finance;
- (iii) The Minister responsible for Land;
- (iv) The Minister from Second Vice President's Office;
- (v) The Principal Secretary, Ministry responsible for Trade;
- (vi) The Principal Secretary Ministry responsible for Finance;
- (vii) President from Zanzibar National Chamber of Commerce, Industry and Agriculture;
- (viii) The famous businessman appointed by Bussines Forum;
- (ix) The Executive Secretary of Zanzibar Planning Commission;
- (x) The Executive Director of Zanzibar Investment Promotion Authority;
- (xi) The Deputy Commissioner of Tanzania Revenue Authority;
- (xii) The Commissioner of Zanzibar Revenue Board;
- (xiii) A member from Zanzibar Freight Forwarders Asseciation; and
- (xiv) The Member from the Zanzibar School of Finance Administration of the State University of Zanzibar.



(b) Tourism Committee Members:

- (i) The Minister responsible for Tourism as Chairperson;
- (ii) The Minister responsible for Communication and Infrastructure;
- (iii) The Minister responsible for Local Government;
- (iv) The Minister from Second Vice President's Office;
- (v) Principal Secretary - Ministry responsible for Land;
- (vi) Principal Secretary- Ministry responsible for Tourism;
- (vii) Executive Secretary-Commission for Tourism;
- (viii) The Executive Director of the Zanzibar Investments Promotion Authority;
- (ix) A member from Zanzibar Association of Tourism Investors (ZATI);
- (x) A member from Zanzibar Association of Tour Operators (ZATO); and
- (xi) A member from School of Tourism Development of the State University of Zanzibar.

(c) Agriculture, Livestock, Fisheries and Environment Committee Members:

- (i) The Minister responsible for Agriculture as Chairman;
- (ii) The Minister responsible for Trade;
- (iii) The Minister responsible for Land;
- (iv) Principal Secretary, Ministry responsible for Agriculture;
- (v) A member from Cloves Growers Association;



- (vi) A member from Zanzibar National Chamber of Commerce, Industry and Agriculture;
 - (vii) Head of the Zanzibar Agriculture Research Institute;
 - (viii) A member from Horticultures Association - Zanzibar;
 - (ix) Head from Zanzibar Poultry Association;
 - (x) A member from Environment Sector; and
 - (xi) A member from Fisheries Sector.
- (d) Labour Issues Committee Members:
- (i) The Minister responsible for Labour as Chairperson;
 - (ii) The Minister responsible Public Services;
 - (iii) Principal Secretary, Ministry responsible for Labour;
 - (iv) Principal Secretary, Ministry responsible for Public Service;
 - (v) A member from Contractors Association;
 - (vi) Commissioner for Labour;
 - (vii) Commissioner of Immigration Zanzibar;
 - (viii) A member from Zanzibar Employers Association (ZANEMA);
 - (ix) A member from Zanzibar Trade Union Congress (ZATUC);
 - (x) Head from Vocational Training Authority; and
 - (xi) A member from Institute of Public Administration.

PASSED by the House of Representatives of Zanzibar on 28th September, 2017.

(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar