



**AN ACT TO AMEND THE ZANZIBAR PUBLIC LEADERS'
CODE OF ETHICS ACT NO. 4 OF 2015**

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ACT NO 4 OF 2017

I ASSENT

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

13th June, 2017

AN ACT TO AMEND THE ZANZIBAR PUBLIC LEADERS'
CODE OF ETHICS ACT NO. 4 OF 2015

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 Public Leaders' Code of Ethics (Amendment) Act of 2017 and shall come into operation immediately after being assented to by the President.

Construction.

2. This Act shall be read as one with the Zanzibar Public Leaders' Code of Ethics Act, No. 4 of 2015 in this Act referred to as the "Principal Act".

PART TWO
AMENDMENT PROVISIONS

Amendment
of section 2.

3. Section 2 of the Principal Act is amended by repealing and replacing by the following:

"2. This Act shall apply to all Public Leaders as defined under this Act."

Amendment
of section 3.

4. Section 3 of the Principal Act is amended as follows:

(a) by repealing and replacing the following definitions:

"Asset" means any thing, owned by a Public Leader, his spouse or child which has value and can be sold or used to pay debt;



“Commission” means the Zanzibar Public Leaders’ Ethics Commission established under section 4 of this Act;

“Conflict of interest” means a situation where a Public Leader:

- (a) has a personal interest on a public issue of which he has the authority on that issue; or
- (b) participates in decision making on a public issue which he has personal interest;

“Public leader” means a person holding a public post referred to or listed in the First Schedule to this Act;

- (b) by adding in the appropriate alphabetical order the following new definition:

“Public institution” means an independent or semi - autonomous entity or office in the public service;

- (c) by deleting definition of the word “Leader” and substituting by word Public leader wherever it appears in this Act;
- (d) by deleting definition the word “ethics” .

Amendment
the heading
of Part Two.

5. The heading of Part Two of the Principal Act is amended by deleting the words “CODE OF” appearing between the words “LEADERS” and “ETHICS”.

Amendment
of section 4.

6. Section 4 of the Principal Act is amended by deleting the words “code of” appearing between the words “leaders” and “ethics”.

Amendment
of section 5.

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

- (a) by renumbering section 5 to be section 5(1);
- (b) by renumbering section 5(a) to be a new subsection (2) and deleting its contents and substituting it by the following:

“(2) The Chairman shall be responsible for supervision of the functions of the Commission and shall exercise the powers and duties of the Commission specified under this Act.”

- (c) by renumbering section 5(b) to be a new subsection (3);

Amendment
of section 6.

8. Section 6 of the Principal Act is amended as follows:



- (a) by designating proviso appearing immediately after section 6(2) to be a new subsection (3) and deleting the word “sub” appearing between the words “this” and “section”;
- (b) by renumbering subsections (3) and (4) to be subsections (4) and (5) respectively;
- (c) by deleting subsection (3) as renumbered and substituting for it the following:

“(3) For the purpose of subsection (2) of this section, misconduct means violation of moral ethics as mentioned under section 18 of this Act”,

- (d) by adding immediately after the renumbered subsection (5), the following new subsections (6), (7) and (8):

“(6) In the absence of a Chairman or inability of the Chairman to perform his duties, the President may appoint, for a particular period, a person to be an acting Chairman who shall perform the duties of the Chairman”.

“(7) A person shall not qualify to be appointed as an acting Chairman, unless that person has the same qualifications of the Chairman referred to in section 7(1) and (2) of this Act”.

(8) The Acting Chairman shall not assume his functions unless he has taken an oath before the President”.

Amendment
of section 9.

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

- (a) by renumbering section 9 to be section 9(1);
- (b) by adding immediately after renumbered subsection (1), a new subsection (2) as follows:

“(2) The Commissioner shall hold office for a period of three years and may be reappointed for another term”.

Addition of
new sections
9A, 9B and
9C.

10. The Principal Act is amended by adding new sections 9A, 9B and 9C immediately after section 9 as follows:

Termination of
the appointment
of Commissioner.

“9A. The President may terminate the appointment of a Commissioner for:



- (a) inability to perform the functions of his office;
- (b) misconduct;
- (c) conviction of a criminal offence relating to moral turpitude;
- (d) failure to comply with the provisions of this Act; or
- (e) any other sufficient cause.

Resignation of Commissioner. “9B.-(1) The Commissioner may, at any time, resign his office by official letter addressed to the President.

“(2) A person shall cease to be a Commissioner from the date of the receipt of his letter from the President.”

Vacancy to post of the Commissioner. “9C. The vacancy in the post of the Commissioner shall occur:

- (a) upon death, resignation or termination of the appointment of a Commissioner; or
- (b) on the absence of a Commissioner from three consecutive meetings of the Commission, unless the absence is approved by the Chairman; or
- (c) on the expiration of his term.”

Addition of new sections 10A and 10B.

11. The Principal Act is amended by adding immediately after section 10 the following new sections 10A and 10B:

Secretary of the Commission. 10A.-(1) There shall be a Secretary of the Commission who shall be appointed by the President.

(2) A person shall not be appointed as a Secretary of the Commission unless that person:

- (a) is a Zanzibari and a holder of at least first degree in Law, Public Administration, Management or any other related fields; and
- (b) has working experience of at least seven years in the related fields; and
- (c) has high level of integrity in the public service.



(3) The Secretary of the Commission shall not assume his office unless he has taken an oath before the President.

Duties of the Secretary. 10B.-(1) The Secretary of the Commission shall, subject to the provisions of this Act and to the directives of the Chairman, be the Administrative Officer of the Commission and shall, in that capacity, be responsible to the Commission for the day to day administrative operations.

(2) In addition to the duties referred to in subsection (1), the Secretary shall:

- (a) attend the meeting of the Commission;
- (b) record the proceedings of the Commission and keep the minutes of each meeting in proper form; and
- (c) generally, perform such other duties connected with the work of the Commission as the Commission may require.

Amendment of section 12.

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

- (a) by inserting immediately after subsection (1)(m) a new paragraph (n) as follows:

“(n) conduct physical verification in respect of a declaration of assets and liabilities made under this Act”.

- (b) by renumbering paragraph (n) to be paragraph (o).

Amendment of section 13.

13. Section 13 of the Principal Act is amended by adding immediately after paragraph (c) the following new paragraph (d):

“(d) order any person to attend before the Commission for the purpose of being interviewed, orally or in writing, in relation to any matter which may assist investigation of an alleged breach of this Act”.

Addition of new section 16A.

14. The Principal Act is amended by adding immediately after section 16, the following new section 16A:

Request for further particulars.

“16A.-(1) The Commission shall examine a declaration of assets and liabilities filed under this Act and shall ensure that it complies with the requirements of the Act, and may request



from a Public Leader any information or explanation relevant to a declaration of assets and liabilities made by him”.

(2) The Commission may require that:

- (a) a Public Leader furnishes such particulars relating to his financial affairs or assets as may be considered necessary; or
- (b) a Public Leader attends at the office of the Commission in order to verify his declaration of assets and liabilities.”

Amendment
of section
26.

15. Section 26 of the Principal Act is amended in subsection (1) by inserting the word “either” between the words “of” and “both” and inserting at the end of this subsection the words “or the alleged person only as Commission may determine”.

Amendment
of section
27.

16. Section 27 of the Principal Act is amended in subsection (1) by deleting the words “if no appeal instituted” appearing at the end of this subsection.

Amendment
of section
31.

17. The Principal Act is amended by repealing section 31 and replacing it with the following:

Offences. “31. Any person who, without justification or lawful excuse:

- (a) obstructs or hinders a person acting in the exercise of his functions under this Act;
- (b) refuses any directives of the Chairman under this Act;
- (c) refuses summons from the Commission; or
- (d) divulge any information which he has obtained in the course of any duty conferred by this Act,

commits an offence and upon conviction shall be liable to a fine not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding two years or both such fine and imprisonment.

Amendment
of section
36.

18. Section 36 of the Principal Act is amended by deleting the marginal notes and substituting for it by “Annual financial report”;



Amendment
of section
37.

19. Section 37 of the Principal Act is amended as follows:

- (a) by deleting marginal notes and substituting for it by "Inspection of bank account;"
- (b) by adding immediately after subsection (2), the following new subsection (3):

"(3) The Chairman shall, in exercising his power under subsection (1) of this section, by order in writing supported by a warrant issued by the Regional Magistrate, authorise an officer of the Commission to investigate a bank account of a Public Leader concerned".

PASSED by the House of Representatives of Zanzibar on 12 May, 2017.

RAYA ISSA MSELLEM

Clerk of the House of Representatives of Zanzibar