



**AN ACT TO AMEND VARIOUS LAWS AND MAKE BETTER  
PROVISIONS THEREOF**

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**PART TEN**  
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**ACT, NO. 11 OF 2016**

- 39. Construction.
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**PART ELEVEN**  
**AMENDMENT OF THE CERTAIN LEADERS RETIREMENT BENEFITS**  
**ACT, NO. 5 OF 2003**

- 42. Construction.
- 43. Amendment of section 6.





ACT NO. 1 OF 2018

I ASSENT

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

*nd*  
*2 January*  
....., 2018

**AN ACT TO AMEND VARIOUS LAWS AND MAKE BETTER  
PROVISIONS THEREOF**

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

**PART ONE  
PRELIMINARY PROVISIONS**

Short title  
and Commencement.

1. This Act may be cited as the Written Laws (Miscellaneous Amendment) Act of 2017 and shall come into operation immediately after being assented to by the President.

Amendment  
of certain  
laws

2. The Written Laws specified in various parts of this Act are amended in the manner specified in their respective parts.

**PART TWO  
AMENDMENT OF THE LAND TENURE ACT, NO. 12 OF 1992**

Construction.

3. This part shall be read as one with the Land Tenure Act, No.12 of 1992, in this Part referred to as "Principal Act".

Amendment  
of  
section 3.

4. Section 3 of Principal Act is amended by adding subsection (6) as follows:

"(6) Subject to the provisions of subsection (2) and (3) of this section, the President shall, when satisfied with the evidence presented before him, revoke the decision of the Minister relating to disposition of public land





and the decision of the President shall be final and shall not be questioned by any court".

Amendment  
of  
section 46.

5. Section 46 of the Principal Act is amended by adding new subsection (5) as follows:

"(5) A lease of public land granted under the provisions of subsection (4) of this section, shall be terminated immediately upon the cancellation or suspension of the investment certificate".

Amendment  
of  
section 47.

6. Section 47 (1) of the Principal Act is repealed and replaced by the following new subsections (1) and (2):

"(1) A lease of public land executed under the provisions of this Part shall not exceed a term of ninety nine years which shall be granted gradually for the term not exceeding thirty three years per each term";

"(2) The Minister in consultation with the Minister responsible for investment shall assess the performance of the investment before the renewal of the term of lease of Public Land".

Amendment  
of  
section 56.

7. Section 56 of the Principal Act is repealed and replaced by the following new section:

"Right to  
terminate  
on national  
interest.

The Minister may terminate any right of occupancy on grounds of national interest by paying compensation in accordance with the provisions of sections 63 of this Act".

### **PART THREE**

#### **AMENDMENT OF THE PUBLIC INVESTMENT**

#### **ACT NO. 4 OF 2002**

Construction.

8. This part shall be read as one with the Public Investment Act, No. 4 of 2002, in this Part referred to as "Principal Act".

Amendment  
of  
section 6.

9. Section 6(4) of the Principal Act is amended by deleting and substituting by section 6A as follows:

"Tenure of  
the Board  
members.

6A. The chairperson of the Board shall hold office for a term of four years and other members for a term of three years from the date of appointment and may be eligible for re-appointment for another term".





Amendment  
of  
section 8.

**10.** Section 8 of the Principal Act is amended by:

- (a) renumbering section 8 to be 8 (1); and
- (b) adding the new subsection (2) as follows:

“(2) Each Board resolution made in relation to investment, borrowing of money, salary and allowance to be made by the Corporation shall be submitted to the Revolutionary Council by responsible Minister for approval, before such resolution is implemented by the Corporation”.

Amendment  
of  
section 27.

**11.** Section 27 of the Principal Act is amended by repealing and replacing by the following:

"27. The responsible Minister shall, soon after receiving the annual report, first submit the same to the Revolutionary Council before laying it to the House of Representatives with the following":

- (a) a statement of corporate strategy for the public corporation for that year and succeeding two years;
- (b) an annual report and audited financial statements of the public corporation for the preceding financial year; and
- (c) an auditor's report on financial statements.

**PART FOUR  
AMENDMENT OF THE PUBLIC SERVICE  
ACT NO. 2 OF 2011**

Construction.

**12.** This part shall be read as one with the Public Service Act, No. 2 of 2011, in this Part referred to as “Principal Act”.

Amendment  
of  
section 15.

**13.** Section 15(1) of the Principal Act is amended by repealing and replacing by the following new subsection:

"15(1) Each Ministry shall submit its performance report to the Chief Secretary who shall then forward to the President not later than four months from the end of each financial year”.

Amendment  
of  
section 29.

**14.** Section 29 of the Principal Act is amended by repealing subsection (3) and replacing by the following:





"(3) The report referred to in subsection (1) of this section shall:

- (a) review the performance of the public service during the year under review;
- (b) identify measures taken or that are required to be taken to address issues in relation to such performance;
- (c) register the progress on the measures identified in the report for the previous year;
- (d) include such recommendations as the Commission may deem appropriate for the better performance of the public service and public officers; and
- (e) include any other information as the President may require".

Amendment  
of  
section 55.

**15.** Section 55 of the Principal Act is amended by:

- (a) adding the following new subsections (8) and (9) immediately after subsection (7):

“(8) Each Board resolution made in relation to investment, borrowing of money, salary and allowance made by the Board of Directors or Advisory Board of the Agency shall be submitted to the Revolutionary Council by responsible Minister for approval before such resolution is implemented by the Agency.

(9) The chairperson of the Board shall hold office for a term of four years and other members for a term of three years from the date of appointment and may be eligible for re-appointment for another term".

- (b) renumbering subsections (8) to (12) respectively.

**PART FIVE**  
**AMENDMENT OF THE ESTABLISHMENT OF THE ZANZIBAR**  
**ELECTORAL COMMISSION OFFICE ACT, NO. 1 OF 2017**

Construction.

**16.** This part shall be read as one with the Establishment of the Zanzibar Electoral Commission Office Act, No.1 of 2017, in this Part referred to as “Principal Act”.

Amendment  
of  
section 32.

**17.** Section 32 (1) of the Principal Act is amended by deleting the words “ Public Service Act” and substituting them by the word “ President”.





**PART SIX**  
**AMENDMENT OF THE ZANZIBAR HOUSING**  
**CORPORATION ACT, NO.6 OF 2014**

Construction.      **18.** This part shall be read as one with the Zanzibar Housing Corporation Act, No. 6 of 2014, in this part referred to as "Principal Act".

Amendment of section 7.      **19.** Section 7 of the Principal Act is amended by adding new subsection (5) immediately after subsection (4) as follows:

"(5) Notwithstanding any provision of this Act, the Corporation shall not offer to sell any building without the consent of the Revolutionary Council".

Amendment of section 26.      **20.** Section 26 of the Principal Act is amended by adding new subsections (5) and (6) immediately after subsection (4) as follows:

"(5) Subject to the provisions of this section, any tenancy agreement between the Corporation and any person shall not exceed a term of five years and may be renewed after the expiry of the previous term".

"(6) Notwithstanding the provisions of subsection (5) of this section, the Corporation may enter into long term tenancy agreement with any person for a term of more than five years after the approval of the Revolutionary Council".

**PART SEVEN**  
**AMENDMENT OF THE ZANZIBAR PUBLIC LEADERS'**  
**ETHICS ACT, NO. 4 OF 2015**

Construction.      **21.** This part shall be read as one with the Zanzibar Public Leaders' Ethics Act, No. 4 of 2015, in this part referred to as the "Principal Act".

Amendment of section 41.      **22.** Section 41 of the Principal Act is amended by deleting the words "after the approval of the House of Representatives" and substitute by the words "and submit the same to the House of Representatives for information".

(2) The House shall have the power to issue instructions on the information presented by the Minister in accordance with the amendment made subject to subsection (1) of this section.





**PART EIGHT**  
**AMENDMENT OF THE ESTABLISHMENT OF OFFICE OF**  
**THE CONTROLLER AND AUDITOR GENERAL**  
**ACT, NO. 11 OF 2003**

Construction.      **23.** This part shall be read as one with the Establishment of the Office of Controller and Auditor General Act, No. 11 of 2003, in this part referred to as "Principal Act".

Amendment of section 8.      **24.** Section 8(1)(e) of the Principal Act is amended by adding the following words at the end this section:

"based on gender".

Addition of new section 9A.      **25.** The Principal Act is amended by adding new section 9A immediately after section 9 as follows:

"Proceedings      9A. The proceedings and other matters relating to the board of the Board. shall be as prescribed in the schedule of this Act".

**SCHEDULE**  
**PROCEEDINGS OF THE BOARD**  
**(Made under section 9A)**

Tenure of the Board members.      **1.-(1)** The Chairperson of the Board shall hold office for a term of four years from the date of appointment and may be eligible for re-appointment for another term.

(2) Save for ex-official members, other members of the Board shall hold office for a term of three years but may be reappointed for another term.

Meetings of the Board.      **2.-(1)** The Board shall meet ordinarily once in every three months and may meet at any time when the need arises for the discharge of its business.

(2) All meetings of the Board shall be convened by the Chairperson or in his absence by the Vice-Chairperson.

(3) The Chairperson or in his absence, the Vice-Chairperson, shall convene a special meeting of the Board upon a request in writing signed by more than half of the members of the Board and shall cause such a meeting to be held within twenty one days of receiving such request.





(4) In the absence of both Chairperson and Vice Chairperson, the members present shall elect one amongst the members to preside the meeting, and the member so elected shall exercise all the powers and perform all the duties of the Chairperson.

Quorum of the meeting.

3. More than half of the total number of members shall constitute a quorum at any meeting of the Board.

Decision of the Board.

4.-(1) The Board shall make its decision by consensus and in the event of disagreement, the decision shall be reached by voting and in case of any equality in the votes, the Chairperson or Vice Chairperson shall have a casting vote.

(2) Notwithstanding the provisions of subsection (1) of this section, decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views in writing provided that any member may require that any such decision be deferred for discussion at a full meeting of the Board.

(3) A circular resolution in writing signed by all members for the time being in Zanzibar but who shall not be less than five members, shall be as effectual as a decision made at a meeting provided that a member notwithstanding signed on that resolution may require, the matter to be brought at the following Board meeting.

Co-opting of person.

5. The Board may co-opt any person who is not a member to attend any deliberations of the meeting of the Board as an expert but such person so co-opted shall not have the right to vote.

Minutes of meetings of the Board.

6. The minutes of all proceedings of each meetings of the Board shall be confirmed by the Board at its next meeting and signed by the Chairperson and Secretary of the Board.

Procedures of meetings.

7. Subject to the provisions of this Act, the Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committees of the Board.

Declaration of conflict of interest.

8. Any member who has a direct or indirect interest in any agenda or matter being deliberated by the Board shall declare the nature of his interest to the Board and shall not participate in the deliberation of that agenda or matter.

Secretary of the Board.

9. The Board shall appoint a qualified lawyer who is an employee of the Office to be Secretary of the Board .

Functions of the Secretary.

10. The Secretary shall be accountable to the Board, and shall be responsible to ensure that:





- (a) the accurate minutes of meetings of the Board are properly taken;
- (b) the correct and sufficient records of the Board are properly maintained;
- (c) proper notifications of the meetings of the Board are given to the members;
- (d) he provides the proper advice to the Board when so needed; and
- (e) he performs any other matter as the Board may direct.

Committees  
of  
the Board.

**11.**-(1) The Board may, for the purpose of facilitating the performance of its functions, establish any Committee to perform specific functions as the Board may determine.

(2) The proceedings, terms and other matters relating to such Committee so established, shall be as prescribed by the Board.

Resignation  
and  
termination  
of a  
Member.

**12.**-(1) The Chairperson or any member of the Board may, at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

(2) Where a person ceases to be a Chairperson or member of the Board as the case may be, for any reason before the expiration of his term of office, the appointing authority shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

(3) Where a member becomes absent for three consecutive meetings of the Board without reasonable excuse, the Chairperson of the Board shall report to the Minister of the fact and the Minister shall terminate the appointment of the member and appoint another member in his place and the person so appointed shall hold office for the remaining term of office of his predecessor.

Vacancy of  
Member.

**13.**-(1) The post of a member of the Board shall become vacant if:

- (a) he, without sufficient cause, fails to attend three consecutive meetings of the Board;
- (b) he resigns or becomes in any manner disqualified from membership of the Board;





(c) he becomes incapable by reasons of physical or mental health to perform his duties; or

(d) upon his death.

(2) Subject to the provisions of this Schedule relating to quorum, the Board may continue with its business notwithstanding any vacancy in the members thereof and no act or proceedings of the Board shall be invalid by reason only of some defect in the appointment of a person who purported to be a member thereof.

Allowances  
of the  
Board.

**14.** The Chairperson and members of the Board shall be paid such allowances as the Minister, in consultation with the Minister responsible for Finance determine time to time.

## **PART NINE AMENDMENT OF COMPANIES ACT, NO. 15 OF 2013**

Construction.

**26.** This part shall be read as one with the Companies Act, No. 15 of 2013, in this part referred to as the "Principal Act".

Amendment of  
section 2.

**27.** Section 2(1) of the Principal Act is amended by:

(a) adding the following new definitions in their alphabetical order:

"Sole Corporation" means a public department which is designated as such by a written law or by the President by order published in the Gazette to have a perpetual succession and official seal with capacity and powers to acquire, hold, manage, and dispose of investments, to sue and be sued, to execute deeds and instruments, using its official seal, to enter into agreements binding itself and its successors in office to exercise all rights conferred by the holding of investments, including the powers of holding immovable and other properties;

"Government Company" means any company in which at least fifty one percent of the paid-up share capital is held by government, including subsidiary of government company;

"Minister" means the Minister responsible for matters relating to the registration of companies;





“Statutory Corporation” means any body corporate including a public corporation and a corporation sole established by or under any written law but does not include any company incorporated under the Companies Act where the whole of the share capital of the company is owned by a statutory corporation or two or more statutory corporations;

(b) repealing and replacing the definition of the word “Registrar” as follows:

“Registrar” means Executive Director appointed under the Zanzibar Business and Property Registration Agency Act”;

Amendment  
of  
section 3.

**28.** Section 3 of the Principal Act is amended by:

(a) repealing subsection (2) and substituting by the following:

“(2) A person may form an incorporated company with a limited liability to be known as a single member private company by subscribing his name to a memorandum of association and complying with the requirements of the provisions of this Act on registration of company”.

(b) adding new subsections (4), (5) and (6) as follows:

(4) A Statutory Corporation or a Corporation Sole may acquire all the shares to any private company and may become the sole member of the company.

(5) Where a company or its agent under subsection (4) of this section, owning shares undergoes divestiture in accordance with the provisions of any written law relating to privatisation, the provisions of this Act, or any other written law, articles or other charter or instrument of the company the shares of which are undergoing divestiture, which relate to pre-emptive right of shareholders, shall not apply in relation to that company.

(6) The Minister may, by order published in the Gazette, exempt a Statutory Corporation, a Corporation Sole or a Government Company from any of the provisions of this Act”.

Amendment  
of section  
19.

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

(a) by inserting in subsection (1) the words “by guarantee” between the word “company” and the word “is”; and





- (b) by inserting in subsection (2)(a) the words “by guarantee” between the word “company” and the word “are”

Amendment of section 129.

**30.** Section 129 (1)(c) of the Principal Act is amended by deleting the words “said paragraph 5” and substituting it by the word “regulations”.

Amendment of section 155.

**31.** Section 155(3) of the Principal Act is amended by deleting the words “Part III of the said seventh schedule” and substituting by the word “regulations”.

Amendment of section 191.

**32.** Section 191 of the Principal Act is repealed and replaced by the new section as follows:

"Single member company.

191. A member of a single member company shall not be, in any case, a secretary to the company”.

Amendment of section 195.

**33.** Section 195(5) of the Principal Act is amended by deleting the word “direct” and substituting it with the word “Director”.

Amendment of section 216.

**34.** Section 216 (6)(a) of the Principal Act is amended by deleting the word “fift” between the words “more than” and the word “days” and substituting it with the word “fifteen”.

Amendment of section 235.

**35.** Section 235 (2)(a) and (d) of the Principal Act is amended by repealing paragraphs (a) and (d) and replacing with new paragraphs (a) and (d) as follows:

(a) “immediately notify the Registrar accordingly and summon a meeting of creditors not later than twenty eighth days after the day on which he formed that opinion;

(d) during the period before the day in which the creditor’s meeting is to be held, furnish creditors free of charges with such information concerning the affairs of the company as they may reasonably require.

Amendment of section 241.

**36.** Section 241 of the Principal Act is amended by repealing and substituting with new section as follows:

"Returns to be delivered to Registrar by foreign company where document altered.

241.-(1) If any alteration is made in:

(a) the charter, statutes, or memorandum and articles of a foreign company or any such instrument as aforesaid; or





- (b) the directors or secretary of a foreign company or the particulars contained in the list of the directors and secretary; or
- (c) the names or addresses of the persons authorized to accept service on behalf of a foreign company;
- (d) the address of registered or principal office of a foreign company, or its place of business in Zanzibar; or
- (e) the nature of the business that a foreign company is to carry on in Zanzibar, or the name under which that business is to be carried on,

the company shall, within sixty days deliver to the Registrar for registration, a return containing the prescribed particulars of the alteration.

(2) Where in the case of company to which this part applies:

- (a) a winding up order is made by the court; or
- (b) proceedings substantially similar to a voluntary winding up of the company under this Act are commenced in a court of the country in which such company was incorporated,

the company shall within thirty days of the date of making such order or the commencement of such proceedings, as the case may be, delivered to the Registrar a return containing the prescribed particulars relating to the making of such order or the commencement of such proceedings and shall cause the advertisements prescribed by the Minister in regulations in relation thereto to be published in the Gazette".

Amendment  
of section  
248.

**37.** Section 248 of the Principal Act is amended by deleting the words "paragraph (2) thereof" between the word "subsection" and the words "shall have effect" of proviso of subsection (1).

Addition  
of new  
section  
279.

**38.** The Principal Act is amended by adding new section 279 immediately after section 278 as follows:

"Saving

279. Without prejudice to the repealed law as provided under section 278 of this Act, any thing done in accordance with provisions of repealed law shall be deemed to have been done in accordance with the provisions of this Act".





**PART TEN**  
**AMENDMENT OF THE PUBLIC PROCUREMENT AND**  
**DISPOSAL OF PUBLIC ASSETS**  
**ACT, NO. 11 OF 2016**

- Construction.      **39.** This part shall be read as one with the Public Procurement and Disposal of Public Assets Act, No. 11 of 2016, in this part referred to as the "Principal Act".
- Amendment of section 27.      **40.** Section 27 (1) of the Principal Act is amended by inserting the word "Ministry" between the words "each" and "Department".
- Addition of new section 65A.      **41.** The Principal Act is amended by adding new section 65A immediately after section 65 as follows:
- "Prohibition to sell a government building      **65A.** A person shall not sell or offer to sell any Government building without the prior consent of the Revolutionary Council".

**PART ELEVEN**  
**AMENDMENT OF THE CERTAIN LEADERS**  
**RETIREMENT BENEFITS ACT, NO. 5 OF 2003**

- Construction.      **42.** This part shall be read as one with the Certain Leaders Retirement Benefits Act, No. 5 of 2003, in this part referred to as the "Principal Act".
- Amendment of section 6      **43.** Section 6 of the Principal Act is amended by adding new subsection (3) immediately after subsection (2) of this section as follows:
- "6(3) The President in consultation with Public Service Commission and by order published in the Gazette shall add the title and office of a leader who shall be eligible to receive terminal benefits and provide the amount or rate of terminal benefits and other emoluments.

**PASSED** by the House of Representatives of Zanzibar on 6<sup>th</sup> December, 2017.

(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*