



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

ARRANGEMENT OF SECTIONS

SECTIONS

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43. Amendment of section 17.



ACT NO. 14 OF 2020

I ASSENT

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

3rd July....., 2020

**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
Commence-
ment.

1. This Act may be cited as the Written Laws (Miscellaneous Amendment) Act of 2020 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 FOREST RESOURCES MANAGEMENT
AND CONSERVATION ACT, NO. 10 OF 1996**

Construction.

3. This Part shall be read together as one with the Forest Resources Management and Conservation Act, No. 10 of 1996, in this Part referred to as "the Principal Act".

Amendment
of section
35.

4. Section 35 of the Principal Act is amended by adding a new subsection (3) as follows:



“(3) Without prejudice to the provisions of subsection (2) of this section, Forest Administrator shall, in the establishment of Community Forest Management Group:

- (a) make consultation with Director of the respective Local Government Authority and submit the proposal to the Minister, and
- (b) the Minister shall, before making the decision on the matter, make consultation with the Minister responsible for Local Government Authority”.

PART THREE

AMENDMENT OF THE FISHERIES ACT, NO. 7 OF 2010

Construction. 5. This Part shall be read together as one with the Fisheries Act, No. 7 of 2010, in this Part referred to as “the Principal Act”.

Amendment of section 3. 6. Section 3 of the Principal Act is amended by deleting the words, “Aquaculture” and “Fish Landing Site” in interpretation.

Repealing of section 12. 7. Section 12 of the Principal Act is hereby repealed.

PART FOUR

AMENDMENT OF THE EDUCATION ACT, NO. 6 OF 1982

Construction. 8. This Part shall be read together as one with the Education Act, No. 6 of 1982, in this Part referred to as “the Principal Act”.

Amendment of section 17. 9. Section 17 of the Principal Act is amended by adding a new subsection (3) as follows:

“(3) For the purpose of pre-Primary and Primary Education, the Minister shall make consultation with the Minister responsible for Local Government on the matters under this section”.

PART FIVE

AMENDMENT OF THE PUBLIC AND ENVIRONMENTAL HEALTH ACT, NO. 11 OF 2012

Construction. 10. This Part shall be read together as one with the Public and Environmental Health Act, No. 11 of 2012, in this Part referred to as “the Principal Act”.



Amendment
of section 30.

11. Section 30 of the Principal Act is amended by repealing subsection (2) thereof.

Repealing of
section 52.

12. Section 52 of the Principal Act is hereby repealed.

Repealing
and replace-
ment of
section 58.

13. Section 58 of the Principal Act is hereby repealed and replaced by a new section 58 as follows:

“Notification
of infectious
diseases.

58 (1) Where the owner or occupier of any vessel while in any port of Zanzibar realizes that there is passenger or person in vessel suffering from any infectious disease or any disease symptoms of which may raise a suspicion that may be an infectious disease, shall notify the medical practitioner and the following provisions shall have effect:

- (a) a medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from infectious disease or suspected to be infectious, send to the District Doctor incharge a report stating the name and sex of patient, the situation of the vessel, potential sources and disease cause from which, in the opinion of such medical practitioner, such patient is suffering or suspected to be suffering;
- (b) any patient or relative of the patient who is diagnosed or suspected from contracting an infectious disease shall be informed by medical practitioner and obliged to comply with specified directives and measures addressed by medical practitioner;
- (c) the occupier or owner of the vessel shall, as soon as he becomes aware that the patient is suffering from an infectious diseases or is suspected to be suffering from an infectious disease, send notice thereof to the Port Health Officer.

(2) A person required by this section to send notice or certificate, and fails forthwith to send the same shall be liable to a fine of not less than Five Hundred Thousand Tanzanian Shillings or imprisonment for a term of three years or both such fine and imprisonment.

(3) For the purpose of this section, Port includes any Port of Zanzibar, whether official or not official”.



PART SIX
AMENDMENT OF THE ELECTION ACT, NO. 4 OF 2018

Construction. **14.** This Part shall be read together as one with the Election Act, No. 4 of 2018, in this Part referred to as “the Principal Act”.

Amendment of section 53. **15.** Section 53 of the Principal Act is amended by repealing subsection (4).

PART SEVEN
AMENDMENT OF THE LOCAL GOVERNMENT AUTHORITY ACT, NO. 7 OF 2014

Construction. **16.** This Part shall be read together as one with the Local Government Authority Act, No.7 of 2014, in this Part referred to as “the Principal Act”.

Amendment of section 2. **17.** Section 2 of the Principal Act is amended by adding a new words in the interpretation in alphabetical order as follows:

“agriculture” means crop growing in land or in situ, forestry and any ecological resources functioning;

“aquaculture” means cultivation or practice of rearing or raising of fish or aquatic flora in the water environment;

“aquatic flora” means all aquatic plants and other forms of aquatic plants kingdom;

“Fish Landing Site” means an area at the beach of a village where local fishers usually land their catches and also park their fishing vessels upon return from their fishing activities as well as use the area to make repair of their fishing vessels and carry out scientific research including data collection and other activities approved by fishermen’s committee.

Addition of a new section 12A. **18.** The Principal Act is amended by adding a new section 12A immediately after section 12 as follows:

Powers of the Central Government in relation to the Local Government Authorities. **12A.** Notwithstanding the general power of the Central Government, in relation to Local Government Authorities, the Central Government still have the power to intervene the decisions or orders of the Local Government Authorities if those decisions or orders are against:



- (i) the Zanzibar laws;
- (ii) public interests;
- (iii) national security and directives of the Government; or
- (iv) any other reason which the Government may deem fit.

Amendment
of section 18.

19. Section 18 (2) of the Principal Act is amended by:

- (a) repealing paragraph (b) and replacing it by a new paragraph (b) as follows:

“(b) a Deputy Mayor who shall be elected by the Councillors of the City Council from among the Councillors of the Municipals, except that where the Mayor is from one Municipal Council, the Deputy Mayor shall be from another Municipal Council”.

- (b) repealing paragraph (d) and replacing with a new paragraph (d) as follows:

“(d) other five Councillors from each Municipality which form the City Council to represent their Municipalities, at least two of them shall be women ”.

- (c) repealing paragraph (e) and replacing with a new paragraph (e) as follows:

“(e) Other five Councillors appointed by the Minister based on their knowledge, education or experience on the field of law, economics, planning, education, public administration or finance, at least two of them shall be women”.

Amendment
of section 20.

20. Section 20 of the Principal Act is amended by:

- (a) repealing paragraph (d) of subsection (1) and replacing it by a new paragraph (d) as follows:

“(d) there shall be forty percent of special seats for Women Councillors in each Local Government Authority after the election of Councillors in General election.

- (b) adding a new paragraph (e) immediately after paragraph (d) as follows:

“(e) Other five Councillors appointed by the Minister based on their knowledge, education or experience on the field of law, economics,



planning, education, public administration, finance or other related field, at least two of them shall be women”.

Amendment
of section
22.

21. Section 22 of the Principal Act is amended by:

(a) repealing paragraph (d) of subsection (1) and replacing it by a new paragraph (d) as follows:

“(d) there shall be forty percent of special seats for Women Councillors in each Local Government Authority after the election of Councillors in General election.

(b) adding a new paragraph (e) immediately after paragraph (d) as follows:

“(e) Other five Councillors appointed by the Minister based on their knowledge, education or experience in the field of law, economics, planning, education, public administration, finance or other related field, at least two of them shall be women”.

Amendment
of section
24.

22. Section 24 of the Principal Act is amended by:

(a) repealing paragraph (d) of subsection (1) and replacing with a new paragraph (d) as follows:

“(d) there shall be forty percent of women special seats for councillors in each Local Government Authority after the general election”.

(b) adding a new paragraph (e) immediately after paragraph (d) as follows:

“(e) Other five Councillors appointed by the Minister based on their knowledge, education or experience on the field of law, economics, planning, education, public administration, finance or other related field, at least two of them shall be women”.

Amendment
of section
25.

23. Section 25 (1) of Principal Act is amended by adding new paragraphs (d) and (e) immediately after paragraph (c) as follows:

“(d) subject to the national plans and programs for rural and urban development, to promote the social and economic development”.

“(e) to promote health, education, social and cultural services for recreational life of the people”.



Amendment
of section
26.

24. Section 26 (1) of the Principal Act is amended as follows:

(a) by adding a new subsection (2) immediately after subsection (1) as follows:

“(2) Subject to the provisions of the Education Act, No. 6 of 1982 and any other administrative order, the Local Government Authority shall, in relation to education, be responsible for general management and administration of pre-primary and primary schools including:

- (i) compulsory enrolment and attendance;
- (ii) availability of conducive learning and teaching environment; and
- (iii) recruitment of staff.

(b) by re-numbering subsection (2) to be subsection (3) respectively.

(c) by repealing paragraph (n) of subsection (1).

Addition of a
new section
26A.

25. The Principal Act is amended by adding a new section 26A immediately after section 26 as follows:

“Establish-
ment of
school
committees.

26A. (1) There shall be School Committee in respect of every pre-primary and primary public school which shall consist of:

- (a) a chairperson who shall be elected among the parents or guardians of the respective community;
- (b) one member from the Local Government Authority in that area where the school situates;
- (c) one member from each of the Shehia within the area served by the school appointed by respective Sheha;
- (d) not more than two members who shall be appointed by the Director of the respective Local Government Authority;
- (e) not more than three members to be appointed by the parents themselves;
- (f) the head of the students' government of that school; and
- (g) the head teacher of the school as the secretary of the Committee.



- (2) Members of the School Committee shall remain in office for a period of three years, but they may eligible for re-appointment.
- (3) The functions, procedures and other related matters under this section shall be as stipulated in the Regulations”.

Addition of
a new
section 26B.

26. The Principal Act is amended by adding a new section 26B immediately after section 26A as follows:

“Establishment of Local Government Authority Education Board. **26B.**(1) There shall be the Local Government Authority Education Board in each Local Government Authority which shall consist of the following members:

- (a) a chairperson who shall be appointed by the Minister and who genuinely command the respect of the people of the area served by schools and shall not be a person from the Ministry or any of its institution.
 - (b) a member appointed by the Director of the respective Local Government Authority;
 - (c) not more than five members from such interest groups like parents, youths, women, people with disabilities and students appointed by the Director of the respective Local Government Authority;
 - (d) not more than three officials from the Ministry appointed by the Minister; and
 - (e) not more than three elders appointed by the Minister who are residing in that area;
- (2) Assistant Director responsible for education sector of the respective Local Government Authority shall be a Secretary of the Board.
 - (3) The functions, procedures and other related matters under this section shall be as stipulated in the Regulations”.

Adding a new
section 26C.

27. The Principal Act is amended by adding a new section 26C immediately after section 26B as follows:



“26C. Subject to the provisions of the Forest Resources Management and Conservation Act, No.10 of 1996, and any other administrative order, the Local Government Authority shall, in relation to Forest, be responsible for general management and administration of the Community Forest Management Areas.

Amendment
of section
39.

28. Section 39 of the Principal Act is hereby amended by repealing subsection (1) and replacing it with a new subsection (1) as follows:

“(1) There shall be the Director in each Local Government Authority who shall be appointed by the President”.

Addition of
new section
39A.

29. The Principal Act is amended by adding a new section 39A immediately after section 39 as follows:

“Assistant Directors. **39A.** (1) There shall be Assistant Directors in each Local Government Authority who shall be appointed by the Minister.

(2) The Assistant Directors shall be chief assistants to the Director and shall be the head of departments as established under section 57 of this Act.

(3) A person shall qualify to be appointed as an Assistant Director if he has:

(a) at least first degree or equivalent in the respective sector;

(b) working experience of at least seven years in the respective sector; and

(c) high level of integrity”.

Amendment
of section
41.

30. Section 41 of the Principal Act is amended by adding a new paragraph (f) immediately after paragraph (e) as follows:

“(f) to take disciplinary actions to any staff of the Local Government Authorities in accordance with the provisions of the Public Service Act”.

Amendment
of section
42.

31. Section 42 (2) of the Principal Act is amended as follows:

(a) in paragraph (d) by:



- (i) deleting the word “five” and substituting them by the word “three”;
 - (ii) deleting the words “Ward Council” and substituting them by the word “District Commissioner”;
 - (iii) the word “recommended” and substituting it by the word “appointed”.
- (b) in paragraph (e) by:
- (i) deleting the word “five” and substituting it by the word “three”;
 - (ii) the words “Ward Council” and substituting them by the words “District Commissioner”.
- (c) in paragraph (f):
- (i) by deleting the words “Ward Council” in paragraph and substituting them by the words “District Commissioner”;
 - (ii) repealing the words: “and who shall have no voting right” at the end of the paragraph.

Amendment
of section
43.

32. Section 43 of the Principal Act is amended by:

- (a) repealing the paragraph (f) of the subsection (1) and replacing with a new paragraph (f) as follows:
- “(f) to supervise and coordinate the implementation of projects and programs of the District Council within the Ward”.
- (b) adding a new paragraph (g) as follows:
- “(g) to plan and coordinate the activities, and render assistance and advice to the residents of the Ward engaged in any activity or business”.
- (c) renumbering paragraph (g) to be paragraph (h) respectively.

Amendment
of section
47.

33. Section 47 of the Principal Act is amended as follows:

- (a) in paragraph (b) of subsection (2):



- (i) by adding the words “who shall be appointed by the District Commissioner” at the end of the paragraph;
- (ii) by deleting the word “five” and substituting it by the word “three”.
- (b) in paragraph (d) of subsection (2):
 - (i) by deleting the word “three” and substituting it by the word “two”.
 - (ii) by adding the words “and approved by the District Commissioner” at the end of paragraph (d) of subsection (2).
- (c) in paragraph (e) of subsection (2):
 - (i) by deleting the word “three” and substituting it by the word “two”.
 - (ii) by deleting the words “have no voting right”.

Amendment
of section
57.

34. Section 57 of the Principal Act is hereby amended by repealing subsection (1) and replacing it with a new subsection (1) as follows:

“(1) There shall be within Local Government Authorities, departments as deemed necessary for the proper discharge of their functions in accordance with the provisions of the Public Service Act”.

Amendment
of section
70.

35. Section 70 of the Principal Act is amended by:

(a) adding new paragraphs (viii), (ix) and (x) as follows:

(viii) rent tax;

(ix) sales of immovable properties;

(x) fines imposed by court or the value of all things and articles forfeited as result of an order of any court in consequence of contravention of any provision of this Act or any Bylaws of the Local Government Authorities.

(b) renumbering (viii) to be (xi) respectively.

Amendment
of section
72.

36. Section 72 is amended by deleting subsection (3) and replacing it with a new subsection (3) as follows:



“(3) Any grant allocated under subsection (2) of this section, shall be disbursed through the Accounting Officer of the respective Local Government Authority directly to the bank account through which expenditure shall be regulated”.

Amendment
of section
75.

37. Section 75 of the Principal Act is amended by:

(a) adding a new subsection (2) immediately after subsection (1) as follows:

“(2) The local Government Authorities shall allocate funds from its budget for supporting youth, women and people with disabilities as may be directed by the Minister”.

(b) renumbering subsections (2), (3), (4), (5), (6) and (7) to become (3), (4), (5), (6), (7) and (8) respectively.

Addition of
a new
section 86A.

38. The Principal Act is amended by adding a new section 86A immediately after section 86 as follows:

“Demolition of unfit buildings. 86A. (1) The Director of the respective Local Government Authority may, in consultation with relevant Authorities, demolish any building or structure which, in its opinion is:

- (a) dilapidated;
- (b) defectively constructed;
- (c) constructed at a public place, open space, path or any road reserve area; or
- (d) situated that repairs or alteration of such building are not likely to remove the nuisance.

(2) The Director shall, before making any demolition under this section, serve fourteen days notice to the owner of such building or structure to quit the building before such date as may be specified in the notice.

(3) If the owner fails to comply with a demolition notice under this section is guilty of an offence and upon conviction shall be liable to a fine of not less than Five Hundred Thousand Shillings and shall be required to pay the cost of demolition”.



Addition of
a new
section
86B.

39. The Principal Act is amended by adding a new section 86B immediately after section 86A as follows:

"Notification
of
Infectious
Diseases.

86B. (1) Where a dweller of any premises used for human habitation is suffering from any infectious disease or any disease symptoms of which may rise a suspicion that it may be an infection diseases, the following provisions shall be followed:

- (a) a health officer or medical practitioner attending on or called in to visit the patient shall forth with on becoming aware that the patient is suffering from an infectious disease or a disease suspected to be infectious, send to the officer responsible for medical services in respective Local Government Authority, a report stating the name and sex of the patient, the situation of the premises, potential sources and disease cause from which, in the opinion of such medical practitioner, such patient is suffering or suspected to be suffering;
 - (b) any patient or relative of the patient who is diagnosed or suspected from contracting an infectious disease shall be informed by medical practitioner and obliged to comply with specified directions and measures addressed by medical practitioner;
 - (c) an occupier or owner of the premises shall, as soon as he becomes aware that the patient is suffering from an infectious disease or is suspected to be suffering from an infectious disease, send notice thereof to the officer in charge of nearby health facilities who will notify the officer responsible for medical services in respective Local Government Authority where such person resides.
- (2) Any person required by this section to send a notice or certificate, who fails forthwith to send the same shall be liable to a fine of not less than Five Hundred Thousand Tanzanian Shillings or imprisonment for a term of three months or both.

Addition
of a new
section
86C.

40. The Principal Act is amended by adding a new section 86C immediately after section 86B as follows:



“Compliance with the Public health requirements.

86C. A building or premise or its part or any structure shall not be occupied until a health clearance has been issued by the Public Health officer authorised by the Director of the respective Local Government Authority”.

Amendment of the First Schedule.

41. The First Schedule of the Principal Act is amended by:

- (a) adding the words “after directives from Minister of Health” at the end of paragraph (b) of item 4;
- (b) adding the words “subject to the approval the Minister of Education” at the end of paragraph (a) in item 5;
- (c) deleting the words “fish farming projects” in paragraph (k) in item 6 and substituting for them the word “aquaculture”; and
- (d) adding the words “to the respective Authority” between the words “report” and “and “ in paragraph (m) of the item 4.

PART EIGHT AMENDMENTS OF THE OIL AND GAS (UPSTREAM) ACT, NO. 6 OF 2016

Construction.

42. This Part shall be read together as one with the Oil and Gas (Upstream) Act, No. 6 of 2016, in this Part referred to as “the Principal Act”.

Amendment of section 17.

43. The Principal Act is hereby amended by repealing section 17 and replacing it with a new section 17 as follows:

“Appoint-
ment of
Managing
Director.

17.-(1) There shall be a Managing Director of the Authority who shall be appointed by the President in accordance with the provisions of this Act.

(2) A person shall not be eligible to be appointed as a Managing Director, unless he:

- (a) is a Zanzibari;
- (b) holds at least first degree in petroleum industry disciplines, engineering, law, economics, public administration or any other related fields from any recognized university; and



(c) has a working experience of not less than seven years in that field”.

PASSED by the House of Representatives of Zanzibar on 18th June, 2020.

A handwritten signature in blue ink, appearing to read 'Raya Issa Msellem', is written over a dotted line.

(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.