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and Make Better Provisions thereof 33

NOTICE

The Bill hereunder shall be presented before the House of Representatives for the first reading which will start its session on 14th of February, 2024 and is gazetted together with its Objects and Reasons for public notice.

ZANZIBAR
23rd January, 2024

(Eng. Zena Ahmed Said)
***Secretary to the Revolutionary
Council and Chief Secretary***

A BILL

for

**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, 2024 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 ATTORNEY GENERAL’S
CHAMBERS(DISCHARGE OF DUTIES)
ACT, NO. 6 OF 2013**

Construction.

3. This Part shall be read as one with the Attorney General’s Chambers (Discharge of Duties) Act, No. 6 of 2013 where in this part referred to as the “Principal Act”.

Amendment of section 3.

4. Section 3 of the Principal Act is amended in the interpretation of the word “legal services” by inserting the word “law review” between the words “legislative drafting” and “and other”.

Amendment of section 14.

5. Section 14 of the Principal Act is amended in subsection (1) by:

- (a) inserting new paragraphs (m), (n), (o), (p), (q) and (r) immediately after paragraph (l) as follows:

“(m) to take and review the laws of Zanzibar with a view to its systematic development and reform:

- (n) to undertake simplification of the laws of Zanzibar;
 - (o) to prepare and submit to the Government programs of examining different laws with a view to reforming those laws from time to time including recommendations;
 - (p) to establish a system for obtaining any information relating to the legal systems of other countries which is likely to facilitate the performance of its functions;
 - (q) to publish or facilitate the publication of materials relating to laws or other relevant matters;
 - (r) to convene, facilitate or promote the convention of seminars, workshops, public lectures and other meetings of the public for the purposes of dissemination of information or matters relating to law reform in Zanzibar;”
- (b) renumbering the remaining paragraphs accordingly.

6. The Principal Act is amended by adding new sections 23A and 23B immediately after section 23 as follows:

Addition
of new
sections
23A and
23B.

“The Chamber
to involve the
public in its
work of
reviewing
laws.

23A.-(1) The Chamber may, in carrying out an examination of any matter, arrange its work as to enable it to educate the public on the issues involved in that matter and obtain the views of the greatest possible number of the people of Zanzibar on the issues in question.

(2) For the purposes of complying with the provisions of subsection (1) of this section, the Chamber may do anything that is necessary to achieve participation by the public in the work of the Chamber and may:

- (a) organize and hold seminars for the discussion of matters of public concern relevant to the subject of reference;

- (b) arrange public lectures to be given by the Chamber;
- (c) call for and promote public debates through Chamber or mass media;
- (d) establish and publish bulletin or other publication for the purposes of disseminating information on law reform; and
- (e) do anything which is necessary for the purpose of publicizing the law reform recommendations and obtain awareness to the public and their response.

Matters to be taken into account in the review of laws.

23B.-(1) The Chamber shall take into account the need of having laws which are in accordance with national policies and strategies.

(2) The Chamber shall consider and make proposals for law reform with a view to ensure that the laws of Zanzibar are made to:

- (a) promote and expand the basic principles of human rights as stipulated in the Constitution of the United Republic of Tanzania of 1977 and Constitution of Zanzibar of 1984;
- (b) promote and secure customs, traditional values and beliefs of the people of Zanzibar which are suitable for application in conjunction with the modern progressive legal ideas;
- (c) promote and ensure respect of the rule of law;

- (d) ensure the development of a just system for the equal dispensation of justice and the better protection of communal and individual property of the people of Zanzibar; and
- (e) promote and enhance respect for human rights by all persons in their conduct or official business and personal affairs.”

7. The Principal Act is amended by adding a new section 31A immediately after section 31 as follows:

Addition
of a new
section
31A.

“Repeal and
saving.

31A.-(1) The Law Review Commission of Zanzibar Act, No. 16 of 1986 is hereby repealed.

(2) Notwithstanding the provisions under subsection (1) of this section;

- (a) anything pending under the repealed Act shall proceed and be completed under the provisions of this Act; and
- (b) all staff, assets and liabilities under the repealed Act are transferred to the Chamber.”

PART THREE

AMENDMENT OF THE ZANZIBAR DRUGS CONTROL AND ENFORCEMENT AUTHORITY ACT, NO. 8 OF 2021

8. This Part shall be read as one with the Zanzibar Drugs Control and Enforcement Authority Act, No. 8 of 2021 where in this part referred to as the “Principal Act”.

Constru-
tion.

9. Section 2 of the Principal Act is amended by repealing paragraph (a) in the interpretation of the word “competent court” and replacing it with the new paragraph (a) as follows:

Amendment
of section 2.

“(a) in respect of the offences under sections 21, 22, 30 and 38 is High Court;”

Amendment
of section
16.

10. Section 16 of the Principal Act is amended by adding the words “or fine paid in accordance with the penalty given by the Court between the words “forfeited” and “under” in subsection (2)(c).

Amendment
of section
19.

11. Section 19 of the Principal Act is amended by adding the words “and in any case for imprisonment of not less than thirty years” at the end of the section.

Amendment
of section
21.

12. Section 21 of the Principal Act is amended in subsection (1) by adding the words “and in any case for imprisonment of not less than thirty years.” at the end of the subsection.

Amendment
of section
22.

13. Section 22 of the Principal Act is amended in subsection (1) by adding the words “and in any case for imprisonment of not less than thirty years.” at the end of the subsection.

Amendment
of section
23.

14. Section 23 of the Principal Act is amended by:

- (a) repealing subsection (1) and replacing it with a new subsection (1) as follows:

“(1) A person who possesses a small quantity of any drugs which has not been approved by the medical doctor for the medical reasons, commits an offence and shall upon conviction be liable, if the drugs in question:

- (a) are those as ascribed under this Act or any other narcotic drugs or any psychotropic substance specified by the Minister in the notice published in the Gazette, to a fine of not less than Three Million Shillings and not exceeding Five Million Shillings or to imprisonment for a term of one year or both such fine and imprisonment; or
- (b) is other than those provided under paragraph (a) of this section, to a fine of not less than One Million Shillings but not exceeding

Three Million Shillings or to imprisonment for a term of one year or both such fine and imprisonment.”

- (b) repealing subsections (2) and (3).
- (c) renumbering subsection (4) to be (2).

15. Section 30 of the Principal Act is amended by inserting the words “and in any case for imprisonment of not less than thirty years” after the word “life imprisonment”. Amendment of section 30.

16. Section 37 of the Principal Act is amended by inserting “19” between the words “sections” and “21” in subsection (1)(d). Amendment of section 37.

17. The Principal Act is amended by adding a new section 41A immediately after section 41 as follows: Addition of a new section 41A.

“Power to search.

41A.-(1) Without prejudice to the provisions of search warrant in the Criminal Procedure Act, No. 7 of 2018, the Commissioner General or authorized officer may search or issue written approval to an officer under his supervision to search the building as the case may be where is satisfied that there is reasonable ground to believe that in such building there is anything:

- (a) in respect to an allegation of offence relating to illicit drugs;
- (b) that due to reasonable reasons will afford evidence as to the commission of the offence relating to illicit drugs; or
- (c) intended to be used for the purpose of committing offence relating to illicit drugs and the Commissioner General or authorized officer is satisfied that any delay may result into any removal, destruction of such thing or loss of evidence.

(2) Where any approval under subsection (1) of this section is issued, the officer concerned, as soon as possible, shall report to the Magistrate on the issuance and grounds on which such approval was issued and results of any search made under such approval.”

Amendment
of section
42.

18. Section 42 of the Principal Act is amended in subsection (2) by inserting the words “of the building” between the words “search” and “invite”.

Amendment
of section
43.

19. Section 43 of the Principal Act is amended by deleting the words “as prescribed in the Fourth Schedule of this Act” at the end of subsection (5).

Amendment
of section
46.

20. Section 46 of the Principal Act is amended in subsection (2) by repealing paragraph (k) and replacing it with new paragraph (k) as follows:

“(k) write or cause to be written a statement of a person alleged to have swallowed any type of drugs certifying the correctness of the statement as prescribed in Form No. ZDCEA 005 under the Fifth Schedule of this Act.”

Amendment
of section
48.

21. Section 48 of the Principal Act is amended by:

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

“(c) not detain a person for a period exceeding forty-eight hours unless application for extension of time is made to the Court and granted;”

(b) repealing paragraph (g) and replacing it with a new paragraph (g) as follows:

“(g) record and issue receipt to keep the seized property of the detainee while in custody.”

22. Section 50 of the Principal Act is amended in subsection (1) by deleting paragraph (d). Amendment of section 50.

23. Section 61 of the Principal Act is amended in subsection (1) by repealing paragraph (b) and replacing it with a new paragraph (b) as follows: Amendment of section 61.

“(b) releases or causes a person who is arrested, suspected, detained or under the custody of the Authority to escape.”

24. The Principal Act is amended by repealing section 72 and replacing it with a new section 72 as follows: Repeal and replacement of a new section 72.

“Suspension of bank account. 72.-(1) The Commissioner General shall, in performing the functions under this Act, have the power to temporarily suspend the operations of any bank account pending investigation of any offence under this Act.

(2) A person who violates or fails to comply with the suspension order under this section, commits an offence.”

25. The Principal Act is amended by adding a new section 76A immediately after section 76 as follows: Addition of a new section 76A.

“Application of the Anti-Money Laundering and Proceeds of Crimes Act, No. 10 of 2009. 76A. Notwithstanding the provisions under this Act, the provisions of Part Four, Five and Six of the Anti-Money Laundering and Proceeds of Crime Act, No. 10 of 2009 may apply with the necessary modification in respect of confiscation under this Act.”

26. The Fifth Schedule of the Principal Act is amended by deleting the heading “CERTIFICATE CERTIFYING CORRECTNESS OF THE STATEMENT” and substituting it with the heading “STATEMENT OF THE ACCUSED WHO HAS SWOLLED DRUGS.” Amendment of the Fifth Schedule.

PART FOUR
AMENDMENT OF THE ZANZIBAR COMMUNICATION
CORPORATION ACT, NO. 4 OF 2023

Constru-
tion.

27. This Part shall be read as one with the Zanzibar Communication Corporation Act, No. 4 of 2023 where in this part referred to as the “Principal Act”.

Amendment
of section 3.

28. Section 3 of the Principal Act is amended in the interpretation of the words “Strategic ICT infrastructure” by adding the word “National” before the word “Data”.

PART FIVE
AMENDMENT OF THE “KIKOSI MAALUM CHA
KUZUIA MAGENDO” ACT, NO. 1 OF 2003

Constru-
tion.

29. This Part shall be read as one with the “Kikosi Maalum cha Kuzuia Magendo” Act, No.1 of 2003 where in this part referred to as the “Principal Act”.

Amendment
of section 4.

30. Section 4 of the Principal Act is amended in subsection (1) by:

- (a) inserting new paragraph (k), (l), (m) and (n) immediately after paragraph (j) as follows:
 - (k) to carry out economic, business and investment activities in accordance with the law;
 - (l) to inspect vessels at the port and in the sea where there is suspicious information relating to smuggling;
 - (m) to support any institution relating to the functions of KMKM; and
 - (n) to provide training to the public relating to the functions performed by KMKM.”
- (b) changing paragraph (k) to be (o).

PART SIX
AMENDMENT OF THE “KIKOSI CHA VALANTIA”
ACT, NO. 5 OF 2004

31. This Part shall be read as one with the “Kikosi cha Valantia” Act, No. 5 of 2004 where in this part referred to as the “Principal Act”. Constru-
ction.

32. Section 4 of the Principal Act is amended by: Amendment
of section 4.

(a) inserting a new paragraph (e) as follows:

“(e) to carry out economic, business and investment activities in accordance with the law;”

(b) changing paragraphs (e) and (f) to be (f) and (g).

33. Section 25 of the Principal Act is amended in paragraph (e) by deleting the words “twenty one” between the words “more than” and “days” and substituting them with the word “Thirty”. Amendment
of section
25.

PART SEVEN
AMENDMENT OF THE ZANZIBAR
ECONOMIC EMPOWERMENT AGENCY
ACT, NO. 2 OF 2022

34. This Part shall be read as one with the Zanzibar Economic Empowerment Agency Act, No. 2 of 2022 where in this part referred to as the “Principal Act”. Constru-
ction.

35. Section 2 of the Principal Act is amended by inserting the interpretation of the new words in their alphabetical order as follows: Amendment
of section 2.

“enterprise” means any going concern by a group of persons, an individual or entity which trades in or produces goods or services for profit;

“medium enterprise” means any enterprise which has total assets worth not less than Fifty Seven Million Shillings

and not exceeding Six Hundred and Fifty Million Shillings or has not less than twenty but not more than ninety nine employees;

“micro enterprise” means any enterprise which has total assets worth not more than Eleven Million Shillings or has not more than four employees;

“small enterprises” means any enterprises which has total assets worth more than Eleven Million Shillings and not exceeding Fifty Seven Million Shillings or has not less than five but not more than nineteen employees;

Amendment
of section 6.

36. Section 6 of the Principal Act is amended by:

- (a) inserting new paragraph (t), (u), (v) and (w) immediately after paragraph (s) as follows:

“(t)improve competitiveness by providing technical assistance to persons engaged in the Micro, Small and Medium Enterprises;

(u)facilitate Micro, Small and Medium Enterprises to access relevant equipment either through purchasing, leasing or franchising;

(v)coordinate, harmonize and facilitate the integration of various public and private sector activities, programs and development plans relating to Micro, Small and Medium Enterprises;

(w)propose incentives and proper tactics to the Minister for the facilitation on establishment and enabling environment of protection of Micro, Small and Medium Enterprises;”

- (b) changing paragraph (t) to be (x).

37. Section 42 of the Principal Act is amended by repealing subsections (2) and (3) and replacing it with new subsections (2) and (3) as follows:

Amende-
ment of
section 42.

“(2) The Zanzibar Micro Small Medium Industrial Development Agency Act, No. 2 of 2018 is hereby repealed.

(3) Notwithstanding the provisions under subsections (1) and (2) of this section, anything done or purported to have been done under Legal Notice No. 114 of 2015 and the Zanzibar Micro Small Medium Industrial Development Agency Act, No.2 of 2018 prior to the commencement of this Act shall continue to be valid and be deemed to have been done under the provisions of this Act.”

OBJECTS AND REASONS

The object of this Bill is to propose amendments of various laws as hereunder indicated. The amendments proposed are for the purpose of resolving challenges arising from the implementation of the respective laws. In the course of implementation of the laws contained in this Bill, it has been observed that there is a need to be amended in order to overcome certain challenges facing various Government's institutions. Therefore, the Government has decided to propose the following amendments in those laws for better carrying out of the purpose of each particular law.

This Bill is divided into Seven Parts:

Part One provides for Preliminary Provisions which include short title and commencement of the Act; and amendment of certain laws.

Part Two deals with the amendment of the Attorney General's Chambers (Discharge of Duties) Act, No. 6 of 2013. This part intends to make amendments in sections 3, 14, 23 and 31 with the aim merging the Law Review Commission with the Attorney Generals Chamber in order to implement the directives of the Government. Therefore, according to the said amendments, the Law Review Commission Act is hereby repealed.

Part Three deals with the amendment of the Zanzibar Drugs Control and Enforcement Authority Act, No. 8 of 2021. This Act is proposed to be amended with the aim of eliminating the challenges facing the implementations of the Act and putting proper procedures on how to deal with offences relating to illicit drugs.

Part Four is about amendment of the Zanzibar Communication Corporation Act, No.4 of 2023 This Part amends section 3 on the interpretation of the word "Strategic ICT infrastructure" in order to remove the ambiguity of the uses of the word data center.

Part Five is about amendment of the "Kikosi Maalum cha Kuzuia Magendo"

Act, No.1 of 2003 where the amendments are made in section 4 to enable KMKM to carryout economic, business and investment activities as directed by the Government.

Part Six amends the “Kikosi cha Valantia” Act, No.5 of 2004. The amendments are made on section 4 for the purpose of allowing the Valantia to carryout economic, business and investment activities in order to implement the directives of the Government. Also, this law is amended in section 25 to comply with the existing practice.

Part Seven provides for amendment of the Zanzibar Economic Empowerment Agency Act, No. 2 of 2022. This Act is amended for merging the Zanzibar Micro, Small and Medium Industrial Development Agency and the Zanzibar Economic Empowerment Agency in order to implement the directives of the Government. Hence, based on that amendments, the Zanzibar Micro, Small and Medium Industrial Development Agency Act, No. 2 of 2018 is hereby repealed.

ZANZIBAR.
23rd January, 2024

(DR. MWINYI T. HAJI)
ATTORNEY GENERAL
ZANZIBAR

