

**THE ZANZIBAR TRADING
ACT NO.14 OF 2013**



THE ZANZIBAR TRADING ACT NO. 14 OF 2013

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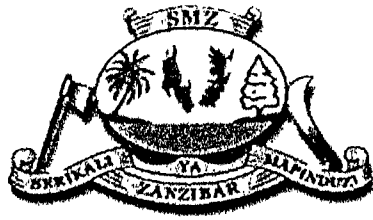
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ACT NO. 14 OF 2013

I ASSENT

(DR. ALI MOHAMED SHEIN)
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

13th February....., 2014

AN ACT TO REPEAL AND REPLACE THE ZANZIBAR TRADING ACT NO. 4 OF 1989 AND OTHER LAWS TO PROVIDE FOR THE PROVISIONS TO STREAMLINE THE TRADING SYSTEM IN ZANZIBAR, AND THE MATTERS INCIDENTAL THERETO

ENACTED by the House of Representatives of Zanzibar.

**PART I
PLEMINARY PROVISIONS**

Short title and Commencement.

1. This Act may be cited as the Zanzibar Trading Act, 2013 and shall come into operation after being assented to by President.

Scope and Application.

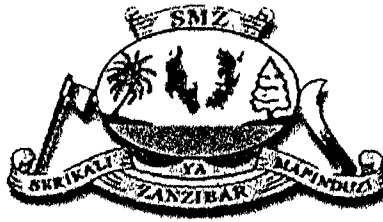
2. This Act makes provisions for the administration and supervision of trade and trading in Zanzibar.

Interpretation.

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

"Appropriate licensing authority" means a government ministry, department or body charged with the power and function of granting particular categories of trading licences;

"Agent" means A person whose act for or manage the affairs of other people in business;



"Authorised trader" means any person or body of persons authorized to sell designated goods and includes the servant or agent of that person or body of persons;

"Auxiliary Business" means A business established by a parent business/company to conduct a particular line of business;

"Business" includes any form of trade, professional or occupation or commercial activity;

"Business Community" means a specified registered community that is conducting business in a defined society;

"Commercial activity" is the provision of goods or services in exchange for payment;

"Committee" means committee established under section 6 of this Act;

"Community" means the East African Community established under the East African Community Treaty of 1999;

"Custom officer" includes any person, other than a labourer, employed in the service of the Customs for the time being performing duties in relation to the Customs;

"Court" Means high court for Zanzibar or other Subordinate Courts

"Director" means a Director of Trade within the Ministry responsible for trade;

"Department" means the Department of Trade within the Ministry as being established under section 4 of this Act;

"export" with its grammatical variations and cognate expressions, means the conveyance of goods from any place within Zanzibar to any place outside Zanzibar;

"e-trade" means the offer for sale or sale of goods or services in the Internet without the parties being simultaneously present;

"export prohibited goods" means goods declared to be export-prohibited goods under section 40(1) and of this Act;

"export restricted goods" means goods declared to be export restricted goods under section 39(2) of this Act;

"Gazette" means the Government Gazette of the Revolutionary Government of Zanzibar;



"Goods" includes all kinds of movable or personal property offered for sale or being sold including animals;

"Government" means the Revolutionary Government of Zanzibar;

"Import" means bring or cause to be brought into Zanzibar by air, land or Water;

"import prohibited goods" means goods declared to be import-prohibited goods under section 39(1) of this Act;

"import restricted goods" means goods declared to be import restricted goods under section 39(2) of this Act;

"Licensing Authority" means any authority empowered by written law for the purposes of issuing business licensing in Zanzibar;

"Minister" means Minister for the time being responsible for trade;

"Ministry" means the Ministry for the time being responsible for trade;

"organiser of trade" means a person or body which, within the framework of the economic or professional activities thereof, organises street or market trading or trading at public events, including fairs and trade fairs;

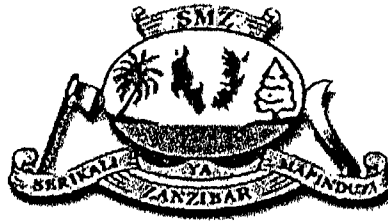
"Permit" means an import or export permit issued or deemed to have been issued under sections 36(1) of this Act. It includes permits issued by organisers of trade under section 22(c) of this Act;

"person" includes a partnership, a firm, a corporation, a company or a family;

"place of business" means a trader's place of sale of services or goods in wholesale, retail or catering and may include place of production, storage and other facilities relating to goods or services sold;

"Registration Authority" is any authority empowered by any written law for the purposes of registration of trade in Zanzibar;

"seller" means a natural person who serves clients on behalf of a trader, or a person who sells goods or provides services outside the economic or professional activities thereof by way of street or market trading;



"selling permit" means a document issued by an organiser of trade or market which constitutes the basis for the sale of goods or services under conditions provided therein;

"SME" means Small and Medium Enterprises;

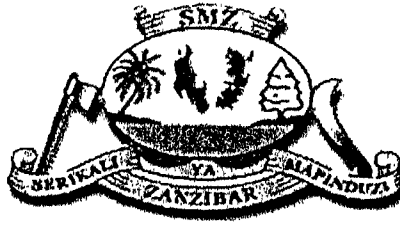
"Supervisor" means an official appointed pursuant to the provisions of section 12(2) to be a supervisor for trade and trading in goods and services;

"trade" means selling or buying for the purpose of selling and includes offering for sale of any goods or services;

"trader" means a person or body which, within the framework of the economic or professional activities thereof, offers for sale and sells goods or offers and provides services;

"trading" means engaging in trade and, subject to any other provisions of law, includes provision of any economic activity conducted within framework of which the following activities take place;

- (a) sale or offer for sale of goods or provision of services related to the goods sold;
- (b) manufacture or modification of manufactured goods for a consideration;
- (c) maintenance or repair of goods for a consideration;
- (d) offering or providing cleaning services;
- (e) offering or providing beauty treatment services;
- (f) offering or providing catering services;
- (g) organisation of market trading; or
- (h) organisation of street trading and trading at a public event; and
- (i) any other services provided for trading purposes
- (j) any other activities as may be determined by the Minister.



PART II
DEPARTMENT OF TRADE

Establishment of the Department responsible for Trade and appointment of Director.

4.(1) There is hereby established a Department responsible for the administration of trade.

(2) There shall be a Director who shall be appointed by the President.

(3) a person shall be qualified to be the Director if he;

(a) is a holder of at least first Degree from recognised university in the field of Business Administration or Business Management or Economics or Law or Public Administration;

(b) has working experience of at least five years.

Functions of the Department.

5.(1) The Department shall have the following functions:

(a) to advise the Government on matters relating to the formulation, development, supervision and implementation of trade policies and strategies;

(b) to execute laws and policies relating to trade in Zanzibar;

(c) to promote domestic, regional and international market;

(d) to collaborate with other institutions in organizing production and importation of products and offering of services;

(e) to seek and provide business information service related to sale and purchase of consumer goods and other commodities and advise the Government, business community as well as individual businessmen;

(f) to administer, domestic, regional and international trade and to provide educational and other awareness services necessary for promoting trade;

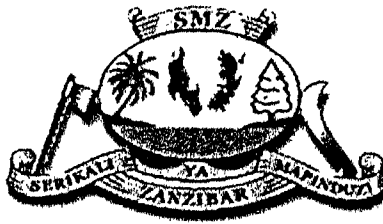
(g) to provide mechanism conducive for establishment of public-private partnership especially in planning, execution and administration of agro processing initiatives for agricultural products;

(h) to promote business enterprises including Small and Medium Enterprise (SME's) and assist in developing and expanding profitably in the domestic, regional and international trade transactions; and

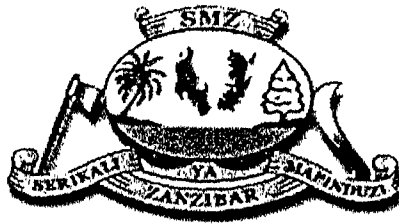
(i) to evaluate and monitor trade system and its performance;

(j) to conduct or cause to be conducted market research, survey and monitoring;

(k) to organize, coordinate and participate in trade fairs, mission and exhibitions within the country and abroad;



- (l) to provide mechanisms necessary for Zanzibaris to take more positive part in international trade and international trade fares;
 - (m) to coordinate and participate in domestic and international trade exhibition and festival;
 - (n) to prepare and publish annual trade report;
- (2) Without prejudice to the generality of subsections (1) to any general or specific directions given by the Minister, the Department may:
- (a) give advice to the Government, any individual trader, an organization or institution on measures necessary for the development of an efficient system for the conduct of trade, including
 - (i) the formulation and implementation of national policies in relation to domestic consumption and export of products and services from Zanzibar;
 - (ii) the formulation and supervision of the implementation of best marketing practices in respect of products and services intended for trade;
 - (b) collaborate with any other person, organization or institution within and outside Zanzibar in the establishment, equipment and management of trade centres for the collection and dissemination of information relating to the products and services intended for trade development;
 - (c) undertake and supervise the planning, co-ordination, organization and management of trade fairs, exhibitions, expositions and missions;
 - (d) in collaboration with other organizations or institutions, advise the Government on the simplification of documentation and expedition of procedures in relation to trade development; and
 - (e) assist businesses in Zanzibar to develop and promote national trade transaction.



PART III ADVISORY COMMITTEE

Establishment of Committees. 6. There shall be a Trade Advisory Committee under the Department to provide general advisory services on the promotion and development of Trade in Zanzibar.

Composition of the Committees. 7.(1) The Committee shall consist of the following members who shall be appointed by the Minister:

- (a) the Chairperson;
- (b) Ministry responsible for Agriculture;
- (c) Ministry responsible for Finance;
- (d) local Government Authority;
- (e) Zanzibar Food, and Drugs and Comestics Board;
- (f) Ministry responsible for Transport and Infrastructure;
- (g) Zanzibar Revenue Board;
- (h) Tanzania Revenue Authority;
- (i) Zanzibar National Chamber of Commerce, Industry and Agriculture;
- (j) two members with adequate expertise and experience in relevant fields in national and international trade.

Provided that the appointment of members from (b - h) shall be made after consultation with their relevant institutions.

(2) A person shall qualify to be the Chairperson of the Committee if he holds at least a degree of one of the following:

- (a) business administration, management, or economics, or law, or Public Administration;
- (b) has working experience of at least five years in the fields as mentioned in section 7 (2a).

(3) The Director shall be the permanent member of the committee, and in consultation with the secretary of the committee shall coordinate all the activities of the Committee.

(4) A lawyer from the Ministry shall be appointed to be the Secretary of the Committee.



(5) The Committee may, for the purpose of effective implementation of its functions, establish and maintain a system of collaboration, consultation and cooperation with any other institution within the United Republic of Tanzania or outside for the purpose of promoting Trade in Zanzibar.

(6) The Committee shall select one of its members to be the Vice- Chairperson.

Functions of the
Committee.

8.(1) The Committee shall provide general advisory services to the Ministry on:

- (a) formulation of general trade related Policies;
- (b) promotion of trades and positive image of Zanzibar as a trade destination;
- (c) promotion of international markets and standards;
- (d) promotion of Industry , livestock, fishing and Agricultural Processing;
- (e) identification of ways to overcome bottlenecks of trade in Zanzibar;
- (f) promotion of the domestic market;
- (g) public health;
- (h) any other matter referred to it either by the Minister, or the Principal Secretary of the Ministry.

Meetings of the
Committee.

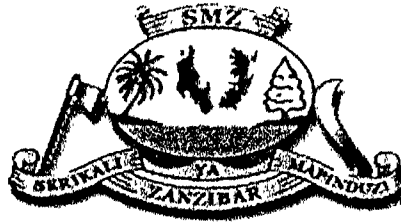
9. (1) The Committee shall ordinarily meet for the transaction of its business at time and places determined by it, but shall in any case, meet once in every three months.

(2) The Director or Chairperson, in his absence, the Vice Chair person may, at any time, call for an extra-ordinary meeting of a Committee upon a written request by more than half of the members of the Committee in the office.

(3) The Chairperson or in his/her absence the Vice Chairperson may, and upon the request by the majority of the members, invite to a meeting any person who is not a member to participate in the deliberations of the Committee but such person shall not be eligible for voting.

(4) The quorum at any meeting of the Committee shall be half of its members, and the decisions shall be by simple majority and in the event of an equality of votes, the chairperson shall have a second or casting vote in addition to his deliberative vote.

(5) The secretary shall record and keep details of all business conducted or transacted by the Committee at a duly convened meeting.



(6) The minutes of each meeting of the Committee shall be confirmed and signed at the next meeting of the Committee by both the Chairperson and the Secretary.

(7) The Director after every three months, shall prepare and submit to the Minister the report of Committee Meeting.

Fund of the Committee.

10. The Committee shall, receive its funds from the Department.

Annual Report.

11. The Committee shall, within three months after the closure of the financial year, cause to be prepared and submitted to the Minister, through the Department a report of the activities, operations and decisions carried out by the Committee within the relevant financial year.

PART IV SUPERVISORY AUTHORITY

Supervisory Authority.

12. (1) The Department shall have general supervisory authority on the enforcement of this Act.

(2) The following authorities shall, in collaboration with the Department, subject to the provisions of this Act and the laws establishing the authorities, designate such officials, within the limits of their competence to exercise supervision over adherence to this Act and the requirements established on the basis thereof:

- (a) the Fair Trading and Consumer Protection institution;
- (b) the Food, Drugs and Cosmetic Board;
- (c) the Weight and Measure institution;
- (d) the Zanzibar Revenue Board;
- (e) tanzania Revenue Authority;
- (f) the Zanzibar Bureau of Standard;
- (g) the Relevant Licensing Authorities;
- (h) the Municipal, Town and District Councils; and
- (i) any other Authority legally empowered to exercise trade and trading supervision.

(3) Each of the supervising authorities specified under subsection (2) of this section, shall appoint sufficient number of its officials to be supervisors for trade and trading in goods and services.



(4) Every Supervisor who is exercising supervision under the provisions of this Act shall present his or her identification card to prove his or her authority to exercise supervision.

Powers of Supervisors.

13.(1) In addition to the power conferred upon them under section 12 (2) of this Act, every Supervisor shall have the following additional powers to:-

- (a) monitor compliance with this Act without any hindrance or prior notice;
- (b) enter, without any hindrances, the territory or premises used by a seller, trader or organiser of trade or vehicle carrying the goods of a trader; or to open means of transport in the presence of the trader or organiser of trade, their representatives or impartial observers;
- (c) obtain information necessary for the exercise of supervision from relevant sellers, traders, organisers of trade or government authority;
- (d) examine goods and services sold or offered for sale together with documents related to said goods and services, and to obtain copies thereof;
- (e) seize accompanying documents to goods sold or services rendered;
- (f) inspect the conformity of goods or services, the sale of goods or services, and places of business to the requirements set under the provisions of law;
- (g) issue guideline;
- (h) oblige traders to inform the public of any dangers related to the goods sold or services rendered;
- (i) verify the existence and authenticity of a document certifying the right to sell the goods or services if the obligation to hold such document is provided by law;
- (j) verify the existence and authenticity of registration if the requirement for registration is provided by law; and
- (k) subject to the provisions of subsection (2), take sample of goods or products of the services rendered for further examination.

(2) The supervisory authority shall bear the expenses of assessment services which are incurred to examine goods and services and shall return the goods or, if the trader so agrees, compensate the trader for the value of the goods or services if, according to an expert opinion, the goods and services meet the requirements; provided that if:

- (a) according to an expert opinion, the goods or services do not meet the requirements, the expenses of the assessment services shall be borne by the trader; and



- (b) goods which do not meet the requirements shall not be returned or compensated, and services which do not meet the requirements shall not be compensated.
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(3) In the exercise of their duties, the supervisors shall observe confidentiality of business and technical information which becomes known to them in the course of their supervision, unless the disclosure of such information is prescribed by law.

Orders by
Supervisors.

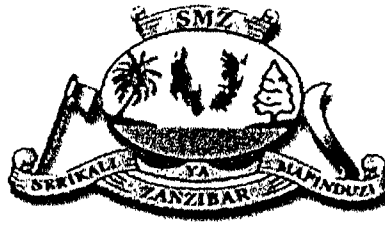
14.(1) A Supervisor may issue orders that are binding upon sellers, traders and organisers of trade if:

- (a) a trader or seller deals with the goods or services which do not meet the requirements or does not adhere to the requirements for the sale of goods or services;
- (b) a trader sells goods without the requisite accompanying documents;
- (c) a place of business does not meet the requirements;
- (d) a trader operates without a document certifying the right to sell goods or services, if it is required that such a document be held; or
- (e) a trader or organiser of trade operates without registration or without a corresponding notation in the registration if the registration or corresponding notation in the registration is required by law.

(2) in giving an order under the provisions of subsection (1), an official exercising supervision shall:

- (a) inform the seller, trader or organiser of trade, as the case may be, of the offence committed and demand that the sale or offer for sale of the goods or services be suspended or that the goods or services be removed from sale; or
- (b) direct that acts necessary for the lawful continuation of the sale of the goods or services be performed or effected.

(3) Any seller, trader, or organiser of trade who fails to comply with an Order issued under sub-section (1) commits an offence under this Act.



PART V REGISTRATION OF TRADES AND LICENSING

Registration of
Trades /and
Businesses.

15.(1) There shall be maintained the following registers for proper records keeping of trading and business activities,:

- (a) register of traders and business persons that shall be kept and maintained under the Business Names and Companies Acts;
- (b) register of organisers of trade at periodic markets and public events that shall be kept by a relevant Municipal, Town and District Councils;
- (c) register of industries, air planes, motor vehicles, and sea vessels that shall be kept by their respective licensing authorities in any manner expressly or impliedly authorized by law;
- (d) register of other trades not mentioned under paragraph (a) (b) and (c) of this section.

(2) The records kept under sub-section (1) of this section shall be shared to the Ministry for proper administration of business in Zanzibar.

Licensing
of Trades.

16. Every person or agent conducting trade or business shall have a trading or business licence issued by the appropriate licensing authority upon fulfilment of conditions as prescribed under the relevant law.

Extent of
Authority of
Business
Licence.

17.(1) A business licence shall authorise the holder to carry on, at the place specified therein, the business in relation to which it is granted and shall also be deemed to authorise such holder to carry on at such place any auxiliary business:

Provided that-

- (a) a licence for the business of a banker or for shipping, lighterage or stevedoring business shall be deemed not to authorise the holder to carry on any auxiliary business;
- (b) no person shall carry on any business referred to in paragraph (a) of this proviso unless he is authorised to do so by licence issued in relation to such business;
- (c) no licence issued under this Act shall be deemed to authorise the carrying on, as an auxiliary business, of any business which can be lawfully carried on only if a licence, permit or other authority is granted by or under any other written law;



- (d) no business the licence fee in respect of which is required to be assessed on an annual turnover may be carried on as an auxiliary business under a licence for a business the licence fee in respect of which is not required to be so assessed;
- (e) no business for which a licence fee of a specified amount is payable may be carried on or as an auxiliary business under a licence fee in respect of which is required to be assessed on an annual turnover;
- (f) no person shall under the authority of any business licence carry on any auxiliary business the licensing authority in respect of which is a local government authority unless the licence so held by the holder is in relation to a business in respect of which the same local government authority is the licensing authority;
- (g) no licence granted under this Act shall have the effect of authorising any person to carry on any business prohibited by any other written law or of exempting any person from compliance with any condition, limitation or other requirement imposed or prescribed by any other written law in relation to such business.

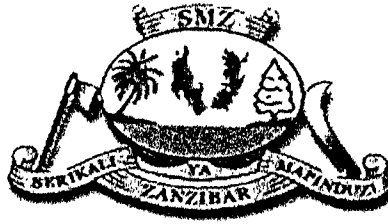
(2) For the purposes of this section "auxiliary business" means a business:

- (a) which is not specified in the licence granted; and;
- (b) where, if a separate licence had been applied for such business, the licence fee payable for such licence would not have exceeded the licence fee payable for the licence granted.

(3) Where in relation to any licence granted under this section any business was an auxiliary business at the time when such licence was granted, the business shall continue to be deemed to be an auxiliary business in relation to such licence for period of validity of the licence, notwithstanding any increase in the licence fee for a business licence to carry on such auxiliary business.

Application for
Registration and
Licensing.

18.(1) Any person who wishes to engage in trade or organizing trade may apply for his or her trade to be registered or licensed by completing and submitting to an appropriate registering or licensing authority, a form to be prescribed by the said registering or licensing authority.

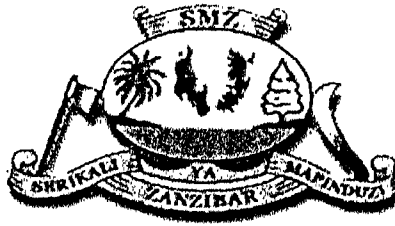


- (2) If an application is submitted to sell goods or services on board watercraft or aircraft used to provide passenger services, the mark (registration number) identifying the vehicle shall be indicated in the application to be the place of business.
- (3) If an application is for organizing trade at a public event, the name, time and location of the public event shall be indicated in the application at the space for the place of business.
- (4) If application is for trading on a seasonal basis, the area where the trader wishes to sell the goods or services shall be indicated in the application to be the place of the business.
- (5) If the application is submitted for sell of goods or services without a place of business, the word 'non-existence' shall be entered in the application at the space for the place of business.
- (6) If the applicant wishes to sell goods or services outside a given space of business, the words 'outside a specific place of business' shall be indicated in application to be the place of business.
- (7) If the applicant wishes to sell goods or services by way of e-trade, the address of the website shall be indicated in the application to be the place of business.
- (8) If the applicant wishes to organize trading at a public event, the organiser of trade shall specify the public event at which trading is to be conducted.

Duties of a
Licensing
Authority.

19. In addition to duties imposed upon a licensing authority under any other provision of law, the licensing authority shall the following auxilliary duties:-

- (a) grant a licence upon satisfaction that necessary conditions have been met for a trader or business person to hold a licence authorizing him to conduct a given kind of trade or business;
- (b) upon granting a licence, prescribe any condition necessary for a trader or businessperson to meet in conducting a given trade or business; and
- (c) as far as it is practicable, inspect the place where the business is to be conducted and be satisfied that the business place and its establishments meet the requirements prescribed or that are necessary for proper running of a relevant kind of business



PART VI
SALES OF CERTAIN GOODS AND SERVICES

Sale of Certain Goods.

20.(1) The Minister may, after consultation with other relevant authorities control the sale of any goods or services for public interest by; -

- (a) restricting the sale of any goods in any particular place or by any goods category of traders, or public institutions as may be specified in the Order; or
- (b) designating any particular goods as being goods which may only be sold by such authorised traders as may be specified in the order.

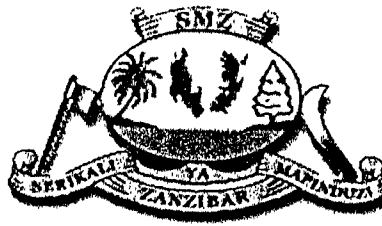
(2) Where the Minister has made an Order under this section, no person other than the authorised trader shall sell, offer for sale or display at his place any designated goods or, as the case may be, no person shall sell, offer for sale or display any goods in a place where the sale of these goods has been restricted.

(3) Any person who contravenes any of the provisions of this section commits an offence under this Act and in addition, the court may order the goods concerned to be forfeited.

Duties of a Trader.

21.(1) Every trader trading in Zanzibar shall:

- (a) abide with the statutory and regulatory requirements governing trade establishments, registration and licensing;
- (b) satisfy requirements governing sales or offering for sale of goods or services as provided in the relevant trading licence;
- (c) ensure that the goods and services sold or offered for sale are up to standards and are therefore proper both for sale and consumption;
- (d) verify, when receiving goods, that they correspond to the accompanying documents, the accompanying documents describes ingredients, quantity and quality of the goods received, and that the goods meet the standard(s) required for consumption;
- (e) ensure that means or instruments used for measurements are proper for particular trade establishment and they are accurate;
- (f) allow and submit for inspection and making copies, at the instance of the person exercising supervision thereof, all documents relating to business registration, licensing, accompanying documents to goods, and documents certifying conformity of standards of goods and services sold or offered for sale;



- (g) provide to its staff training and expertise necessary for the proper performance of the work;

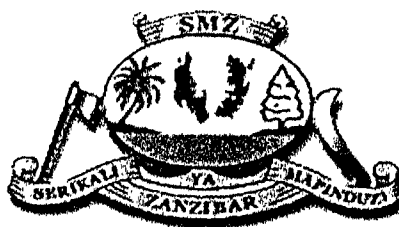
 - (h) display a sign on a conspicuous position in the front place at the business place showing, among other things, the business name and addresses of the trader, the goods or services sold, the manner of selling being a wholesale or retail trade, the normal time for opening and closing the business, and any other information in the interest of the trader;
 - (i) upon suspension or termination of trade, provide information on suspension or termination of its trading activities;

 - (j) provide identification badges to its members of staff and ensure they put them on during all the service time;
 - (k) disclose, upon sale of goods or services through internet or by way of e-trades, the business name(s) of the trader, description of the trader's business, its modalities of trading, and some other information in the interest of the trader; and
 - (l) upon payment of goods or services by e-cards, provide the means for the card to be used in the presence of the customer or client and to provide further information in the instance of the customer or client;
 - (m) observe environmental and hygiene requirements at the place and vicinity of the business.
- (2) Subject to the provisions of any other law in force in Zanzibar, it is prohibited for trade to:
- (a) unfairly restrict or favour the sale or offer for sale of goods or services, or influence consumers through disparagement of goods or services of other traders, or make prohibited use of a business name or in any other manner which is contrary to good trade ethic or practice;
 - (b) accept or offer for sale or sell goods or services the handling or manner of which is prohibited by law; or
 - (c) accept goods for sale from a person who has no right to sell or handle the goods in such a manner that the goods or activity is restricted by law.

Duties of
Organisers of
Trade.

22.(1) Every organiser of trade shall:

- (a) ensure that a place of business meets the requirements as established for the sale of goods or services which is permitted to sell at that place;



(b) ensure that goods and services are sold at a place of sale and during the time of trading prescribed for such purposes; and

(c) issue a receipt and a selling permit pursuant to the requirements of this Act.

Duties of Sellers.

23.(1) Every seller or offer for sale of goods or services, and any person who serves customers or clients on behalf of such the seller or offer or, shall:

(a) have knowledge of the goods or services sold and the necessary speciality to deal with them and adhere to the requirements established for the sale thereof;

(b) wherever called upon, provide correct information concerning the characteristics, origin, conditions for use, price and warranty against defects of goods and services being sold and the meaning of internationally used or generally recognized symbols at the request of the client;

(c) when selling goods or services outside the place of business of the trader, prove, at the request of a customer, client or supervisory officials, his or her capacity to serve customers or clients on behalf of the trader;

(d) where the sale or offer for sale is made in a street, market or public event, wear a name tag that facilitates his or her identification;

(e) upon sale of goods or services which, though conform to the requirements established by law, are below the ordinary standard or second-hand goods, information to that effect shall be displayed at the place of sale of the goods or services.

(f) every seller shall keep the receipt book for the goods or service sold; and

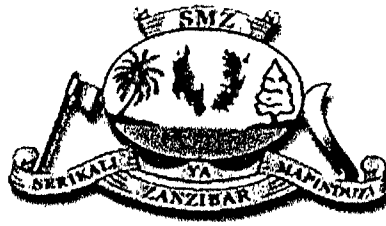
(g) a seller upon sale of goods or service shall issue a receipt to the customer which indicate the kind of goods or service and the receipt shall be issued in accordance to the serial number.

Require-ments
for Sale of Goods
and Services.

24.(1) The sale of goods shall conform to the requirements established for sale of such goods by provisions concerning sales of goods as provided under Part VII of Contract Decree and provisions of any other relevant laws in force for the time being in Zanzibar.

(2) Upon the sale of goods which do not conform to the requirements established by law or upon the sale of second hand goods, information to this effect shall be displayed at the place of the sale of the goods.

(3) The sale of services shall conform to the requirements established for the sale of such services by relevant law.



(4) Where the sale of goods or services is carried at a place located outside a wholesale, retail, catering or service establishment or outside a place of sale, the trader shall communicate the business name or name and the contact details of the trader and the name and sales price of the goods and services to the client.

(5) If an order is to be fulfilled in the absence of the client, the trader shall issue a document or marking to the client which certify receipt of the order.

(6) The marking to be issued under subsection (5) above shall enable identification of the trader by business names, name or registry number.

(7) If the order is fulfilled in the presence of the client, a document certifying receipt of the order shall be issued to the client at the client's request.

Street/mobile
Trading.

25.(1) Every person who sells goods or services outside the economic or professional activities thereof by way of street or market trading or at public event shall:

- (a) have knowledge of the goods or services sold by him;
- (b) adhere to the requirements established for the sale of the goods or services;
- (c) wear tag with his/her name attached in a visible place.

(2) For the purpose of the provisions of subsection (1), an extension to a seller's place outside his or her indoor facilities of sale and its immediate vicinity is not deemed to be street trading.

(3) In addition to the provisions of this Act, the Municipal, Town and District Councils may provide some other procedural conditions for street or market trading and in case of conflict between the provisions of this Act and any by-law of these authorities, the provisions of this Act shall prevail.

Market Trading.

26.(1) In market trading, a seller or trader shall sell goods or services or conduct trade on the basis of a permit granted to him by the market organiser which specifies, among other things, place, time and manner of trading.

(2) Notwithstanding the generality of subsection (1), it is prohibited to sell any goods prohibited to be sold in the market by law.

(3) In market trading, second-hand materials, animals within the meaning of Animal Resources Management Act and young plants shall be sold in a separate place specifically marked for the sale of these groups of goods, animals or plants, as the case may be.

Trading at Public
Events.

27.(1) Any seller or trader of goods or services may sell goods or services at a public event on the basis of a selling permit issued by the organiser of trade.



(2) In addition to the provisions of this Act, the Municipal, Town and District Councils as the case may be, may by order published in the Gazette, provide for some further procedural conditions governing sale or trading at the public events.

Requirements of
the Selling
Permits.

28. A selling or trading permit issued under the provisions of section 27 (1) of this Act shall set out:

- (a) the name, location and registration number of the organiser of trade;
- (b) the name and registry code of the trader, the name of the corresponding register, and the location of the trade;
- (c) the number of the selling permit;
- (d) the location of the place of sale;
- (e) a list of goods or services to be sold at the place of sale;
- (f) the time of trading;
- (g) the duration of the selling permit; and
- (h) the price of the selling permit.

Communication
of Discount Sale
of Goods.

29.(1) The word "final sale", "everything must go", "closing down sale" or other words or expressions with a similar meaning may be used to provide information about the sale of goods at a discount if:

- (a) all the goods for sale or a limited selection of the goods are to be put on final sale;
- (b) the sale is for a limited period of time; or
- (c) the price of the goods to be sold under such conditions is significantly lower than the usual price.

(2) The word "sale", "discount" or other words or expressions with a similar meaning may be used to provide information about the sale of goods at a discount if:

- (a) it is the goods normally sold by the trader which are to be sold at a discount;
- (b) the sale is for a limited period of time;
- (c) the price of the goods to be sold under such conditions is significantly lower than the usual price.



PART VII IMPORT AND EXPORT OF CONTROLLED GOODS

Controlled
Goods.

30.(1) The Minister may, by an Order published in the Gazette, and by stating the reasons thereof, declare any goods to be import or export-controlled goods.

(2) Subject to the provision of this Act, it shall be an offence for any person to import or export any controlled goods, or to do any act with intent that any import-controlled goods shall be imported, unless he is in possession of a permit issued by the Minister under the provision of this section authorizing the importation or exportation of such goods.

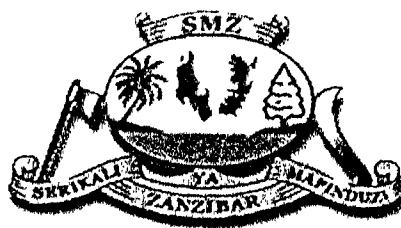
(3) The Minister shall not grant permit for the import of any import-controlled goods if the import of the goods would likely prejudice any agreement or arrangement in respect of domestic, regional and International trade or currently entered into or approved by or on behalf of the Revolutionary Government of Zanzibar or the United Republic of Tanzania.

(4) The Minister shall all only issue permit under sub-section (2) subject to such terms and conditions as stipulated in the regulation.

(5) The Minister may, prima facie evidence, refuse to grant a permit for the export of the goods, unless the intending exporter satisfies him or her that the goods were obtained lawfully form the producer, whether or not the intending exporter himself or herself obtained the goods from the producer.

(6) Notwithstanding provision of subsection (1), the following classes of goods may be imported without a licence whether they are controlled goods or not:-

- (a) goods in transit or for transshipment;
- (b) bona fide baggage as defined in the Customs (Management and Tariff) Act or any Act replacing or amending the same or under any law for the time being in force in Zanzibar;
- (c) Consular goods and official, military and naval stores and goods as respectively defined in the Customs (Management and Tariff) Act;
- (d) commercial travellers' samples;
- (e) goods sent by post on proof to the satisfaction of the Director that they are bona fide unsolicited gifts and not for resale;
- (f) goods imported by the Revolutionary Government of Zanzibar;
- (g) articles which form part of the baggage of a bona fide traveller;



(7) Notwithstanding any other provision of this Act, no export permit shall be required in respect of the exportation of the following goods:-

- (a) articles forming part of the normal stores and equipment of a bona fide tourist safari, it exported within member States of East African Community but not otherwise;
- (b) articles included in any cargo which within Zanzibar is trans shipped on through bills of lading or entered for transit under the provisions of the East African Community Customs Management Act, or any enactment of the East Africa Community, or any regulations made under such Act or enactment;
- (c) articles being used as personal or household effects which accompany the owner to his or her destination or are exported by him or her on his behalf to that destination within a period not exceeding six months from the date of his or her departure from Zanzibar;
- (d) articles exported as trade samples only;
- (e) articles which form part of the baggage of a bona fide traveller;
- (f) articles which are unsolicited gifts and which are exported by post.

(8) The Minister may, by Notice published in the Gazette, restrict the kinds, amounts, quantities or values of goods which may be exported without an export licence under subsection 6 and 7

Application for
Import/Export
Permit.

31. An application for an import or export permit shall be made to the Minister.

Grant of Permit.

32.(1) Notwithstanding any other provision of this Act, the Minister may, by statutory order, grant an permit to any person to import or export such controlled goods or any class of them specified in the order subject to such conditions as he or she may think fit to impose.

(2) Without prejudice to the generality of the foregoing, the Minister may impose all or any of the conditions following, namely, that any goods thereby authorized to be imported or exported shall:

- (a) be consigned to a destination specified in the open general permit; or
- (b) not exceed in the case of each separate consignment or parcel a quantity or value specified in the open general permit; or
- (c) be exported or imported as the case may be through a port or by a means of conveyance specified in the open general permit.



Issue of Export
and Import
Permit.

33.(1) Subject to the provision of this Act, the Minister on receipt of an application for the issuance of export or import permit shall

- (a) issue an export or import permit for the period and subject to conditions if any; or
- (b) refuse to issue an export or import permit;

(2) The import or export permits shall be issued in accordance with the terms and conditions as stipulated in the regulations under this Act.

Cancellation of
Permit.

34.(1) The Minister shall cancel any import or export permit if;

- (a) the applicant contravene with the conditions as stipulated in the permits or regulations;
- (b) the applicant fail to comply with the conditions of the permits;
- (c) the permits obtained by fraud or misrepresentation.

(2) The Minister may at any time cancel any export permit for the export of any foodstuff if he is satisfied that a shortage or expected shortage of foodstuff in Zanzibar.

Power of
Minister to
Prohibit or Limit
Imports or
Exports.

35.(1) Notwithstanding any other provisions of this Act, the Minister may by Order published in the Gazette, prohibit absolutely, restrict or reserve exclusively to any person, the import or export of any goods or limit the import or export of any goods or class or description of goods from or to any country by means of such conditions or limitations as may be specified in such Order, if such action is in the interest of Zanzibar, and if it does not contravenes with the provisions of this Act.

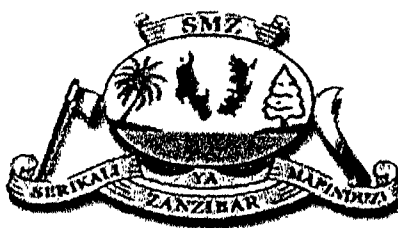
(2) Where, in any case, any import or export permit has been granted prior into coming into force of this Act in respect of any goods the subject of an Order made under subsection (1), the permit shall be deemed to be cancelled from the date of the Order, and the Minister shall issue a fresh permit which conform with the provisions of any such Order.

(3) Where the exportation or importation of goods or class of goods or prohibited absolutely or restricted by any Order made under this section, any person who exports, imports or attempt to export or import any such goods in contravention of the said Order or any provision thereof commits an offence against this Act.

Production of
Permit.

36.(1) A valid permit shall be produced *with* the customs export or import entry of the export or import controlled goods to which such permit relates.

(2) The Commissioner of Customs or any officer acting on his behalf may refuse to permit the exportation or importation of the controlled goods in relation to which production of permit is required by this section unless such permit is produced along with the customs



export entry for such goods and no legal liability shall attach to the Commissioner or any customs officer by reason of any such refusal.

Prohibition of Exportation of Goods without Authorization of the Minister.

37.(1) No person shall import into, export, or re-export any goods outside Zanzibar without the approval of the Minister.

Provided that this section shall not apply to:

goods purchased at either the airport shop or the shop in the customs area and which are supported by receipts issued by either of the above mentioned shops; appropriate wearing apparel and personal effects which are proved to the satisfaction of the customs officer to be for personal use.

Procedure for import/Exporting Goods.

38.(1) Any person who intends to import into, export or re-export any goods outside Zanzibar shall apply for the same to the Minister.

(2) Upon receipt of such application the Minister may grant the approval for import, export or re-export of any goods outside.

PART VIII PROHIBITED AND RESTRICTED GOODS

Prohibited and Restricted Imports.

39.(1) The goods specified in the First Schedule are prohibited goods and the importation thereof is prohibited.

(2) The goods specified in the Second Schedule are restricted goods and the importation or exportation thereof is, save in accordance with any conditions regulating their importation and exportation, is restricted.

(3) The Minister may by Order published in the Gazette amend the Schedule or declare that the importation or in relation to any goods or class of goods:

- (a) is prohibited, or restricted either generally or in relation to any particular country;
- (b) is prohibited, or restricted save in accordance with any conditions regulating their importation or exportation either generally or in relation to a particular Country.

(5) In exercising his powers under this section, the Minister shall adhere to the East African Community Customs Management Act, 2004 of the Revised edition, and any other relevant enactment of the Community.

Prohibited and Restricted Exports.

40.(1) The goods specified in the Third Schedule are prohibited goods and the exportation thereof is prohibited.



(2) The Minister may, by Order published in the Gazette, amend the Schedule so as to provide that the exportation of any goods or class of goods:

- (a) is prohibited, either generally or in relation to any particular country;
- (b) (b) is prohibited, save in accordance with any conditions regulating their exportation either generally or in relation to a particular Country.

Entry of Cargo
for Export.

41.(1) Save as otherwise provided in the Customs laws, the whole of the cargo to be loaded for export on any aircraft or vessel shall be entered by the owner of such cargo in the manner prescribed.

(2) Where any owner delivers an entry under this section he or she shall furnish, therewith to the proper officer full particulars, supported by documentary evidence, of the goods referred to in the entry.

(3) A person who contravenes this section commits an offence and any goods in respect of which such offence has been committed shall be liable to forfeiture.

Powers of
Customs Officer.

42.(1) A customs officer may refuse to allow the import of any import restricted goods or any goods the import of which has been limited under this Act until an import permit is produced to him or her in respect of the goods and he or she is satisfied that the import of the goods in question in no way contravenes any of the conditions of the permit.

(2) A customs officer may refuse to allow the export of any export restricted goods or any goods the export of which has been limited under section 35 until an export permit in respect of the goods is produced to him or her and he or she is satisfied that the export of the goods in no way contravenes any of the conditions of the permit.

(3) A customs officer shall refuse to allow the import or export, as the case may be, of any goods whose import or export has been prohibited by an order made under the provisions of this Act, or if under such provisions the import or export of goods has been made subject to any conditions, he or she shall refuse to allow their import or export, as the case may be, until he or she is satisfied that the conditions have been fulfilled.

PART IX OFFENCES AND PENALTIES

Conducting
Business at
Improper
Place.

43. Any person who conducts, sells or offers for sale of goods or services, or organizes trading at a place which:-

- (a) does not meet the specified requirements;
- (b) does not display information required under the provisions of this Act; or
- (c) is not intended for such a trade,



Commits an offence under this Act.

Offences Relating to Requirements for Goods and Services.	44. Any person who being a seller, trader or organiser of trade violates any provision of this Act relating to nature, category, specification or services to be sold or offered for sale for different purposes and at different places commits an offence under this Act.
Offences Relating to Accompanying Documents.	45. Any person who being a seller, trader or organiser of trade violates any provision of this Act relating to preparing or obtaining a document <u>as he</u> is required by law, or fails to produce or present accompanying document as he is duty bound under the provisions of this Act commits an offence.
Non-Compliance with Import or Export Permit.	46. Any person who contravenes any conditions subject to which the exportation or importation of controlled goods is authorized by any permit commits an offence under this Act.
Giving False Information.	47. Any person who for the purpose of obtaining any permit under this Act: (a) makes any declaration or statement which is false in any material particular; or (b) produces any document which: (i) is false in any material particular; (ii) has not been issued by the person by whom it purports to have been issued; or (iii) has been in any way altered or tampered with. Without prejudice to any liability imposed by any other law, unless he proves that he has taken all reasonable steps to ascertain the truth of the declarations or statements made by him or contained in any document so produced, or to satisfy himself of the genuineness of any such document commits an offence under this Act.
Prohibition of Transfer of Permit.	48. Any holder of an export or import permit who, except with the previous written permission of the Director, transfers or assigns such permit to any other person commits an offence under this Act.
Importation, Exportation or Re-exportation of Prohibited Goods.	49. Any person who attempts to imports, exports or re-exports any goods prohibited under this Act commits an offence.
Penalty.	50.(1) Any person who commits an offence under this Act or Regulations made under this Act to which a penalty is not prescribed shall commit an offence under this Act.



(2) Any person who contravenes with the provisions of sections 14(3), 20, 43, 44, 45, 46, 47, 48 and 50 (1) of this Act shall commit an offence and up on conviction shall be punished in accordance to the fourth schedule under this Act.

(3) The Minister may make amendment to the penalties prescribed in the fourth schedule under this Act when it deemed necessary.

(4) Any convicted person who fails to pay fines after the expiration of the time due for the payment of such fine, his licence, permit and authorization may be forthwith cancelled.

(5) Where a person is convicted of an offence against this Act, it shall be lawful for the court which convicts such person to order that any goods to which such conviction relates be forfeited.

Summary
Punishment.

51.(1) Where the Director has reason to believe that any person is committing or has committed an offence to which this Act applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a *spot penalty* under this section; and no person shall then be liable to be convicted of that offence if the *spot penalty* is paid in accordance with this section before the expiration of fourteen days next following the date of the notice or before the date on which proceedings are begun, whichever event last occurs:

Provided that the person convicted under this Act is not a Zanzibari or a resident of Zanzibar, the spot penalty shall be paid immediately.

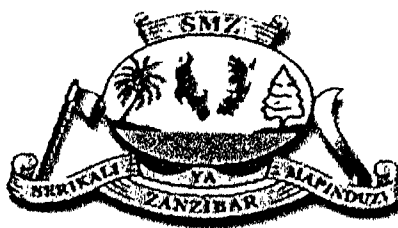
(2) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against such person for that offence until after the expiration of fourteen days next following the date of the notice.

(3) Payment of a spot penalty under this section shall be made to the Director or any such other officer appointed by the Minister by Order published in the Gazette, and sums paid by way of spot penalty for any offence shall be treated for the purposes of this section as if they were fines imposed on conviction for that offence.

(4) A notice under subsection (1) of this section shall specify the offence alleged and give such particulars of the offence as are necessary for giving reasonable information of the allegation and shall state also the period during which proceedings will not be taken for the offence, the amount of the *spot penalty*, and the officers to whom and the address at which the *spot penalty* may be paid.

Offences
Committed by
Companies,
Firms, etc.

52. Where any offence under this Act is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm and every person concerned in the management of the affairs of such



association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

Appeal.

53.(1) Any person aggrieved by the decision made under this Act may appeal to the Minister.

(2) Every appeal shall be in writing and shall be brought within such time as may be prescribed by Regulations.

(3) The decision of the Minister, as the case may be, shall be subject to appeal;

(4) The person who is aggrieved by the decision of the Minister may lodge his appeal at high court.

Power to Make Regulations.

54.(1) The Minister may make Regulations:

- (a) providing for the issuance of permits in respect of the import or export of goods specified in a notice, including the conditions for the issue of such permits;
- (b) regulating the conduct of any business, whether wholesale or retail;
- (c) providing for efficiency and fair distribution of goods or any category of goods;
- (d) regulating and controlling the import and export of goods;
- (e) organising, coordinating and supervising of trade fairs and Exhibitions;
- (f) prescribing forms to be used under this Act;
- (g) prescribing procedures for application for permit for import, export or re-export of any goods outside Zanzibar;
- (h) prescribing procedure for the appeals arising from decisions;
- (i) prescribing fees or levy to be paid under this Act;
- (j) procedure, meetings and reports of the committee; and
- (k) any other matter for better carrying out of this act.

Repeal and Savings.

55.(1) The following laws are hereby repealed:

- (a) the Zanzibar Trading Act No 4 of 1989;



(b) the Essential Commodities and Restricted Goods (Smuggling Control), No. 5 1986 and;

(c) the Regulation of Trade Act, 1980.

(2) Notwithstanding the repeal made under sub-section (1), all regulations or rules made and anything done under the repealed laws prior to coming in force of this Act shall be deemed to have been made under the provisions of this Act until such time the subsidiary legislation in question is revoked and replaced.

PASSED by the House of Representatives on 17th day of October, 2013

.....
(YAHYA KHAMIS HAMAD)
CLERK OF THE HOUSE OF REPRESENTATIVES OF ZANZIBAR



(b) the Essential Commodities and Restricted Goods (Smuggling Control), No. 5 1986 and;

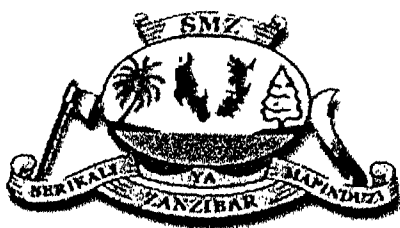
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(YAHYAKHAMIS HAMAD)

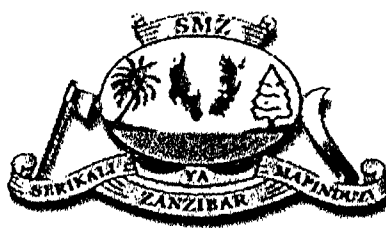
CLERK OF THE HOUSE OF REPRESENTATIVES OF ZANZIBAR



FIRST SCHEDULE
(Under Section 39(1))

PROHIBITED GOODS

1. All goods the importation of which is for the time being prohibited under any written law for the time being in force in the Zanzibar.
2. False money and counterfeit currency notes and coins and any money not being of the established standard in weight or fineness.
3. Pornographic materials in all kinds of media, indecent or obscene printed paintings, books, cards, lithographs or other engravings, and any other indecent or obscene articles.
4. Matches in the manufacture of which white phosphorous has been employed.
5. Distilled beverages containing essential oils or chemical products, which are injurious to health, including thijone, star arise, benzoic aldehyde, salicyclic esters, hyssop and absinthe. Provided that nothing in this paragraph contained shall apply to "Anise and Anisette" liquers containing not more than 0.1 per centum of oil of anise and distillates from either pimpinella anisum or the star arise allicium verum.
6. Narcotic drugs under Act No 9 of 2009.
7. Hazardous wastes and their disposal as provided for under the Basel Conventions.
8. All soaps and cosmetic products containing mercury.
9. Used undewear, mattresses and pillows.
10. The following Agricultural and Industrial Chemicals:-
 - (a) Agricultural Chemicals:
 - (i) 2.4 - T
 - (ii) Aldrin
 - (iii) Caplafol



(iv) Chlordimeform | Chlorobenzilate | DDT

(v) Dieldrin

(a) Dibroacethanel (EDB)

(vi) Flouroacelamide

(vii) Hexachlorocyclohexane (HCH)

(viii) Hiplanchlor

(ix) Hoscachlorobenzene

(x) Lindone

(xi) Mercury compounds

(xii) Monocrolophs (certain formulations)

(xiii) Methamidophos

(xiv) Phospharmion

(xv) Methyl - parathion

(xvi) Parathion

(b) Industrial Chemicals:

(i) Crocidolite

(ii) Polychlorominate biphenyls (PBB)

(iii) Polyuchorinted Biphenyls (PCB)

(iv) Polychlororinated Terphenyls (PCT)

(v) Tris (2.3 dibromopropyl) phosphate

(vi) Methylbromide (to be phased out in accordance with the Montreal Protocol by 2007).

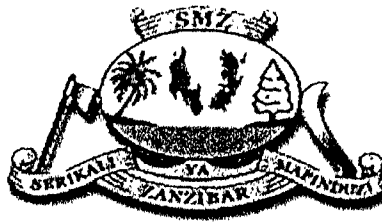
11. Counterfeit goods of all kinds - Amended in L.N. EAC/13/2008 dated 30/6/2008.



SECOND SCHEDULE
(Under Section 39(2))

RESTRICTED IMPORTED AND EXPORTED GOODS

1. All goods the importation/ Exportation of which is for the time being regulated under this Act or by any written law for the time being in force within the Partner State of the East African Community.
2. Postal franking machines except and in accordance with the terms of a written permit granted by a competent authority of the Partner State of the East African Community.
3. Traps capable of killing or capturing any game animal except and in accordance with the terms of a written permit granted by the Partner State of the East African Community.
4. Unwrought precious metals and precious stones.
5. Arms and ammunition specified under Chapter 93 of the Customs Nomenclature.
6. Ossein and bones treated with acid.
7. Other bones and horn - cores, unworked defatted, simply prepared (but not cut to shape) degelatinized, powder and waste of these products.
8. Ivory, elephant unworked or simply prepared but not cut to shape.
9. Teeth, hippopotamus, unworked or simply prepared but not cut to shape.
10. Horn, rhinoceros, unworked or simply prepared but not cut to shape.
11. Other ivory unworked or simply prepared but cut to shape.
12. Ivory powder and waste.
13. Tortoise shell, whalebone and whalebone hair, horns, antlers, hoovers, nail, claws and beaks, unworked or simply prepared but not cut to shape, powder and waste of these products.
14. Coral and similar materials, unworked or simply prepared but not otherwise worked shells of molasses, crustaceans or echinoderms and cattle-bone, unworked or simply prepared but not cut to shape powder and waste thereof.
15. Natural sponges of animal origin.
16. Spent (irradiated) fuel elements (cartridges) of nuclear reactors.
17. Worked ivory and articles of ivory.



18. Bone, tortoise shell, horn, antlers, coral, mother-of pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).

19. Ozone Depleting Substances under the Montreal Protocol (1987) and the Vienna Convention (1985).
20. Genetically modified products.
21. Non-indigenous species of fish or egg of progeny.

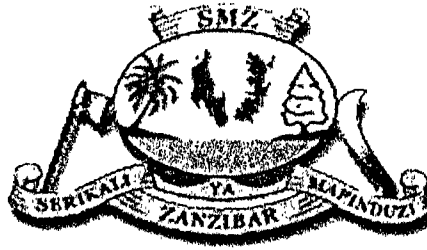
22. Endangered Species of World Flora and Fauna and their products in accordance with CITES March 1973 and amendments thereof.
23. Commercial casings (Second hand tyres).
24. All psychotropic drugs under international control.
25. Historical artefacts.
26. Goods specified under Chapter 36 of the Customs Nomenclature of the East African Community (for example, percussion caps, detonators, signalling flares).
27. Parts of guns and ammunition, of base metal (Section XV of the Harmonised Commodity Description and Coding System), or similar goods of plastics under Chapter 39 of the Customs Nomenclature of the East African Community.
28. Armoured fighting vehicles under heading No. 8710 of the Customs Nomenclature of the East African Community.
29. Telescope sights or other optical devices suitable for use with arms, unless mounted on a firearm or presented with the firearm on which they are designed to be mounted under Chapter 90 of the Customs Nomenclature of the East African Community.
30. Bows, arrows, fencing foils or toys under Chapter 95 of the Customs Nomenclature of the East African Community.
31. Collector's pieces or antiques of guns and ammunition under heading No. 9705 or 9706 of the Customs Nomenclature of the East African Community.
32. Used cargo vehicles.
33. Used underwear, mattresses and pillows.
34. exhausted goods.



FOURTH SCHEDULE
(Under Section 50(2))

SECTION	BUSINESS CAPITAL (TSS)	
Section No. 14(3) 43,44,45,46,47 and 48	50,000 - 500,000	Not less than 20,000 shillings and not exceed 50,000
	500,000 - 2,000,000	Not less than 50,000 shillings and not exceed 200,000
	2,000,000 - 10,000,000	Not less than 200,000 shillings and not exceed 1,000,000
	10,000,000 - 50,000,000	Not less than 500,000 shillings and not exceed 1,000,000
	50,000,000 - 100,000,000	Not less than 2,000,000 shillings and not exceed 5,000,000
	100,000,000 and above	not exceed 10,000,000
Section No. 20,49 and 50	50,000 - 500,000	Not less than 20,000 shillings and not exceed 50,000
	500,000 - 2,000,000	Not less than 50,000 shillings and not exceed 200,000
	2,000,000 - 10,000,000	Not less than 200,000 shillings and not exceed 500,000
	10,000,000 - 50,000,000	Not less than 500,000 shillings and not exceed 500,000
	50,000,000 - 100,000,000	Not less than 2,000,000 shillings and not exceed 5,000,000
	100,000,000 and above	Not less than 500,000 shillings and not exceed 10,000,000.

**AN ACT TO ESTABLISH
BUSINESS LICENSING
REGULATORY SYSTEM
ACT NO 13 OF 2013**



**AN ACT TO ESTABLISH BUSINESS LICENSING REGULATORY SYSTEM
ACT NO 13 OF 2013**

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2. Application
3. Interpretation

**PART II
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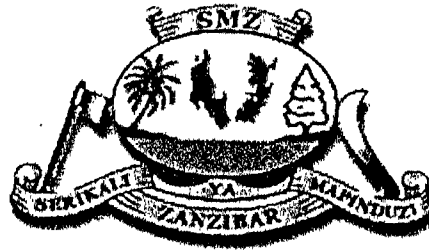
4. Business Licensing Regulatory System Council
5. The Functions of the Council
6. Power of the Council
7. Power of the Council to hold Enquires
8. Member of the Council
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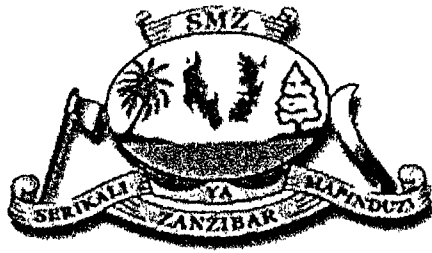
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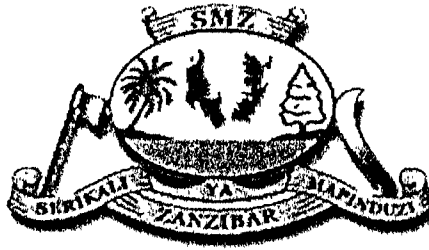
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ACT NO 13 OF 2013

I ASSENT

(DR. ALI MOHAMED SHEIN)
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

13th February, 2014

**AN ACT TO ESTABLISH BUSINESS LICENSING REGULATORY SYSTEM
AND TO PROVIDE FOR OTHER MATTERS RELATED THEREAFTER AND
INCIDENTAL THERETO**

ENACTED By The House of Representatives of Zanzibar

**PART I
PRELIMINARY PROVISIONS**

Short Title and
Commencement.

1. This Act may be cited as the Business Licensing Regulatory System Act, 2013 and shall come into operation after being assented to by the President.

Application.

2. This Act shall apply to any of business or commercial relations and activities in Zanzibar

Interpretation.

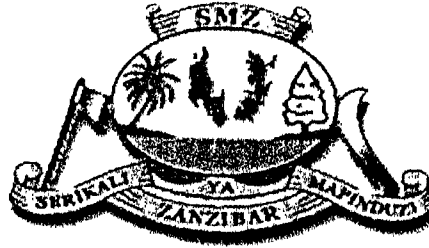
3. In this Act unless the context otherwise requires:-

"Adult" means an individual who is 18 years of age or above;

"Agent" means a person whose job is to act for, or manage the affairs of, other people in business

"Affidavit" means, in relation to a person allowed by law, to affirm by statutory declaration;

"Associate", for the purposes of section 29, a person is an associate of an individual if that person is:



- (a) any paper or other material on which there is writing; or
- (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; or
- (c) any computer, disc, tape or other article or any material from which audio/visio images, writings or messages are capable of being reproduced, with or without the aid of another article or device;
- (d) a map, plan, drawing or photograph.

"Electronic communication" means:

- (a) a communication of information in the form of data, text or images by means of guided or unguided electromagnetic energy, or both; or
- (b) a communication of information in the form of audio/video by means of guided or unguided electromagnetic energy, or
- (c) both, where the audio/video is processed at its destination by an automated voice recognition system.

"Executive Secretary" means the Executive Secretary of the Council appointed under section 16 of this Act;

"Foreign country" means a country (whether or not an independent sovereign state) outside the United Republic of Tanzania.

"Gazette" means the Official Gazette of the Revolutionary Government of Zanzibar.

"Government" means the Revolutionary Government of Zanzibar.

"Inspector" means a person appointed under section 46 of this Act.

"Legislation" includes regulations and bylaws.

"License" means a legal permission from the government or other authorities to carry on some business or profession from the provision of any legislation.

"Local Government" means the administration of civic affairs of a city, town, or District by its inhabitants rather than by state or a country at large.

"Licensing Authority" means any person or body with statutory authority to issue licences, permits and, or, authorisation in respect of business activity in any sector of the economy.



- (a) the individual's husband or wife;
- (b) a relative of the individual, or
- (c) the husband or wife of a relative of the individual, or
- (d) in partnership with the individual or the individual's husband or wife or a relative of the individual;
- (e) in the case of a body corporate, is a controller of it or if that person and persons who are his associates together are controllers of it.

"Bankrupt" and "bankruptcy" include respectively insolvent and insolvency within the meaning of the Bankruptcy Decree Chapter 20;

"Business" includes any form of trade, profession or occupation or commercial activity;

"Calendar month" means a period starting at the beginning of any day of one of the 12 named months and ending:

- (a) immediately before the beginning of the corresponding day of the next named month; or
- (b) if there is no such corresponding day at the end of the next named month;

"Commercial activity" is the provision of goods and, or, services in exchange for payment;

"Commercial enterprise" is the provision of goods and, or, services on a regular basis by a person engaged in business, in exchange for payment;

"Council" means the Business Licensing Regulatory Reform Council established under section 4 of this Act;

"Creditors' voluntary winding up" has the meaning assigned to it by the Insolvency Decree cap. 20;

"Demerit scheme" means a system devised to discourage and penalise unacceptable behavior;

"Document" means any record of information and includes:



"Licensing principles" means the principles established under section 20 of this Act;

"Licensing system" includes the system governing licences, permits, authorisation and other mechanisms of state control over business activities;

"Local authorities" means the municipality, district councils and town councils.

"Minister" means the Minister responsible for Trade

"Party" includes an individual or a body politic or corporate.

"Permit" means a legal permission to carry business.

"Person" means individual person or a non-natural person including a body politic or corporate.

"President" means the President of Zanzibar and Chairman of the Revolutionary Council.

"Property" means any legal or equitable estate or interest, whether present or future, vested or contingent, or tangible or intangible, in real or personal property of any description, including money and things in action.

"Relative" means a brother, sister, uncle, aunt, nephew, niece, lineal ancestor or lineal descendant, step-child or adopted child of a person.

"Working day" means a day that is not:

- (a) a Saturday or Sunday; or
- (b) a public holiday or special holiday in the place in which any relevant act is to be or may be done.

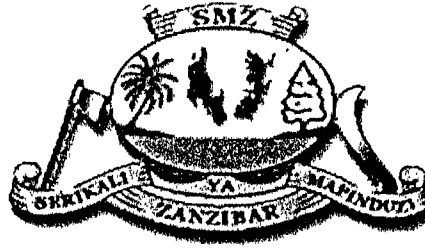
PART II ESTABLISHMENT OF THE BUSINESS LICENSING REGULATORY SYSTEM COUNCIL

Business
Licensing
Regulatory
System Council.

4.(1) There is hereby established a Business Licensing Regulatory System Council.

(2) The Council shall be a body corporate which has the right to sue and being sued on its own name, and shall have a common seal.

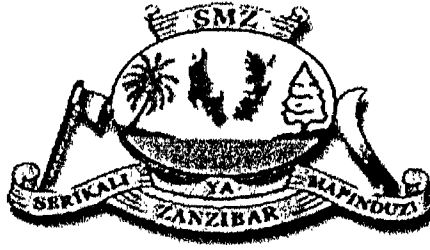
(3) The common seal of the Council shall not be affixed to any instrument or document except as authorized by the Council.



The Functions
of the Council.

5.(1) The Council shall perform the following functions:

- (a) to effectively implement and operate the national licensing system.
- (b) to develop policy about, and administer licensing, permits and authorisations system;
- (c) to review all existing requirements to hold a licence, permit or authorisation to set up or continue in business or to engage in any particular commercial activity and to issue directives to the relevant authority for the removal of any such requirements that do not meet the criteria under section 20(1) and (2) of this Act.
- (d) to review all proposals to introduce requirements to hold a licence, permit or authorisation to set up or continue in business or to engage in any particular commercial activity and to issue directives to the relevant authority as to whether such requirements do or do not meet the criteria under section 20(1) and (2) of this Act.
- (e) to co-operate with any entity reviewing the national licensing system or system of business regulation or any aspect thereof
- (f) to liaise with other research bodies within and outside Zanzibar carrying out comparable studies, research and evaluation;
- (g) To provide advice to the relevant authority about matters relating business regulation;
- (h) to give effect to policy directives and other decisions made by the Government in relations to business licensing system;
- (i) to advise the Government on matters arising out of the reviews undertaken under subsection 1 (c) of this section;
- (j) to review and fix fees payable for licences, permits or authorisations approved under this Act;
- (k) to keep and maintain publicly accessible registers of the licences, permits and authorisations required for business activities;
- (l) to develop measures and means for assessing its performance and to report to the Government;
- (m) to carry out research and evaluations relating to business licencing, permits and authorizations;



- (n) to liaise with licensing authorities in a way that is transparent and provides for the sharing of information.

(2) In exercising its functions, the Council shall act consistently with the objectives of the national licensing policy of the Government.

Powers of the Council.

6.(1) The powers of the Council shall be:-

- (a) to require any licensing authority or any person to provide it with such information as it may require in the performance of its functions.
- (b) to give directives to any licensing authority about the policies to be applied by the licensing authority in exercise of its functions as a licensing authority;
- (c) to do all such things as appear to be necessary, desirable or expedient for the performance of its functions; and
- (d) to undertake reviews of legislation, including draft legislation, and develop and review policy matters relating to licensing, permits and authorisations and other matters relating to the regulation of businesses and commercial activities;

(2) Notwithstanding the provisions of subsection 1(b) of this section, the Council shall not give a directive to a licensing authority about:-

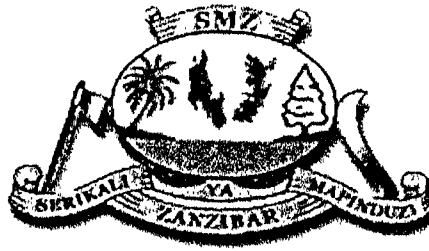
- (a) a particular person; or
- (b) a particular application; or
- (c) a particular disciplinary proceeding or disciplinary action.

(3) In exercising its functions in relation to reviewing legislation or developing or reviewing policy matters about licensing, permits and authorisations or other aspects of business regulation, the Council shall, to the extent that it considers reasonable in the circumstances, consult:-

- (i) stakeholders from relevant occupations or engaged in activities that are or likely to be the subject of licence, permits or authorization requirements; and
- (ii) the business community.

Powers of the Council to Hold Enquires.

7.(1) The Council may, on its own initiative, or as directed by the Minister, carry out a review of the powers, procedures and practice of any licensing authority in respect of the issue of licences, permits or authorisation or in respect of its obligations under this Act.



(2) It is an offence for the official or member of staff of a licensing authority to obstruct the Council in carrying out its review under this section.

Member of the Council.

8.(1) The Council shall consists of the following members:

- (a) The Chairperson who shall be appointed by the President and who must hold at least a University Degree in Economics, or Business Administration, or Law and with at least seven years of experience.
- (b) The Minister, in consultation with relevant institutions, shall appoint:-
 - (i) A member from Ministry responsible for Finance;
 - (ii) A member from Ministry responsible for Local Authority;
 - (iii) A member from Ministry responsible for Trade;
 - (iv) A member from Ministry responsible for Justice;
 - (v) A member from Ministry responsible for Tourism;
 - (vi) Two members from Zanzibar National Chamber of Commerce, Industry and Agriculture; and
 - (vii) A member from civil society dealing with Tourism.
- (c) The Minister, shall appoint three other members in consideration to their distinguished expertise, knowledge or experience in economics, finance, law, environmental management, engineering, health or any other relevant field of business

(2) In addition to those appointed under subsection (1) of this section, the Executive Secretary, shall attend all council meetings as an ex officio member.

(3) The council may co-opt any specialized technical expert to provide advice for proper performance of the functions of the council

Tenure of the Office.

9. Members of the Council other than ex-officio member shall hold office for a term of three years and may be eligible for re-appointment.

Meetings of the Council.

10.(1) The Council shall meet quarterly in every year, but may at any time if need be, call and convene a meeting.

(2) The Council shall appoint one of its member to be a Vice Chairman.

(3) The quorum of any meeting of the Council shall be more than half of members of the Council.



(4) All meetings of the Council shall be presided by the Chairman and, in his absence, the Vice Chairman shall preside the meeting.

(5) The Chairperson or presiding member shall have a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

(6) A decision of the Council shall not be invalidated by any defect or irregularity in the appointment of any member of the Council.

(7) Subject to other provisions of this Act, the Council shall regulate its own proceedings.

Remuneration of Council Members.

11. Members of the Council shall be paid such remuneration and allowances as the Minister responsible for Public Services may determine.

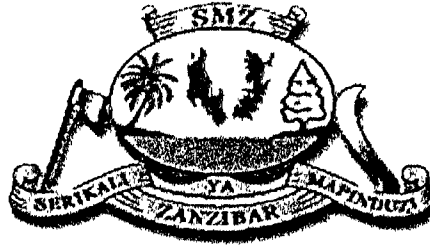
Vacancy in Office of a Council Member.

12.(1) The office of a member becomes vacant if the member:

- (a) completes a term of office; or
- (b) resigns the office by signed notice given to the appointing authority; or
- (c) is removed from office by the appointing authority under this section; or
- (d) is absent, without leave first being granted by the Council, from 3 or more consecutive ordinary meetings of the Council of which reasonable notice has been given to the member personally, by post or electronic communication; or
- (e) dies.

(2) The appointing authority may remove a member from office if:

- (a) the member who has been convicted of an offence (whether in Zanzibar, the United Republic of Tanzania or elsewhere) that, in the opinion of the appointing authority, renders the member unfit to continue to hold office;
- (b) the member:
 - (i) has been declared bankrupt by the court; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) makes an assignment of member's remuneration for their benefit.



(3) If the office of a member becomes vacant because the member has completed the term of office, the member is taken to continue to be a member during that vacancy until the date on which the vacancy is filled, whether by re-appointment of the member or appointment of a successor to the member.

(4) Subsection (3) of this section shall cease to apply to the member if:

- (a) the member resigns the member's office by signed notice given to the appointing authority; or
- (b) the appointing authority decides the services of the member are no longer required.

(5) The maximum period for which a member is taken to continue to be a member under this section after completion of the member's term of office is 6 months.

(6) Appointing authority under section means President or Minister.

Declaration of Interest.

13. Any member of the Council, who has an interest in a matter which is being discussed by the Council shall declare his interest and shall not participate in any meeting of the Council at which that matter is being considered.

PART III ADMINISTRATION

Secretariat of the Council.

14. There shall be a Secretariat of the Council to be headed by Executive Secretary, which shall serve as technical and administrative organ of the Council.

Functions of the Secretariat.

15.(1) Subject to the provisions of this Act, the Secretariat as part of the Council shall be responsible to undertake the work assigned to it by the Council

(2) The Secretariat shall implement and monitor policy, regulation and directives of the Council.

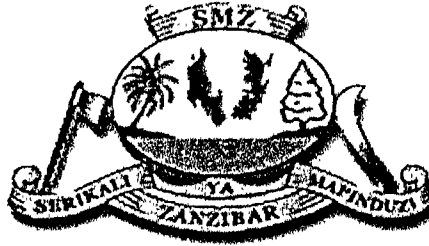
(3) The Secretariat shall be the custodian of the common seal of the Council and shall carry out day to day functions of the Council.

Executive Secretary of the Council.

16.(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 the Executive Secretary if he:

- (a) Is a holder of at least University Degree in Business Administration or Business Management or Economics or Laws or Public Administration from recognised University;



- (b) Has working experience of at least five years in any of the above field; and
- (c) Has not been convicted of any offence involving moral turpitude or corruption.

Functions of the Executive of the Council.

17. The Executive Secretary shall be responsible for:

- (a) providing effective strategic leadership of the Council;
- (b) formulating the Council's strategy for discharging its duties;
- (c) Presenting the views of the Council to the Government and to the general public.
- (d) encouraging the Council to adopt and follow good practice in its governance conduct of the Council's business.
- (e) Ensuring high standards of propriety amongst the supporting staff;
- (f) ensuring the effective use of staff and other resources;
- (g) ensuring that the Council meets at appropriate intervals and minutes of the meetings and reports submitted to the Government, accurate recorded decisions taken and, where appropriate, the views of individual Council members.

Council Staff.

18. The Executive Secretary, with the approval of the Council, shall employ such staff, and on such terms and conditions and remuneration, as specified in Public Services Act No.2 of 2011 as may be amended from time to time.

Strategic plan and Reporting.

19.(1) The Council shall prepare the Strategic Plan and submit to the Minister, for approval, within six months after the commencement of this Act

(2) The Council shall submit the subsequent strategic plans to the Minister, not later than 6 months, before the preceding plan is due to expire.

(3) The Council, within 3 months after the end of each financial year, shall submit to the Minister an annual performance report for that year.

(4) The annual performance report shall detail the business conducted by the Council during the relevant period.

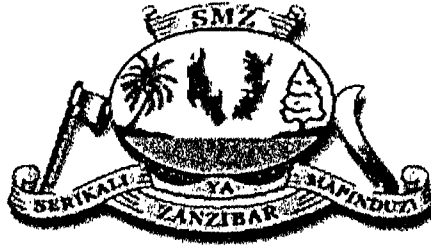
PART IV PRINCIPLES OF REGULATING BUSINESS LICENSING

Principles of Issuing Licences.

20.(1) There shall be principles of regulating the issuance of business licenses, permits and authorizations to be observed by licensing authorities which shall inter alia include:



- (a) establishment of uniform procedures and criteria for licensing, permits and authorisations;
- (b) establishment of a transparent and equitable system;
- (c) establishment of an effective, efficient and low-cost system;
- (d) payment of minimal and clearly fixed fees and imposed for the sole purpose of defraying the administrative costs in respect of the licence, permit or authorisation;
- (e) ensuring the legitimacy of procedures applicable to licences, permits or authorisations;
- (f) simplification of the procedures referred to in subsection (1)(e) of this section;
- (g) exchange of information among licensing authorities where possible and information possessed by one licensing or regulatory authority is not required to be provided again by applicants for licences, permits or authorisations to other licensing authorities;
- (h) requirement to hold a licence, permit or authorisation shall:-
 - (i) solely be for the purpose of regulating business;
 - (ii) not restrict competition.
- (i) licences, permits or authorisations shall be valid and for a conveniently long duration;
- (j) facilitation of a consistent skill and knowledge base for licensed occupations or those occupations requiring a permit or authorisation;
- (k) avoidance of bureaucratic inertia and bureaucratic discretion;
- (l) ensuring that effective coordination exists between the Council and the licensing authorities;
- (m) establishment of a positive compliance system;
- (n) avoidance of imposing undue burdens on small and medium enterprises;
- (o) establishment of uniform standards in respect of violations of licence, permits or authorisation requirements;
- (p) maintaining data protection and commercial confidentiality for all information gathered under the system except where disclosure is required by law.



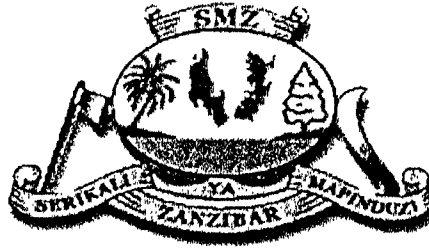
- (q) creating a supportive and facilitative environment for those required by law to hold a licence, permit or other authorisation;
- (r) maintaining a system that is free from bribery and corruption.

(2) Government control over the commercial activities of persons in Zanzibar through the requirement to have a licence or permit or to obtain any authorisation by a licensing authority shall only be exercised where an activity or enterprise may result in or give rise to:

- (a) detriment to the public interest;
- (b) detriment to national security;
- (c) breach of international obligations;
- (d) breach of:
 - (i) quality control provisions;
 - (ii) quality assurance provisions;
 - (iii) safety provisions; or
 - (iv) health or hygiene provisions;
- (e) professional incompetence;
- (f) serious detriment to the interests of consumers that cannot be effectively prevented by other legal mechanisms;
- (g) unfair trading or unfair competition that cannot be effectively prevented by other legal mechanisms;
- (h) depletion of natural resources or unsustainable use thereof;
- (i) depletion of cultural heritage or unsustainable use thereof;
- (j) breach of public morality; or
- (k) some other substantial reasons.

(3) The requirement to hold a licence, permit or to obtain an authorisation shall be legally enforceable where, in the opinion of the Council, that requirement is effective and proportionate to avoid the detriments and breaches set out in subsection (2) of this section.

(4) Any new legislations, regulations or bylaws, made after the commencement of this Act, requiring a person, category of persons or activity to acquire a licence, permit or other authorisation from licensing authority shall be null and void unless conforms with this Act



(5) A licensing authority proposing to introduce new provisions under subsection 3 of this section shall:

- (a) give notice in writing of that intention to the Executive Secretary;
- (b) hold public consultations so as to ascertain the views of the persons to be affected by the intended action;
- (c) submit to the Executive Secretary a report of the consultations together with an assessment of the impact on the business activity that the imposition is proposed to apply.

(6) The Executive Secretary shall scrutinize the proposal submitted under subsection (4) of this section and compliance with subsection (5) of this section and make a recommendation to the Council as to whether the proposal has complied with criteria set out in subsection (2) of this section, should be amended, approved or rejected.

(7) The Executive Secretary, on reviewing the provisions submitted under subsection 6 shall make a recommendation to the Council and where they do not meet the criteria set out in subsection (2) and (3) of this section or other requirements laid down by the Council, the requirement to hold such a licence, permit or authorisation shall expire on the date fixed by the Council.

(8) The Council shall only approve provisions for a licence, permit or other authorisation where it meets one or more of the criteria set out in subsection (2) of this section.

Licensing
Authorities
Authorised to
Issue Licences,
Permits and
Authorizations.

21.(1) The Council shall issue a list and address of authorised licensing authorities and this shall be published in the Gazette.

(2) The list referred to in subsection (1) of this section shall be updated from time to time.

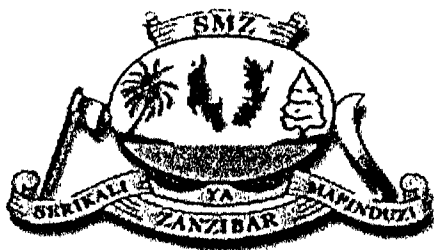
(3) Any licensing authority that is not included in the list referred to in subsection (1) of this section shall not require any person to hold a licence, permit, authorisation, permission or to pay any fee to establish a business or engage in commercial transactions.

(4) All authorised licensing authorities shall cooperate with the Council in accordance with the provisions of this Act.

Providing and
approval of
Licences, Permits
and
Authorizations
by local
authority.

22.(1) All bylaws, licences, permits, authorisation, fees and other charges imposed by any local authority shall be sent to the Council for consultation and approval within 120 days of the commencement of this Act notwithstanding that an approval may have been given by the Minister responsible for Local Authority in respect of such bylaws, licences fees, permits or other charges prior to the commencement of this Act.

(2) The Executive Secretary shall scrutinise the provisions provided under subsection 1 of this section and shall make a recommendation to the Council as to whether the provisions should be amended, approved or rejected.



(3) The Council shall issue a determination as to whether the bylaw, licence, permit, authorisation, fee or other charge meet the criteria set out in section 20(2) of this Act and therefore issue its approval.

(4) Where approval has been granted, the local authority shall be designated a licensing authority for the purposes of this Act and shall comply with the requirements of this Act applicable to licensing authorities.

(5) Where approval is not granted under subsection (2) the local authority shall cease to apply the relevant bylaw and shall not issue licences, permits or authorisations or charge fees or other payments not approved by the Council.

Duty of
Licensing
Authorities to
Provide Guidance
and Assistance.

23.(1) Any licensing authority that requires, by law, any person who is engaged in business or who engages in commercial transactions to hold a licence, permit or authorisation shall provide an easy-to-read guide for applicants and such guide shall be provided to the Council for consultation and approval within 120 days of the commencement of this Act in the case of existing licences, permits and authorisations and together with submissions for approval of new licences, permits or authorisations under the provisions of subsection 20 (4) of this Act.

(2) A licensing authority shall provide applicants for licence, permit or authorisation with the necessary assistance and guidance in order to comply with any legal or administrative requirement.

(3) If an authority receives a written application concerning a matter outside its competence it shall forward the application to the proper authority as immediate as possible.

Prompt Handling
of Applications
and Enquiries.

24.(1) Applications shall be processed or answered as quickly as possible, and in any case should not exceed thirty (30) days.

(2) When an enquiry is made, this shall be answered at the earliest possible opportunity.

(3) If the enquiry cannot be addressed immediately the licensing authority shall give a deadline for the submission of an answer.

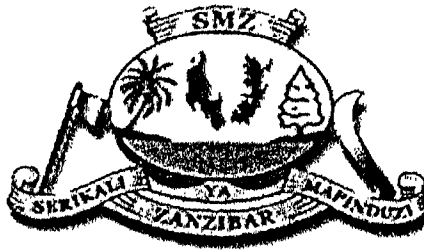
(4) When it becomes evident that a decision on an application will be delayed, the applicant shall be informed and provided with the reasons for the delay and the date when a decision is to be expected.

(5) If there is undue delay in dealing with an application, the applicant may make a complaint to the Council within fourteen days (14) days, in addition to any appeal mechanism provided for in the relevant legislation.

National Register
of Licences,
Permits and
Authorizations.

25.(1) The Council shall keep the national register of all valid requirements to hold a licence, permit or to obtain an authorisation in order to engage in business in or to carry out a commercial transaction.

(2) Without limiting subsection (1) of this section, Minister may provide regulations



- (a) the information that must be collected and recorded by the Council about licences, permits and authorisations;
- (b) the information that is to be included in the national register or registers;
- (c) the way the national register is, or are, to be kept; and
- (d) the inspection of the national register by members of the public; and
- (e) the publication of information included in national register

Principle of Equality.

26.(1) In processing applications, a licensing authority shall make every effort to ensure that it acts in a consistent manner and observes the rule of equal treatment.

(2) The applicant shall not be discriminated against on the grounds of their ethnic origin, sex, color, nationality, religion, political conviction, family, disability or other comparable considerations.

Principle of Proportionality.

27. A licensing authority shall reach an adverse decision only when the lawful purpose sought cannot be attained by less stringent means and in such a case, care shall be taken not to go further than necessary.

Right of Applicant to be Heard.

28. An applicant for a licence, permit or authorisation shall be given the opportunity to express his views on the application before a licensing authority reaches a final decision thereon, unless his or her reasoned position on the matter already appears in the documentation submitted with the application, or it is clearly unnecessary for him or her to do so.

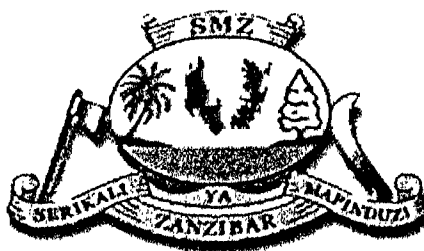
Notices.

29.(1) where a licensing authority is dissatisfied with any matter in connection with:

- (a) an application made for a licence, permit or authorisation;
- (b) a business being carried on, or which has been carried on, by a licensee, permit holder or authorised person or by an associate or a former associate of such person;
- (c) any conduct not covered by paragraph (a) or (b) of a licensee, permit holder or authorized person or of an associate or a former associate of that person.

(2) In the case of subsection (1)(a) of this section, the licensing authority shall provide the applicant with a refusal notice and provide the applicant with an opportunity to address the issues giving rise to the refusal and, or, to be heard in accordance with section 28 as to why the application should be granted.

(3) In the case of subsection (1)(b) or (c) of this section, the licensing authority may by notice to the licensee, permit holder or authorised person require him to do or not to do (or to cease doing) anything specified in the notice for purposes connected with:



- (a) addressing the matter with which the licensing authority is dissatisfied; or
- (b) securing that matters of the same or a similar kind do not arise.

(4) A requirement imposed under this section on a licensee, permit holder or authorised person shall only relate to a business which he is carrying on, or is proposing to carry on, under the licence, permit or authorisation of which he is a holder.

(5) Such a requirement may be framed by reference to a named person other than the licensee, permit holder or authorised person.

(6) For the purposes of subsection (1) of this section, it is immaterial whether the matter with which the licensing authority is dissatisfied arose before or after the licence, permit or authorisation was granted.

Notification of
Application or
Appeal Being
Processed.

30. If an applicant has been given the right to express his views on its subject-matter pursuant to section 28, a licensing authority shall notify him within 14 days the time, place and date of which the application or appeal comes up for determination .

Right to
Information.

31.(1) An applicant for a licence, permit or authorisation or an appellant in respect thereof shall have the right to acquaint himself or herself with the documentation and other material bearing on the case.

(2) If a applicant asks for duplicates or photocopies thereof he shall be given them unless the documents are of such nature or so large that presents a considerable difficulty.

(3) The Executive Secretary may determine, by a special system of charges, the amount payable for duplicates and photocopies made pursuant to this section.

(4) The provisions of this section shall not apply to the investigation and conduct of criminal cases, except that the defendant in such proceedings may, however, demand access to the case file after the case has been discontinued or concluded by other means.

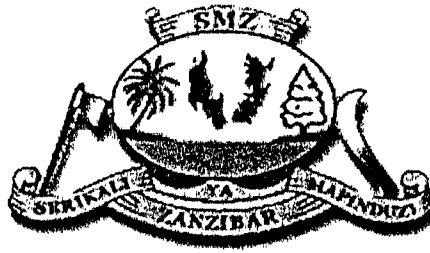
(5) A applicant's right of access to material under this section shall not apply to:

- (a) correspondence between the authorities and experts for use in court cases or relating to the decision whether to take a case to court.
- (b) working papers prepared for its own use by a licensing authority.

Restriction and
denial of Right to
Information.

32.(1) A licensing authority may restrict the access of an applicant or appellant to material if the advantage to be gained by the applicant from use of the material is deemed to be outweighed by a greater interest, public or private.

(2) A decision by a licensing authority to deny an applicant or appellant access to the case material or to some extent to restrict such access shall be notified to the party with reasons given in accordance with section 34 of this Act.



(3) A denial or restriction of access to case material may be complained of to the competent public authority and shall be lodged within 14 days of the party having been notified of the decision.

Notification of Decisions.

33.(1) Once a licensing authority has reached a decision on a request for information under section 31 the applicant or appellant shall be notified thereof within seven (7) days.

(2) A decision shall be binding upon notification.

(3) A written notification of a decision, unaccompanied by a statement of reasons, shall give guidance as to:

- (a) the applicant or appellant's right to be given reasons for the decision;
- (b) a right of complaint, when applicable, the relevant time limit and cost, as well as where to lodge the complaint.

Statement of Reasons.

34.(1) When required by this Act, or by other legislation to provide reasons for decisions, a licensing authority shall ensure that in the statement of reason(s) reference is made to the rules of procedure on which the authority's decision is based.

(2) When a decision of a licensing authority is based on an assessment of the facts, the statement of reasons required by this Act or other legislation shall contain the main opinions deciding the outcome of that assessment.

(3) When a licensing authority is legally required to provide a statement of reasons, that statement shall contain a brief description of the most important facts influencing the decision in a case.

(4) A statement of reasons may be limited as regards material to which applicant has been denied a right of access, pursuant to sections 32 and 33 of this act.

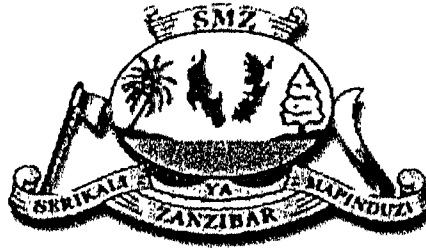
PART V PROCEDURES ON GRANTING AND CANCELATION LICENCES

Application Procedures.

35.(1) An application to a licensing authority for a grant, renewal or transfer of a licence, permit or authorization shall be in such form as may be prescribed by the licensing authority.

(2) The application shall be completed and signed by the applicant or his agent, and shall be submitted to the authority together with:

- (a) proof of completion of all formalities required and a certified copy of the business registration, if applicable, from the relevant public authority or the business registration number;
- (b) where applicable, proof of membership of the relevant professional association or of qualifications and, or, training at an accredited institution;



- (c) a Police Clearance Certificate.
- (d) proof that the applicant is not bankrupt; and
- (e) Valid certificate of compliance from the tax authorities.

(3) A licensing authority may accept submission of an application or of any certificate or document required under this section by electronic means and accompanied by an electronic signature.

Terms and
Conditions of
Licences.

36.(1) Where there are special types of activities subject to licensing, permits or authorisation which requires special technical conditions, then specific technical terms and conditions may be stipulated to perform such types of activities subject to licensing, permits or authorisation.

(2) The technical terms and conditions relating to the type of activities subject to licensing, permits or authorisations shall be stipulated by law or other legal acts.

Consideration of
Applications.

37.(1) Where the licensing authority is satisfied that the applicant has met all the relevant criteria, it must issue the licence, permit or authorisation.

(2) Where the licensing authority before issuing the licence deems it appropriate, the application shall be referred to the relevant Minister for consideration.

Attendance at a
Meeting of the
Licensing
Authority by the
Applicant or his
Representative.

38.(1) The licensing authority may issue a notice to a new applicant or his representative to attend a meeting at which the application is to be considered.

(2) The licensing authority may decline to consider an application if the applicant or his representative, without any prior notice, does not attend a meeting at which the application is to be considered.

(3) Notwithstanding the provisions in subsection (1) of this section, an applicant for the renewal or permanent transfer of a licence, permit or authorisation or who is making an application in respect of a new branch office need not attend a meeting at which his application is being considered unless the applicant has been notified by the licensing authority to attend.

(4) The licensing authority shall not refuse an application for the renewal or transfer of a licence, permit or authorisation without hearing the applicant or his representative unless the applicant, having been cited by the licensing authority to attend the meeting at which his application is being considered, fails to attend such meeting.

Licensing
Process.

39.(1) It shall be the responsibility of the applicant for a licence, permit or authorisation to obtain any other permit, licence or authorization required under any other law, or by other licensing authorities.

(2) A licensing authority shall from the outset facilitate applications by providing all relative information to enable applicants to comply with subsection (1) of this section and this information shall be contained in the guide required by section 23 of this Act.



Issuance of Licences.

40.(1) The licensing authority shall grant and deliver a licence, permit or authorization to every person who comply with the provision of relevant legislation.

(2) The licensing authority shall, when required, make out a duplicate of any licence, permit or authorisation issued by it under this section and shall certify such duplicate to be a true copy of the original licence, permit or authorisation and such duplicate, duly certified, shall be sufficient evidence of the facts contained therein and of the terms of the original licence, permit or authorisation.

Duration of Licences, Permits and Authorisations.

41.(1) A new licence, permit or authorisation shall come into effect on being granted by the licensing authority under section 40 of this Act.

(2) If an application is made for renewal of a licence, permit or authorisation, the licence, permit or authorisation in respect of which the application is made shall continue to have effect until the application for renewal is granted by the licensing authority or, if the application for renewal is refused, until the time within which an appeal may be made has elapsed or, if an appeal has been lodged, until the appeal has been abandoned or determined.

Fees.

42. The fees for grant, transfer or renewal of a licence, permit or authorisation charged by the licensing authority shall be laid down from time to time by the Council in a notice published in the Gazette.

Transfer of Licences, Permits and Authorisations.

43.(1) A licensing authority may, on receipt of an application in that regard, transfer to a new owner, or to the heirs or legatees of a deceased holder, a licence, permit or authorisation granted in relation to the premises and, or, business which was the subject of the succession in accordance with the provisions of the Business Entities Act No 12 of 2012 as may be amended from time to time.

(2) A licence, permit or authorisation transferred under the provisions of subsection (1) of this section shall have effect until the expiry of that licence, permit or authorisation.

(3) Where a licence, permit or authorisation has been transferred under this section to any person, the licensing authority shall, on payment of the appropriate fee, endorse on the licence, permit or authorisation a note of the transfer.

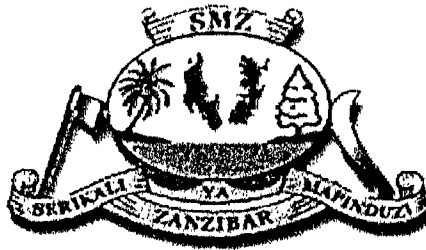
(4) Any licence, permit or authorisation transferred under this section shall be held subject to the conditions on which it was originally granted.

(5) Licences, permits or authorisations granted to individuals because of their personal skills, qualifications, experience or other personal aptitude are non-transferable.

Register of Application and Decisions.

44.(1) A licensing authority shall keep a register of applications for licences, permits and authorisations and shall enter in the register the decisions taken on the applications made.

(2) The register of applications, laid down in subsection (1) of this section, shall be available for inspection by any member of the public at times and places to be determined by the licensing authority.



Suspension and
Cancellation of a
Licence, Permit or
Authorisation.

45.(1) A licensing authority may suspend or cancel a licence, permit or authorisation on one of the following grounds:-

- (a) that the holder is no longer fit and proper to hold such a licence, permit or authorisation;
- (b) that the holder is in breach of the terms and conditions or other legal requirements applicable to that licence, permit or authorisation;
- (c) that the use of the premises in respect of which the licence, permit or authorisation is held is a threat to public health or safety;
- (d) that the premises in respect of which the licence, permit or authorisation applies no longer meets the standards laid down by the relevant legislation;
- (e) that the holder or his agent refused entry to a duly authorized inspector or to cooperate with an inspector as required by this Act and, or other legislation applicable to the licence, permit or authorisation.

(2) In considering a complaint under this section, the licensing authority may have regard to any misconduct on the part of the holder of the licence, permit or authorisation whether or not constituting a breach of the provisions of the relevant legislation, which in the opinion of the licensing authority has a bearing on his fitness to be the holder of such licence, permit or authorisation.

(3) Where the licensing authority decides to order the suspension of a licence, permit or authorisation, the suspension shall not take effect until the expiry of the time within which the holder may appeal or, if an appeal is lodged, until it has been determined or abandoned.

(4) Subsection (3) of this section shall not apply where immediate suspension is required in the interests of the health and safety of other persons or the general public.

(5) The period of suspension of a licence, permit or authorisation under this section shall be a fixed period not exceeding one year or the unexpired portion of the duration of the licence, permit or authorisation whichever is the less, and the effect of the suspension is that the licence, permit or authorisation shall cease to have effect during the period of the suspension.

Inspectors.

46.(1) A licensing authority may appoint inspectors to ensure compliance with the provisions of Act and related regulations and other laws relevant to the business or activity subject to licensing, permits or authorisation requirements or terms and conditions applicable thereunder.

(2) A licensing authority shall issue each inspector with an identity card that shall present on entry into any premises that are to be the subject of their inspection or to any person from whom they are entitled to obtain information under the provisions of this Act and related regulations or other legislations applicable to the licence, permit or authorisation.



(3) An inspector may:

- (a) enter, at reasonable times, any premises at which a business that is the subject of a licence, permit or authorisation is being conducted or at which any business, trade or profession is being conducted and which is subject to the provisions of this Act and any regulations made thereunder or to other laws applicable to the licence, permit or authorisation;
- (b) inspect the premises referred to in subsection (3)(a) of this section and conduct investigations or an audit of the facilities and services provided there during regular working hours and other reasonable times and within reasonable limits and in a reasonable manner;
- (c) take original or copies of documentation, including electronic documents.
- (d) where the business is in a serious breach of this Act, or any other Act, or where it poses a threat to public safety, order the closure of that business.

(4) In making his inspection and investigations under this Act or other applicable laws, the inspector may require the attendance and testimony of witnesses and the production of evidence.

(5) An inspector shall treat as confidential and not reveal any commercial secrets which may come to his knowledge in the course of executing his duties unless:-

- (a) the inspector is required to divulge this information by a Court of Law; or
- (b) the inspector is required to divulge this information as part of his work as an inspector.

(6) An inspector, who has a personal, pecuniary or direct interest that may prejudicially affect the consideration of any matter before him shall not inspect or supervise on that matter so as to avoid the possibility of prejudice.

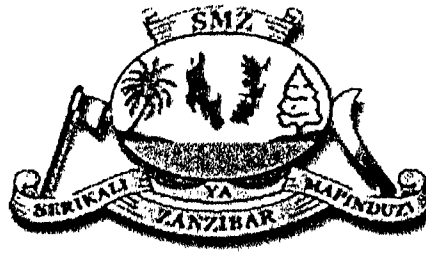
(7) A person shall at reasonable times allow an inspector acting under this section, or exercising his powers under this Act and regulations access to premises and to documentation.

(8) A person who obstructs or prevents an inspector from carrying out his duties under this Act commits an offence.

Liability of
Inspectors

47.(1) No inspector, exercising powers conferred by this Act, shall be liable for anything done by him in good faith for the purposes of enforcing this Act and regulations made under it or otherwise acting in the course of duty.

(2) Any inspector, referred to in subsection (1) of this section who abuses his position or who causes unlawful damage, seizes property unlawfully or who breaches the confidentiality of information acquired by him in the course of his duties shall be guilty of an offence.



Canvassing.

48.(1) Any applicant for the grant, renewal or transfer of a licence, permit or authorisation who, either by himself or by another person at the instigation of the applicant, unduly attempts to influence the licensing authority, one or more of its officials or staff to support his application at any time before its consideration by a licensing authority, shall be guilty of an offence.

(2) If the applicant is guilty of an offence under subsection (1) of this section, the licensing authority may refuse to consider the application made.

Penalties.

49. A licensing authority shall have the power to impose one or more of the following penalties on a person convicted of an offence under this Act:

- (a) a fine at the appropriate level on the scale of penalties laid down in a notice made by the Minister and published in the Gazette;
- (b) an admonishment and warning;
- (c) suspension of the licence, permit or authorisation;
- (d) cancellation of the licence, permit or authorisation; and
- (e) an order specifying the amount of compensation to be paid to a person or persons adversely affected as a result of the offence;

Appeal.

50.(1) Once a licensing authority has reached a decision on an application for a licence, permit or authorisation and notified it to the applicant, the applicant shall have the right of appeal against that decision in accordance with relevant legislation of the licensing authority.

(2) Where a licensing authority suspends, restricts, revokes or cancels a licence, permit or authorisation or issues an order to the holder requiring him to refrain from some activity or to undertake certain remedial action, as provided for by law, the holder of the licence, permit or authorisation may appeal against that decision.

(3) The grounds of appeal must be one of the following:

- (a) the decision was based on insufficient or wrong information as to the facts;
- (b) the decision was based on circumstances which subsequently changed in a material way;
- (c) the licensing authority erred in law;
- (d) the licensing authority acted contrary to natural justice;
- (e) the decision was beyond the powers of the licensing authority;
- (f) the licensing authority was in breach of the provisions of this Act or regulations issued thereunder.



(4) An appeal shall be applied within twenty-one days from the date of notification of the decision to the person to whom it applies.

PART VI FINANCIAL PROVISIONS

Sources of
Funds.

51.(1) The funds and resources of the Council shall consists of:

- (a) Moneys appropriated by the House of representatives;
- (b) Moneys raised by way of lawful donations or grants;
- (c) Such sums of money or property which may become payable to or vested in the Council under this Act or any other written law.

(2) The Council may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained or derived, charge to the fund all remunerations, allowances, salaries, working expenses and all other charges properly arising, including any necessary capital expenditure.

Expenditure and
budget.

52. (1) There shall be paid out of the fund all such sums of money required to defray the expenditure incurred by the Council in the exercise, discharge and performance of its functions and duties under this Act

(2) The Executive Secretary shall, not later than three months before the end of each financial year, prepare and submit to the Council for its approval, estimates of its income and expenditure for the next coming year, which, upon approval, shall be forwarded to the Minister.

(3) The Executive Secretary may at any time submit to the Council a supplementary estimate for its consideration and upon approval the Council shall notify the Minister.

(4) The Executive Secretary shall, at the end of each financial year, prepare a report of activities of the Council and submit that report including balance of the fund, to the Minister after approval by the Council

(5) The Minister shall submit the annual performance and financial accounts to the House of Representatives.

Accounts and
Audit.

53.(1) The Council shall cause to be made and kept the proper and complete books of accounts reflecting all incomes and expenditure of the Council.

(2) The Executive Secretary shall, subject to such directives from the Council, prepare in relation to the operations of the Council, in respect of each financial year, statement of accounts which shall include:

- (a) financial statement and statement of income and expenditure;
- (b) such other information in respect of financial affairs of the Council as required under the Public Finance Act.



(3) Within three months of closing of every financial year the accounts including the financial statement of the Council in respect of that financial year shall be submitted to the Controller and Auditor General or any Auditor recognized and approved by the Controller and Auditor General for auditing.

(4) The audited accounts shall be submitted to the Council and if adopted by the Council, shall be endorsed with a certificate that it has been so adopted

(5) As soon the accounts of the Council have been audited, and in any case not later than three months after the close of the financial year, the Council shall submit to the Minister a copy of the report on the statement made by the Auditor.

PART VII GENERAL PROVISIONS

Directives of the
Minister.

54. The Minister may give to the Council directives of a general or specific nature in writing as to the exercise or performance of its functions and the Council shall give effect to such directives according to this Act.

Offences by
Bodies
Corporate.

55.(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be prosecuted against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of its member in connection with his functions of management as if he were a director of the body corporate.

Regulations.

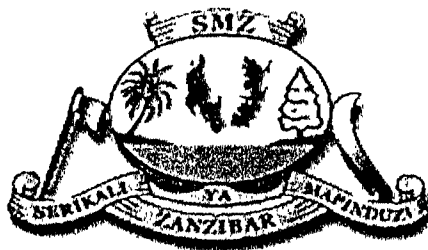
56.(1) The Minister may make regulations for the better implementation of this Act.

(2) The regulations may provide for the following:

- (a) the occupations, businesses or activities to which this Act is to apply;
- (b) the licensing, issue of permits or authorisations of persons engaged in business or commercial transactions;
- (c) other matters relating to licences including:
 - (i) applications for licences, permits or authorisations;
 - (ii) the requirements to be satisfied by persons to be eligible for a licence, permit or authorisation or to continue to hold a licence, permit or authorisation;



- (iii) the granting of licences, permits or authorisations;
- (iv) the renewal, variation or surrender of licences, permits or authorisations.
- (d) fees under this Act including:
 - (i) the fees to be paid for applications made under this Act for licences, permits or authorizations;
 - (ii) or the renewal or variation thereof;
 - (iii) the refunding of fees;
 - (iv) the waiver of fees;
 - (v) late fees and fees for dishonoured payments;
- (e) arrangements for the publication of fees;
- (f) the conduct of licensees, permit-holders or authorised persons, including the making and adoption of codes of practice applicable to them;
- (g) matters relating to compliance with and enforcement of this Act and the regulations, including, but not limited to:
 - (i) monitoring and auditing of licensees, permit holders and authorised persons and work undertaken by them;
 - (ii) complaints about licensees, permit holders and authorised persons or former licensees, permit holders and authorised persons;
 - (iii) the grounds on which licences, permits and authorisations are automatically suspended or cancelled and other matters relating to those suspensions or cancellations;
 - (iv) the establishment of a demerit point scheme for licensees, permit holders and authorized persons;
 - (v) other matters relating to disciplinary proceedings and disciplinary action.
- (h) matters relating to nominees for licences, permits or authorisations;
- (i) matters relating to directors and members of licensees, permit holders and authorised persons who are bodies corporate, including:
 - (i) the duties and obligations of directors and members;
 - (ii) matters relating to the liability of directors and members;
- (j) matters relating to persons who are employed or otherwise engaged by licensees, permit holders and authorised persons including:



- (i) the duties and obligations of licensees in relation to those persons;
 - (ii) the duties and obligations of those persons;
 - (iii) matters relating to vicarious liability for actions of those persons;
- (k) matters relating to persons who are receivers, managers or administrators appointed to carry out, wind up or otherwise administer or operate businesses conducted by licensees, permit holders and authorised persons or persons whose licences, permits or authorisations have been suspended or cancelled, including matters relating to the appointment of those persons and the obligations and responsibilities of those persons in carrying out, winding up or otherwise administering or operating the businesses;
- (l) matters relating to trust funds held by licensees, permit holders and authorised persons;
- (m) the payment of penalties and fines imposed under this Act, including who the penalties and fines are to be paid to;
- (n) the criteria or procedures to be used by the Council in developing policy about the national licensing system;
- (o) any other matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PASSED by the House of Representatives on 11th day of October, 2013

.....
(YAHYA KHAMIS HAMAD)

Clerk of the House of Representatives of Zanzibar