



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

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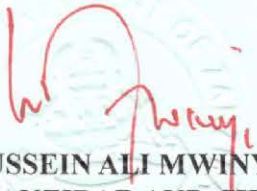


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13. Amendment of section 30.
14. Amendment of section 38.
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ACT NO. 1 OF 2021

I ASSENT

  
{DR. HUSSEIN ALI MWINYI}  
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF  
THE REVOLUTIONARY COUNCIL

08.03....., 2021

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

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

**PART ONE  
PRELIMINARY PROVISIONS**

Short title  
and Commencement.

**1.** This Act may be cited as the Written Laws (Miscellaneous Amendment) Act, 2021 and shall come into operation immediately after being assented to by the President.

Amendment  
of certain  
laws.

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

**PART TWO  
AMENDMENT OF THE CRIMINAL PROCEDURE  
ACT, NO. 7 OF 2018**

Construction.

**3.** This Part shall be read together as one with the Criminal Procedure Act, No. 7 of 2018, in this Part referred to as "the Principal Act".

Amendment  
of section 2.

**4.** The Principal Act is amended in section 2 by deleting the words "...for which bail may be admitted only by the Chief Justice under section 151(4) of this Act" appearing in the definition of words "non-bailable offences".



Repeal and  
replacement  
of section  
151.

5. Section 151 of the Principal Act is repealed and replaced by the following new section 151 as follows:

General  
power  
to grant  
bail.

**151.**-(1) When any person, other than a person accused of murder, treason, armed robbery, possession of firearms, drug trafficking, an offence relating to large quantity of drugs, rape, unnatural offence, defilement of a boy, gang rape, incest, defilement of a person with mental disability, money laundering, tax evasion or misappropriation of assets, is arrested or detained without warrant by any officer in-charge of a police station, or appears or is brought before a court and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such court to give bail, such person may be admitted to bail.

(2) The officer in charge of police station or court may, instead of taking bail from such person, release him on his executing a bond without sureties for his appearance as hereinafter provided.

(3) The amount of bail shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(4) The High Court may, in case of bailable offences, direct that, any person be admitted to bail or that condition of bail required by a subordinate court or police officer be reduced.

(5) Where a person has failed to comply with conditions of bail bond as regards the time and place of attendance, the court may refuse to release him on bail when on a subsequent occasion in the same case he appears before the court or is brought in custody and any such refusal shall be without prejudice to the powers of the court to call upon any person bound by such bond to pay the penalty thereof.

(6) Violation of police bail bond may be enforced in court by using the provisions of this Act.





**PART THREE**  
**AMENDEMENT OF THE PUBLIC PRIVATE PARTNERSHIP**  
**ACT, NO. 8 OF 2015**

Construction.        **6.** This Part shall be read together as one with the Public Private Partnership Act, No. 8 of 2015, in this Part referred to as “the Principal Act”.

Amendment of section 2.        **7.** The Principal Act is amended by deleting the definition of the word “Minister” wherever appearing in section 2 and substituting a new definition of the word “Minister” as follows:

“Minister” means the Minister responsible for Public Private Partnership”.

Amendment of sections 3(1), 13(b), 13(c), 13(d), 14 (1)(b), 15(a), 19(7), 19(8), 25(1), 38(5), 38(6), 38(7), 38(8), 38(9), 46(1), 46(3)(b), 46(3)(i), 59(1) and 67.        **8.** The Principal Act is amended by deleting the words “Ministry of Finance” appearing in sections 3(1), 13(b), 13(c), 13(d), 14 (1)(b), 15(a), 19(7), 19(8), 25(1), 38(5), 38(6), 38(7), 38(8), 38(9), 46(1), 46(3)(b), 46(3)(i), 59(1) and 67 and substituting for them with the words “Ministry responsible for Public Private Partnership”.

Amendment of section 9.        **9.** The Principal Act is amended by deleting the words “... Executive Secretary of Zanzibar Planning Commission” appearing in section 9 (4) and substituting for them with the words “Principal Secretary of the Ministry responsible for Public Private Partnership.”

Amendment of section 14(1).        **10.** The Principal Act is amended in section 14(1) by deleting paragraph (b) and substituting for it a new paragraph (b) as follows:

“(b) Principal Secretary of the Ministry responsible for finance;”

Amendment of section 15.        **11.** The Principal Act is amended by deleting the words “Minister of Finance” appearing in section 15 and substituting for them with the words “Minister responsible for Public Private Partnership”.



Amendment  
of section  
20.

**12.** The Principal Act is amended in section 20 by deleting the words “Zanzibar Planning Commission” appearing between the words “a Project Development Fund within” and the words “which consist of” and substituting for them with the words “Ministry responsible for Public Private Partnership”.

Amendment  
of section  
30.

**13.** The Principal Act is amended in section 30 by:

(a) deleting marginal note and substituting for it a new marginal note as follows:

“Procedures for unsolicited or solicited proposals”

(b) renumbering section 30 to be section 30(1); and

(c) adding a new subsection (2) as follows:

“(2) The Implementing Authority may engage a Transaction Advisor or Technical Expert to assist Implementing Authority or Public Private Partnership Department on the technical matters related to the unsolicited or solicited proposal provided”.

Amendment  
of section  
38.

**14.** The Principal Act is amended in section 38 by:

(a) deleting the words “two months” appearing in subsection (5) between the words “a legal opinion within” and the words “on the Agreement” and substituting for them with the words “twenty-one calendar days”.

(b) deleting the words “two months” appearing in subsection (6) between the words “Ministry of Finance within” and the words “as prescribed by ...” and substituting for them with the words “twenty-one calendar days”.

Amendment  
of section  
44.

**15.** The Principal Act is amended in section 44 by:

(a) rewriting subsection (4) to be subsections (4) and (5) as follows:

“(4) The Private proponent shall be invited to participate in any competitive selection procedure initiated in response to his unsolicited proposal.

(5) The Private proponent may only be awarded a contract associated with unsolicited proposal in accordance with competitive tendering procedures under this Act”.





(b) deleting subsection (5);

(c) adding new subsections (6), (7), (8), (9) and (10) as follows:

“(6) Unsolicited proposal shall be submitted to the Public Private Partnership Department for reviewing if it complies with the provisions of this Act.

(7) Upon approval of project concept for unsolicited proposal, the Private proponent shall make a commitment to undertake the project by depositing a refundable amount of not exceeding three percent of the estimated cost of the project to be conducted.

(8) The refundable amount shall be regarded as nonrefundable in case of Private proponent default.

(9) The Minister responsible for Public Private Partnership may make regulations prescribing procedures for deposit and refund of the commitment deposit under subsection (7).

(10) The proposal from unsolicited project shall be passed through Government Negotiation Team for recommendations to the Revolutionary Council for approval”.

Addition of  
new sections  
44A, 44B  
and 44C.

**16.** The Principal Act is amended by adding new sections 44A, 44B and 44C as follows:

“Criteria  
for  
Exemption.

**44A.** The Minister responsible for Public Private Partnership may exempt unsolicited project proposal from competitive tendering procedures where it meets the following criteria, that:

- (a) the project shall be of priority to the Government and consistent with the National Strategic Plans and Objectives;
- (b) the Private proponent does not require Government guarantee or any form of financial support from the Government;
- (c) the project shall demonstrate value for money, affordability and shall transfer significant risks to the Private proponent;



- (d) the project has a wide social economic benefits including improved services, employment and taxation;
- (e) the Private proponent commits to bear cost of undertaking a feasibility study and Environmental and Social Impact Assessment of the project; and
- (f) the proposed project submitted shall comply with the international standards and best practices”.

“Privilege  
for  
reviewing  
submitted  
proposal.

**44B.**-(1) Where a Private proponent does not qualify to meet the criteria referred to under section 44A of this Act, while the project idea is valid, the Private proponent may be given a privilege for reviewing the submitted proposal within thirty days from the date the directives have been provided.

(2) The privilege for reviewing the submitted proposal shall not be granted for more than twice”.

“Govern-  
ment  
Negotiation  
Team.

**44C.** There shall be a Government Negotiation Team which its composition, duties and powers shall be as prescribed in the Regulations”.

**PASSED** by the House of Representatives of Zanzibar on 24<sup>th</sup> February, 2021.

(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*