

AN ACT TO REPEAL THE ZANZIBAR ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO. 1 OF 2012 AND RE- ENACT THE ZANZIBAR ANTI-CORRUPTION AND ECONOMIC CRIMES ACT AND OTHER MATTERS CONNECTED THEREWITH

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SCHEDULE

ACT NO. 5 OF 2023

I ASSENT

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

24 JULY ....., **2023**

AN ACT TO REPEAL THE ZANZIBAR ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO. 1 OF 2012 AND RE- ENACT THE ZANZIBAR ANTI-CORRUPTION AND ECONOMIC CRIMES ACT AND OTHER MATTERS CONNECTED THEREWITH

ENACTED by the House of Representatives of Zanzibar

PART ONE
PRELIMINARY PROVISIONS

Short title and Commencement.

1. This Act may be cited as the Zanzibar Anti-Corruption and Economic Crimes Act, 2023 and shall come into force after being assented to by the President and on such date as the Minister may, by notice published in the Gazette, appoint.

Application.

2. This Act shall apply in all matters relating to the management and operation of the Authority and to all matters relating to prevent and combat corruption and economic crimes in Zanzibar.

Interpretation

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

"agent" includes:

(a) a person in the employment of whether under a contract of service, a contract for service or otherwise, permanent or temporary or paid or unpaid;

(b) a trustee;

(c) an administrator or an executor; or

(d) a public service officer;

"Assistant Investigator" means a staff authorized by the Director General under the provisions of section 20 of this Act to assist the Investigator;

"attachment order" means an order issued by a Court to seize a specific property of a suspect under the provisions of this Act;

"Authority" means the Zanzibar Anti-Corruption and Economic Crimes Authority established under the provisions of section 4 of this Act;

"benefit" means any gift, loan, fee, reward, appointment, service, favour, forbearance, promise, advantage or other consideration;

"communication service provider" means a person who provides postal services, information or communication including telecommunications, broadcasting, website, blogs, online services, internet service and an expert declared by the Director General;

"Constitution" means the Constitution of Zanzibar of 1984;

"Corrupt conduct" means a conduct that:

(a) constituting corruption or economic crime; or

(b) took place before this Act comes into operation and which at that time, constituted an offence of corruption or economic crimes;

"corruption" includes all offences specified under Part Five of this Act;

"data" means information recorded or stored in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose;

"Deputy Director General" means a Deputy Director General appointed under the provisions of section 9 of this Act;

"Director General" means a Director General appointed under the provisions of section 6 of this Act;

"District Authority Commander" means a staff appointed by the Director General under the provisions of section 11 of this Act;

"Economic Crime" means offences specified under Part Six of this Act;

"Entity" means any public or private body or office which provides employment under a contract of service, for service or otherwise, permanent or temporary or paid or unpaid;

"Financial Intelligence Unit (FIU)" means a unit established under Anti Money Laundering and Proceeds of Crime Act, No. 10 of 2009;

"Government" means the Revolutionary Government of Zanzibar;

"Investigator" means a person appointed by the Director General under the provisions of section 20 of this Act to conduct an investigation;

"Minister" means the Minister responsible for matters relating to anti-corruption and economic crimes;

"Officer" means a person employed or appointed to hold a post in public or private entity;

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

"Principal" includes:

(a) a beneficiary;

(b) a person to whom an agent acts on his behalf; and

(c) an employer.

"Public body" means any body or institution performing the functions of or on behalf of the Government;

"Public Corporation" means any corporation established subject to the provisions of the Office of Treasury Registrar and Public Asset Management Act, No. 6 of 2021 or any other law and in which the Government or its agent owns majority of the shares or is the sole shareholder;

"Regional Authority Commander" means a staff appointed by the Director General under the provisions of section 11 of this Act;



"staff" means any employee or officer of the Authority including the Director General, Deputy Director General and every person employed by or acting for the service of the Authority;

"unexplained assets" means assets:

(a) acquired at or around the time the person has allegedly committed a corruption or economic crime; or

(b) whose value is disproportionable to that person's known sources of income at or around that time and for which there is no satisfactory explanation relating to acquiring of such assets.

PART TWO
ESTABLISHMENT OF THE AUTHORITY

Establishment of the Authority

4.-(1) There is established an Authority to be known as the Zanzibar Anti-corruption and Economic Crimes Authority and its acronym shall be "ZAECA".

(2) The Authority shall be a body corporate with perpetual succession, a common seal and by its corporate name, be capable of:

(a) suing and being sued;

(b) acquiring, holding and disposing any movable and immovable property; and

(c) performing any other function which may lawful be performed by the body corporate.

Functions of the Authority.

5.-(1) The functions of the Authority as a paramilitary agency, shall be to:

(a) receive and investigate any complaint concerning with corrupt conduct in any public or private body;

(b) investigate any matter that, in the authoritys' opinion, raises suspicion that any of the following have occurred or are about to occur:

(i) conduct constituting corruption or economic crime; and

(ii) conduct likely to allow, encourage or cause an act constituting corruption or economic crime;

(c) investigate the conduct of any person that, in the opinion of the Authority, is conducive to corruption or economic crime or other offence under this Act;

(d) assist any law enforcement agency of the Government in the investigation of corruption or economic crime;

(e) at the request of any person, advise and assist on ways in which the person may prevent corrupt conduct;

(f) examine the practices or procedures of public or private bodies in order to facilitate the discovery of corrupt conduct and to secure the revision of methods of work or procedures that, in the opinion of the Authority, may be conducive to corrupt conduct;

(g) direct any Chief Executive Officer of entity on changes in practices or procedures compatible with the effective discharge of the duties of such entity that the Director General thinks necessary to reduce the likelihood of the occurrence of corrupt conduct;

(h) educate the public on the importance of code of ethics, dangers of corruption and economic crime and require the public to support the Authority in combating corruption and economic crime, in that regard, the Authority shall:

(i) design and publish any type of publication relevant to its mission and purpose;

(ii) commission or undertake any research or study;

(iii) organize any forum, assembly or meeting and participate in any forum organized by other institutions; and

(iv) design and execute public awareness programs on corruption and economic crimes aspects through media.

(i) investigate the extent of liability for the loss of or damage to any public property and in consultation with the Attorney General, institute civil proceedings against any person for the recovery of such property or compensation;

(j) recover the property lost or destroyed or enforce an order for compensation even if the lost or destroyed property is outside Zanzibar or the assets that could be used to satisfy the order is outside Zanzibar;

(k) oversee contracts and projects in which the Government is benefit directly or indirectly, before the signing of the contracts and during the implementations; and

(l) carry out any other function conferred under this Act or any other law.

(2) The Chief Executive Officer of the entity shall be bound with the directives given under subsection (1)(g) of this section.

(3) Where the entity seems that, is not bound to follow the directives given under subsection (1)(g) of this section shall, in writing, explain to the Authority not more than fourteen days after being directed on why that entity shall not be bound with such directives.

(4) Subject to the provisions of this section, the Authority may engage a staff or an investigator to any entity as the Director General thinks necessary.

(5) A person who contravenes the provisions of subsection (2) of this section, commits an offence.

PART THREE
ADMINISTRATION AND MANAGEMENT OF THE AUTHORITY

Appointment and qualifications of the Director General.

6.-(1) There shall be a Director General of the Authority who shall be appointed by the President.

(2) A person shall qualify to be appointed as a Director General if that person:

(a) is a Zanzibari;

(b) has at least first degree of law or any other field from an institution recognized by the Government;

(c) has working experience for a period of not less than seven years in the field of law, criminal investigation, prosecution, justice, management or administration;

(d) has a high standard of integrity; and

(e) has never been convicted to any Court for the offence of corruption, economic crime or other financial crime.



Functions and powers of the Director General.

7.-(1) The Director General shall be the Chief Executive Officer of the Authority and shall be responsible for the day to day functions of the Authority.

(2) In performing the functions of the Authority under this Act, the Director General shall have powers to:

(a) authorize any staff to exercise powers or duties which the Director General is by this Act or any law entitled to exercise or required to discharge;

(b) authorize any staff to conduct an inquiry or investigation into any suspected offences under this Act;

(c) rank and promote staff subject to the scheme of service of the Authority;

(d) require any person, in writing, to produce book, record, returns, report, banker's book or account's information, data stored electronically on computer or otherwise and any other documents suspected to be involved in corrupt conduct or economic crimes within a specific time;

(e) require any person within a specified time, to appear to the Authority and to answer any question which the Director General considers necessary in connection with any investigation which he is conducting under this Act;

(f) detain suspects where there is a reasonable cause to believe that, he has committed an offence under this Act;

(g) temporarily, suspend the operation of any bank account pending investigation;

(h) inform any entity in writing on an officer who is under investigation of any offence under this Act, that on his opinion, such officer commits a merely disciplinary offence; and

(i) select areas of the office of the Authority and declare them as special areas that are restricted from being entered without special permission.

(3) A person who fails to comply with provisions of subsection (2) (d), (e) and (g) of this section. commits an offence.

(4) For the proper performance of his functions under this section, the Director General shall not be subject to the direction or control of any other person or authority.



Tenure of the Director General.

8.-(1) The Director General shall hold his office in a full time capacity and shall not engage in any other activity for which he is remunerated in whatever form.

(2) The Director General shall not be removed from office except for reasons and in accordance with the procedures laid down for the removal of a High Court Judge prescribed under the provisions of the Constitution.

Appointment of Deputy Director General.

9.-(1) There shall be a Deputy Director General of the Authority who shall be appointed by the President.

(2) A person shall qualify to be appointed as a Deputy Director General if he has the same qualifications of the Director General.

(3) The Deputy Director General shall be an accounting officer of the Authority and a Chief Assistant to the Director General and shall perform the duties and functions of the Authority under the directives of the Director General.

(4) Where the Director General is absent, the Deputy Director General shall perform the duties and functions of the Director General.

Oaths of Director General and Deputy Director General.

10. The Director General and Deputy Director General shall, before exercising their functions, take an oath before the President in accordance with the provisions of the respective laws.

Establishment of Regional and District Offices.

11.-(1) There shall be Regional and District Offices of the Authority which shall be headed by Regional and District Commanders.

(2) The status, qualification and other entitlement for the Regional and District Authority Commanders shall be prescribed by the Regulations.

Departments, units, division and section of the Authority.

12.-(1) The Authority may establish departments, units, divisions, sections or other office that deems appropriate for the effective discharge of its functions.

(2) The Directors, Regional and District Commanders of the Authority, Heads of unit, division, section or other officers of the Authority shall be appointed by the Director General.

Staff.

13.-(1) Subject to the provisions of the Public Service Act, No. 2 of 2011, except that in any case, the recruitment procedures shall be adopted that will ensure obtaining the best personnel, the Authority may, upon such terms and conditions as the Director General determine, employ or appoint the staff of the Authority.

(2) For the proper performance of its functions, the Authority may hire consultant, expert or independent investigator as may be necessary.

(3) For the purpose of upholding independence and integrity of the Authority, a staff except a Presidential appointee, shall not be transferred to or from the Authority without prior written consent of the Chief Secretary in consultation with the Director General.

(4) The Director General shall provide identity card to staff as prescribed in the regulations.

Oaths.

14. Without prejudice to the provisions of section 10 of this Act, every staff shall, prior to embark upon the duties of the Authority, take an oath as prescribed in the regulations.

Confidentiality.

15.-(1) Without prejudice to the provisions of section 10 of this Act, every staff shall take the oath of confidentiality in a manner and procedure prescribed under the regulations.

(2) The staff shall not, except in accordance with the provisions of this Act or any other law:

(a) divulge any information obtained in the exercise of a power or in the performance of a duty conferred under this Act; and

(b) divulge the source of such information or the identity of any informer, maker or writer of a report given to the Authority.

(3) The staff shall maintain confidentiality and secrecy of any matter, document, report and other information relating to the administration of this Act that becomes known to him, comes in his possession or under his control.

(4) The staff authorized to receive information shall treat the information as highly confidential and shall not disclose such information in any manner whatsoever to a third party except with the express authorization of the Director General.



(5) Notwithstanding the provisions of subsections (2), (3) and (4) of this section, the Director General may disclose, for the purposes of publication in the press, the information as he considers necessary for the public interest.

(6) For the purpose of an investigation in respect of an offence committed in Zanzibar under this Act or any other law relating to anti money laundering, the Director General may, by agreement with the respective insitution, disclose the information as may appear to him to be necessary to assist an investigation into money laundering or any other offence.

(7) The staff who, without lawful excuse, contravenes this section commits an offence and shall, upon conviction, be liable to imprisonment for a term of not less than three years and not exceeding five years.

Disclosure of the assets and liabilities.

16.-(1) The staff, except those required to declare assets under the provisions of the Zanzibar Public Leaders' Code of Ethics Act, No. 4 of 2015 shall, for the best of his knowledge, disclose relevant information required to be disclosed not later than thirty days from the date of his appointment.

(2) The staff shall submit annual statement of relevant information to the Director General on or before November of every year by filling and submitting form as prescribed under the regulations.

(3) The staff who conceals of information, gives false or misleading statement, not disclose relevant information or not comply with the provisions of this section commits an offence.

(4) For the purpose of this section, "relevant information" means the information concerning the properties and other wealth under the ownership or any other kind of control of the staff and the spouse.

PART FOUR
INVESTIGATION

Special powers of investi-gations.

17.-(1) The Director General or Investigator authorized by the Director General may:

(a) order any person to appear before the Director General for the purpose of being interviewed in relation to any matter which may, in the opinion of the Director General or Investigator, assist investigation of the alleged offence;

(b) order any person to produce any book, document, any certified copy thereof or any article which may assist the investigation of the alleged offence; or

(c) by written notice, require any person to furnish a statement on oath or affirmation setting out such information which may be of assistance in the investigation of the alleged offence.

(2) A person who, in the course of investigation of the alleged offence under this Act, knowingly:

(a) makes or causes to be made a false report or information relating to the commission of the alleged offence to any Investigator;

(b) misleads Investigator; or

(c) fails to comply with the provisions of subsection (1) of this section,

commits an offence.

Cooperation in investigation.

18.-(1) The Director General or Investigator, while conducting an investigation may work in cooperation with any person as may think appropriate and it shall be the duty of such person to provide such cooperation.

(2) A person who contravenes the provisions of subsection (1) of this section, commits an offence.

Power of the Authority in intelligence gathering.

19.-(1) The Director General may, for the purpose of prevention or detection of offence of corruption or economic crimes or for the purpose of prosecution of a suspect under this Act, give such directives as may appear to him to be necessary to:

(a) the communication service provider generally;

(b) the communication service provider of specified description; or

(c) any communication service provider.

(2) The directives under this section shall specify the maximum period for which communication service provider may be required to retain communications data.

(3) Where the communication service provider fails to comply with the provisions of this section, the Court may, on application by the Director General, issue an order directing the communication service provider to comply with the directives.

Investigator and assistant investigator.

20.-(1) There shall be Investigator and Assistant Investigator who shall be appointed by the Director General among the staff after completing the basic investigation course provided by the Authority.

(2) Notwithstanding the provisions of subsection (1) of this section, the Director General may appoint temporary investigators for the specific period and specific task.

(3) The Director General or Investigator may conduct investigation and shall:

(a) be responsible for any investigation relating to corruption and economic crime which the Authority shall refer to him;

(b) be responsible for any investigation relating to money laundering which the FIU may refer to the Authority;

(c) subject to any conditions prescribed by this Act, guidelines issued under this Act, regulations and rules, exercise the powers of the Authority as entrusted to him by the Authority in relation to corruption and economic crime;

(d) report to the Authority on any investigation referred to him; and

(e) comply with all directives of the Authority in relation to his functions.

(4) For the purpose of investigation, the Director General or Investigator shall, apart from the powers conferred to him under this Act, have the powers, privileges and immunities of a police officer of or above the rank of Assistant Superintendent of Police in accordance with the Police Force and Auxiliary Services Act, [CAP 322], the Police Force and Prisons Service Commission Act [CAP 241] and its regulations, necessary or expedient for the prevention, combating and investigation of offence.

(5) Subject to the laws governing the procedures to acquire, handle and use of firearms and ammunitions, the Authority shall have powers and rights to acquire, possess and use firearm and ammunition in the performance of its functions conferred under this Act.

Power of the Authority to examine a person.

21.-(1) Where the Authority decides to proceed with any investigation may, subject to the regulations or guidelines, order a person to:

(a) attend before the Authority for the purpose of being examined orally in relation to any matter under this Act;

(b) produce before Authority any book, document, record or article;

(c) cause the information which is stored in a computer, disc, cassette or on microfilm or preserved by any mechanical or electronic device, be communicated in a form in which it can be taken away, visible and legible; and

(d) furnish information in writing made on oath or affirmation setting out all information which may be required under the notice.

(2) A person on whom an order under subsection (1) of this section, has been served shall:

(a) comply with that order;

(b) attend before the Director General in accordance with the terms of the order;

(c) continue to attend on such other days as the Director General may direct until the examination is completed; and

(d) subject to the provisions of subsection (3) of this section, answer the questions and furnish all information, documents, records or statements including certified copies thereof as ordered by the Director General.

(3) Where the Director General has reasonable grounds to believe that any book, document, record or article produced under subsection (2)(d) of this section, may provide evidence relevant to an investigation being conducted by the Authority, he may:

(a) retain the book, document, record or article where there is no reasonable requirement to perform any duty under any enactment, until its production in Court or until such earlier time as may be required; or

(b) make certified copies of or take records from the book, document or article.

(4) A person who, after having been served with an order under subsection (1) of this section:

(a) fails, without reasonable excuse, to comply with any of the terms of the order;



(b) conceals, destroys, alters, tampers with, removes from the place where it is habitually kept or otherwise disposes of a book, document, record or article referred to in the order,

commits an offence and shall, on conviction, be liable to a imprisonment for a term of not less than three years and not exceeding five years.

Identity card of an Investigator.

22.-(1) The Director General shall, subject to the procedures prescribed under the Guidelines, issue an identity card to the staff appointed to be an investigator which shall be used as evidence that the staff is an investigator.

(2) The identity card issued under the provisions of this section, shall be signed by the Director General and the holder of such identity card.

Complaint not to be investigated.

23. Where the Authority receives a complaint concerning corrupt conduct or economic crime to any person and declines to investigate or discontinues the investigation, the Director General shall inform the complainant in writing of its decision and the reasons for its decision.

Statement of suspect's property.

24.-(1) The Authority may, by notice in writing, require a person reasonably suspected of corruption or economic crime to furnish within a reasonable time specified in the notice, a written statement:

(a) enumerating the suspected person's property and the time at which it was acquired; and

(b) stating in relation to any property that was acquired at or about the time of the suspected corruption or economic crime, whether the property was acquired by purchase, gift, inheritance or in other manner, and what consideration, if any, was given for the property.

(2) A person who neglects or fails to comply with requirements prescribed under this section, commits an offence.

Requirement to provide information of an associate of a suspect's property.

25.-(1) The Authority may, by notice in writing, require an associate of a suspect, within a reasonable time specified in the notice, to provide a written statement of his property.

(2) Subject to the provisions of subsection (1) of this section, the term:

(a) "associate of a suspect" means a person whether or not suspected of corruption or economic crime, who the Investigator reasonably believes may had dealings with a suspect's property; and



(b) "suspect's property" means a property of a person suspected of corruption or economic crime.

(3) The Authority may, by notice in writing and within a reasonable time specified in the notice, require any person to provide any information or documents in his possession that relates to a suspect of corruption or economic crime.

(4) A person who fails to comply with the requirements of subsections (1), (2) and (3) of this section commits an offence.

(5) A person who, knowingly deals with property that he believes or has reason to believe was acquired as a result of corrupt conduct, commits an offence, if that person:

(a) holds, receives, conceals or uses the property or causes the property to be used; or

(b) enters into a transaction in relation to the property or causes such a transaction to be entered into.

Secrecy obligation overridden.

26. In relation to any financial transactions or taxes, the provisions of this Act shall have effect notwithstanding any obligation as to secrecy or other restrictions upon the disclosure of information or production of documents, imposed by any law or otherwise.

Production of records and property.

27.-(1) The Authority may, by notice in writing, require a person whether or not suspected of corruption or economic crime to produce specified records in his possession that may be required for an investigation and require that person or any other person to provide explanation or information within his knowledge with respect to such records, whether the records were produced by the person or not.

(2) A requirement under subsection (1) of this section, may include requirement to attend personally before the Authority to provide explanations and information.

(3) Without prejudice to any provisions under this Act, the Authority may make copies of or extracts from any record produced pursuant to requirement under the provisions of this section.

(4) A requirement under this section to produce a records stored in electronic form is a requirement to produce the record in hard copy and if specifically required, to produce a copy of the record in electronic form, it shall be produced in electronic form.



(5) For the purpose of this section, "record" includes books, returns, bank accounts or other accounts, reports, legal or business documents and correspondence other than correspondence of a strictly personal nature.

(6) The Authority may, by notice in writing, require a person to produce for inspection within a reasonable time specified in the notice, any property in his possession, being property of a person reasonably suspected of corruption or economic crime.

(7) A person who neglects or fails to comply with a requirements under this section, commits an offence.

Search of premises.

28.-(1) The Director General or any other person authorized by him may, with or without warrant, enter upon and search any premises for any record, property or other thing reasonably suspected to be in the premises and that has not been produced by a person pursuant to a requirements under this Act.

(2) Subject to the provisions under section 20(4) of this Act, the Director General or Investigator may, at any time, enter and search any premise which he has reason to believe that evidence is to be obtained or offence is or likely to be committed.

(3) The Director General or Investigator shall adopt the prevailing procedures of searching prescribed under the Criminal Procedure Act, No. 7 of 2018.

(4) The Investigator who, without reasonable ground, orders, authorizes or conducts a search on a person, place, building, vessel, carriage or receptacle, commits an offence.

Admissibility of things produced or found.

29.-(1) Anything provided by a person pursuant to the requirements under this Act, or obtained on a search of premises or obtained in the cause of arresting the suspect of corruption or economic crime, may be taken and retained by the Authority for such time as is reasonable for the purposes of the investigation concerned and is to be admissible as evidence in a prosecution of any person including the person who produced it or from whom it was obtained for an offence.

(2) On the completion of proceedings under this Act, no legal proceedings shall be instituted in against the Authority for anything happen to the things provided pursuant to the requirement under this Act, or obtained on a search of premises or obtained in the cause of arresting the suspected person of corruption or economic crime.

Surrender of travel documents.

30.-(1) The Director General may require any person to surrender his travel documents to the Authority if that person is reasonably suspected to commit a corruption or economic crime or there is on going investigation into the corruption or economic crime.



(2) Where a person surrenders his travel documents pursuant to an order made under subsection (1) of this section, the Authority:

(a) shall return the documents after the investigation of the corruption or economic crime is completed and no criminal proceedings are instituted; or

(b) if the investigation is not completed:

(i) may return the travel documents either with or without conditions; or

(ii) shall return the documents not more than twelve months from the date of surrender.

(3) A person whose travelling documents have been detained under the provisions of subsection (1) of this section, may apply to the Court to order the Authority to return the travelling documents to the owner.

(4) Subject to the provisions of subsection (3) of this section, the Court may, after hearing both parties, accept or reject the application.

(5) Where a person fails to surrender his travel documents pursuant to subsection (1) of this section, he may be arrested and brought before the Court and the Court shall, unless it is satisfied that, the person does not have any travel documents, order the person to be detained pending the conclusion of the investigation of the corruption or economic crime concerned.

(6) A person who is detained under subsection (5) of this section, shall be released if:

(a) that person surrenders his travel documents to the Authority;

(b) that person satisfies the Court that, he does not have any travel documents; or

(c) the investigation of the corruption or economic crime concerned is completed and the Court is satisfied that no criminal proceedings are to be instituted against him.

Arrest of person.

31. Without prejudice to the provisions of section 7 of this Act, the Director General or any other staff authorized by him, with reasonable ground, shall have power to arrest any person and propose charge against him with an offence under this Act.



Disclosure that may affect investigation.

32.-(1) A person shall not, except with leave of the Director General or with other lawful excuse, disclose the details of an investigation under this Act including questions asked during the interview, anything surrendered to the Authority and the identity of anyone being mentioned during the interview.

(2) A person who contravenes the provisions of this section commits an offence.

Impersonating.

33. A person who is not a staff of the Authority or not employee to any entity and without the permission from the Authority or a respective entity and for the purpose of obtaining an illegal benefit for himself or another person, presents himself or conducts himself as being or acting under the powers or function of such staff of the Authority or employee of such entity, commits an offence.

Investigation report.

34.-(1) The Authority shall, after conducting an investigation, submit the report on the results of the investigation to the Director of Public Prosecutions.

(2) The investigation report mentioned under subsection (1) of this section, shall include any recommendation of the Authority that a person may be prosecuted for corruption or economic crime.

Functions to be performed in good faith.

35.-(1) The Investigator or a person appointed to conduct investigation under the provisions of this Act, shall exercise his functions and powers conferred to him in good faith and for the purpose of end of justice.

(2) Where there is any attempt to influence an Investigator or a person conducting investigation by way of corrupt means, coercion or undue influence, the Investigator or a person conducting investigation shall report the matter to the Director General.

PART FIVE
CORRUPTION OFFENCES

Bribery.

36. A person who, directly or indirectly:

(a) receives, solicits or agrees to receive or solicit illegal benefit either for himself or for another person; or

(b) gives, offers or agrees to give or offer illegal benefit either for himself or for another person,

commits an offence.

Bribing agent.

37.-(1) This section applies with respect to a benefit that is an inducement, reward for or otherwise on account of an agent:



(a) doing or not doing anything in relation to the affairs or business of the agent's principal; or

(b) showing or not showing favour or disfavour to anything including to a person or proposal in relation to the affairs or business of the agent's principal.

(2) For the purposes of subsection (1)(b) of this section, a benefit receipt or expectation of which would tend to influence an agent to show favour or disfavour, shall be deemed to be an inducement or reward for showing such favour or disfavour.

(3) An agent who:

(a) receives, solicits or agrees to receive or solicit a benefit to which this section applies; or

(b) gives, offers or agrees to give or offer a benefit to which this section applies,

commits an offence.

Bribery by Public Officer.

38. Any public officer who solicits, accepts or obtains benefit from another person, for himself or for any other person, for:

(a) doing or abstaining from doing an act in the execution of his functions or duties;

(b) doing or abstaining from doing an act which is facilitated by his functions or duties;

(c) expediting, delaying, hindering, preventing or having not expedited, delayed, hindered or prevented the performance of an act by another public officer, in the execution of the latter's functions or duties; or

(d) assisting, favouring, hindering or delaying or having not assisted, favoured, hindered or delayed another person in the transaction of a business with a public body,

commits an offence and shall, upon conviction, be liable to a fine of three times of the worth of the provided benefit or imprisonment for a term of not less than three years or both.

Bribery to Public Officer.

39. A person who gives, agrees to give or offers a gratification or benefit to a public officer for:

(a) doing or abstaining from doing an act in the execution of his functions or duties;

(b) doing or abstaining from doing an act which is facilitated by his functions or duties;

(c) expediting, delaying, hindering, preventing or having not expedited, delayed, hindered or prevented the performance of an act by another public officer in the execution of the later's functions or duties; or

(d) assisting, favouring, hindering, delaying or having not assisted, favoured, hindered or delayed another person in the transaction of a business with a public body,

commits an offence and shall, upon conviction, be liable to a fine of three times of the worth of the provided gratification or imprisonment for a term of not less than three years or both.

Solicit or receive an illegal benefit by person who makes or executes Court decisions.

40.-(1) Any Court official or other person having an influence in a court decision who:

(a) solicits, receives or accepts to receive an illegal benefit; or

(b) promises thereof as a condition for accomplishing his responsibilities or in order to refrain from carrying out any usual duty or expert,

in order to result a decision contrary to the law, commits an offence.

(2) For the purpose of this section, "Court Official" means a Judge, Magistrate or any other employee of the Court or other person having an influence in the Court decision.

Bribery in relation to auctions.

41. A person who, unlawfully;

(a) offers any advantage to any other person as an inducement to, reward for or otherwise on account of that other person's refraining or having refrained from bidding at any auction conducted by or on behalf of any public body; or

(b) solicits or accepts any advantage from other person as an inducement to, reward for or otherwise on account of his refraining or having

refrained from bidding at any auction conducted by or on behalf of any public body,

commits an offence.

Secret inducement for advice.

42.-(1) A person who, unlawfully:

(a) receives, solicits or agrees to receive or solicit a benefit if the person intends the benefit to be a secret from the person being advised; or

(b) gives, offers or agrees to give or offer a benefit if the person intends the benefit to be a secret from the person being advised,

commits an offence.

(2) For purpose of this section "giving advice" includes giving information.

Bribery for giving assistance in regard to contracts.

43.-(1) A person who, without lawful authority or reasonable excuse, offers undue benefit to a public officer as an inducement to, reward for or otherwise on account of such public officer giving assistance or using influence in:

(a) the promotion, execution, or procuring of any:

(i) contract with a public body for the performance of any work, providing of any service, doing of anything or supplying of any article, material or substance; or

(ii) subcontract to perform any work, provide any service, do anything or supply any article, material or substance required to be performed, provided, done or supplied under any contract with a public body.

(b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or subcontract as aforesaid,

commits an offence.

(2) A public officer who, without lawful authority or reasonable excuse, solicits or accepts any undue benefit as an inducement to, reward for or otherwise on account of his giving assistance or using influence in:

(a) the promotion, execution or procuring of; or

(b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or subcontract referred to in subsection (1) of this section,

commits an offence.

Deceiving principal.

44. An agent who:

(a) makes a statement to the principal that he knows is false or misleading in any material respect; or

(b) uses or gives to the principal, documents that he knows contains anything that is false or misleading in any material respect, and causes the detriment to his principal,

commits an offence.

Conflict of interest.

45.-(1) Where an agent:

(a) has a direct or indirect personal interest in a decision that his principal is to make;

(b) knows or has reason to believe that the principal is unaware of the interest and the agent fails to disclose the interest; and

(c) participates in the proceedings in relation to the decision,

commits an offence.

(2) The principal may authorize his agent to vote or participate in voting on his behalf in making decisions of the private body and the voting or participation of an agent as so authorized is not a contravention of subsection (1) of this section.

(3) An agent who knowingly acquires or holds directly or indirectly a personal interest in any contract, agreement or investment emanating from or connected with the entity as the case may be, commits an offence.

Improper benefits to trustees for appointment.

46.-(1) This section applies with respect to a benefit that is an inducement or reward for the appointment of a person as a trustee of property or for joining or assisting in such an appointment.

(2) A person who:

(a) receives, solicits or agrees to receive or solicit from a trustee of property a benefit to which this section applies; or

(b) gives, offers or agrees to give or offer, to a trustee of property a benefit to which this section applies,

commits an offence.

(3) The provisions of subsection (2) of this section does not apply to anything done with the informed consent of every person beneficially entitled to the property or in accordance with an order of a Court.

(4) For the purpose of this section "trustee of property" includes:

(a) an executor or administrator appointed to deal with the property; or

(b) a person who, under a power of attorney, a power of appointment or employment, has authority to manage or administer the property on behalf of another person.

Bid rigging.

47.-(1) This section applies with respect to benefit that is an inducement or reward for:

(a) refraining from submitting a tender, proposal, quotation or bid;

(b) withdrawing or changing tender, proposal, quotation or bid; or

(c) submitting a tender, proposal, quotation or bid.

(2) A person who:

(a) receives, solicits or agrees to receive or solicit a benefit to which this section applies; or

(b) gives, offers or agrees to give or offer a benefit to which this section applies,

commits an offence.

(3) The provisions of the Public Procurement and Disposal of Public Assets Act, No. 11 of 2016, shall apply in relation to investigation of offences and instituting



of proceeding for offences of corruption in procurements of goods, works and supply of the consultancy services in the public institutions.

Abuse of position.

48. A person who:

(a) abuses his position in the performance of his functions;

(b) uses his position for the purpose of obtaining an undue benefit for himself, another person or entity; or

(c) fails to perform his function as required by law,

commits an offence.

Transfer of proceeds of corruption.

49.-(1) A person who:

(a) converts, transfers or disposes property knowing such to be proceeds of corruption or economic crime offence for the purposes of concealing or disguising the origin of the property or helping any person who is involved in the commission of the offence to evade the legal consequences of his action; or

(b) acquires, possesses or uses property with the knowledge that such property is the proceeds of corruption or economic crimes offence,

commits an offence.

(2) Where the Director General has the reason to believe that, any person having illicitly received or acquired benefit or property, he may, by notice addressed to that person or to any other person to whom the benefits, property, the proceeds of corruptions, money value or any part of the proceeds or money value, the benefit, property or money is believed to have been transferred or conveyed by the person suspected of having illicitly received or acquired it or by an agent of such person, direct the person to whom the notice is addressed not to transfer, dispose of or part with the possession of the property or money value specified in the notice.

(3) The Director General may, subject to the provisions of subsection (1) of this section, issue a notice to any other person to whom the money or property under this section may pass by operation of law.

(4) The notice issued under subsection (2) of this section shall remain in force and binding on the person to whom it is addressed for a period of six months from the date of the notice or where proceedings for an offence under this Act or any other law

in relation to the benefit or property commenced against any of such person until the determination of those proceedings.

(5) A person who has been served with the notice under subsections (2) and (3) of this section who, on contravention of the notice, transfers, disposes of sum of money, value or property or part with the possession of the sum of money value or property specified in the notice, commits an offence.

(6) In any proceedings for an offence under this section, it shall be a defense to an accused person if he satisfies the Court that:

(a) the sum of money or other property specified in the notice was delivered to a staff, or to any other person as directed in the notice;

(b) the sum of money or other property specified in the notice was produced to the court and has been retained by such Court; or

(c) the notice was subsequently withdrawn by the Director General by notification in writing.

Corruption in election.

50.-(1) A person who directly or indirectly corrupts any other person, for the purpose of influencing the person or any other person to give or refrain from giving his vote at election, commits an offence.

(2) A voter who accepts corruption under subsection (1) of this section, commits an offence.

Bribery of foreign officer.

51.-(1) A person who, intentionally promises, offers or gives to a foreign officer or an officer of an international organization directly or indirectly, an undue benefit, for that foreign official himself or another person or entity, in order that the foreign official duty to obtain or retain business or other undue benefit in relation to a local or international economic undertaking or business transaction, commits an offence.

(2) A foreign officer or an officer of an international organization who, intentionally solicits or accepts, directly or indirectly an undue benefit for himself, another person or entity in order that, he acts or refrains from acting in the exercise of his official duties, commits an offence.

(3) The foreign officer or an officer of an international organization who, intentionally and corruptly receives, solicits, gives, offers or corruptly agrees to receive, solicit, give or offer a benefit either for himself or for another person directly or indirectly in order that he acts or refrains from acting in the exercise of his official duties, commits an offence.

(4) For the purpose of this section, "foreign officer" means a person:

(a) holding a legislative body, administrative or judicial office of a foreign state whether such person appointed or elected;

(b) exercising a public function for a foreign state including for a public agency or public enterprise;

(c) employed by a board, commission, corporation or other body or authority that performs a function on behalf of the foreign state or international civil servant; or

(d) who is authorized by an international organization to act on behalf of that organization.

Soliciting or offering sexual favors.

52.-(1) A person who, by any means, solicits, accepts or promises a given favor of sexual nature or subjects to another person to such favor or accepts a promise thereof in order to render or omit a service, commits an offence.

(2) When the favor of sexual nature was done in order for the beneficiary of such a favor to perform a service contrary to the law, the punishment is an imprisonment for a term of not less than seven years but not more than ten years with a fine of not less than Fifteen Million Tanzanian Shillings but not more than Twenty Million Tanzanian Shillings.

PART SIX
ECONOMIC CRIME OFFENCES

Misuse of public property

53.-(1). A person who is entrusted with power to manage public property and uses such property for purposes other than what it is intended, lets it perish, does not preserve it or uses it illegally, commits an offence.

(2) A person vested with public authority or in charge of a public service who uses Government budget funds or other public property for the purposes which they were not intended without prior authorization of competent authority, commits an offence.

(3) For the purpose of this section, "public property" means property of general interest, whether owned by:

(a) an entity;

(b) a company;

(c) a cooperative society; or

(d) a non-governmental organization with legal personality.

Misappropriation of property and revenue.

54.-(1) A person who fraudulently or unlawfully:

(a) acquires property, a public service or benefit;

(b) mortgages, charges or disposes of any property;

(c) damages property including causing a computer or any other electronic machinery to perform any function that directly or indirectly results in a loss or adversely affects any revenue or service; or

(d) fails to pay any taxes, fees, levies or charges payable to any public or private body or effects or obtains any exemption, remission, reduction or abatement from payment of any such taxes, fees, levies or charges,

commits an offence.

(2) An officer or other person whose functions concern the administration, custody, management, receipt or use of any part of the revenue or property commits an offence, if the person:

(a) fraudulently or unlawfully makes payment or excessive payment from revenues for:

(i) sub-standard or defective good;

(ii) good not supplied or not supplied in full; or

(iii) service not rendered or not adequately rendered.

(b) willfully fails to comply with any law, applicable procedures or guidelines relating to the procurement, allocation, sale or disposal of property, tendering of contracts, management of funds or incurring of expenditures.

(3) For the purposes of this section "property" means movable or immovable property including money of an entity or which is under the control of or consigned or due to, an entity.

Misappropriation of assets.

55.-(1) A person who, by unlawful means, acquires any government service, benefit, asset or asset of a public corporation or of private company whether employed in such entity or not, commits an offence.



(2) For the purpose of this section, "Government" shall include central Government, local government, public body, public corporation or project or venture of non-government organization wholly or substantially funded by the Government or foreign government for public benefit.

Tax evasion.

56.-(1) A person who intends to evade tax or assists in tax evasion by providing or making:

(a) false accounting;

(b) false altering of any document relevant to taxation;

(c) false or intentional misleading declaration of quantity, quality, value or any relevant particulars of an item subject to taxation;

(d) under assessment of payable tax by an officer responsible for tax assessment; or

(e) any other method designed for the purpose of tax evasion,

commits an offence.

(2) For the purpose of this section "tax" includes tax, levies, fees and any imposition made under any law passed by the House of Representatives, Parliament of the United Republic of Tanzania force in Zanzibar or under any regulations made under the relevant laws.

Loss caused by negligence.

57.-(1) A person who is whether or not an employee of a public body:

(a) does any willful act or omission;

(b) breaches a duty of care; or

(c) by a reason of his failure to take reasonable care or fails to discharge his duties in a reasonable manner, causes such public body to suffer a pecuniary loss or causes any damage to any property owned by or in the possession of any public body,

commits an offence under this section, if the monetary value of the loss or damage exceeds One Million Tanzanian Shillings.

(2) A public body shall, for the purposes of subsection (1) of this section, be deemed to have incurred a pecuniary loss notwithstanding that:

(a) it has received or is entitled to receive any payment in respect of such loss under any policy of insurance; or

(b) has been otherwise compensated or is entitled to be compensated for that loss.

Smuggling.

58.-(1) A person who smuggles any product or goods as prohibited under provisions of the Kikosi Maalum cha Kuzuia Magendo Act, No. 1 of 2003 or its regulations, commits an offence.

(2) Subject to the provisions of subsection (1) of this section, the provisions of the Kikosi Maalum cha Kuzuia Magendo Act, No. 1 of 2003 or its regulations, shall apply in respect of penalty under this Act.

Hoarding.

59. A person who hoards any goods for the purpose of restricting or controlling supply or circulation of such goods in order to manipulate price of the said goods to his benefit or the competitive advantage, commits an offence.

Anti-trust and syndication.

60. A person who by act or omission amounting to anti-trust and syndication practice intended to wrongfully and unlawfully restrict competition in the market for goods or services, commits an offence.

Wrongful use of official information.

61.-(1) A person who is employed by any entity and by reason of such employment is in a position to obtain or access information relevant to any bidding, sale, disposal or acquisition of any property, goods or service and uses such information to the benefit of himself or to a person whom he shares interest in such bidding, sale, acquisition or disposal, commits an offence.

(2) For the purpose of this section the term "employment" includes engagement under a contract of service, a contract for service or otherwise, permanent or temporary or paid or unpaid which such information is obtained or accessed.

Money laundering.

62.-(1) A person who engages in or does an act constituting an offence of money laundering under the Anti-Money Laundering and Proceeds of Crime Act, No. 10 of 2009, commits an offence.

(2) Notwithstanding any provisions under this Act, the provisions of the Anti-Money Laundering and Proceeds of Crime Act, No. 10 of 2009, shall apply in respect of penalty under this Act.

Drug trafficking.

63.-(1) A person who by any unlawfully means imports, exports, manufactures, possess, buys, sells, gives, supplies, stores, administers, conveys delivery or distributes, to any person a narcotic drug or psychotropic substance or makes offer of narcotic drug or psychotropic substance, commits an offence.

(2) Subject to the provisions of subsection (1) of this section, the provisions of the Zanzibar Drugs Control and Enforcement Authority Act, No. 8 of 2021 and its regulations shall apply in respect of bail and penalty under this section.

Counterfeiting goods, service and currency.

64. A person who takes part directly or indirectly in the process of or possesses counterfeiting goods, currency or identification of goods or service for economic benefit or business advantage, commits an offence.

Unlawful financial transaction

65.-(1) A person who unlawful manipulates exchange rate or intends to manipulate exchange rate of foreign currency or illegal exchange foreign currency for the benefit of himself, his associate or business partner, whether directly or indirectly, commits an offence.

(2) A person or entity engages in any business concerning financial transaction contrary to a law, commits an offence.

PART SEVEN
OFFENCES AND PENALTIES

Obstruction.

66. A person who:

(a) without justification or lawful excuse obstructs, hinders, assaults or threats a person who exercising his functions under this Act;

(b) knowingly deceives or misleads the Director General or person acting under this Act;

(c) destroys, alters, conceals or removes documents, records or evidence that the person believes or has grounds to believe that may be relevant to an investigation or proceedings under this Act;

(d) makes false accusations to the Director General or a person acting under this Act; or

(e) threaten the Director General or any person working in accordance with this Act or regulations,

commits an offence.

General penalty.

67. A person who is convicted of any offence under this Act and where no penalty is specifically provided for, shall be liable:

(a) in case of economic crime offence, to a fine of not less than Ten Million Tanzania Shillings and not exceeding Two Hundred Million Tanzanian Shillings or imprisonment for a term of not less than five years and not exceeding twenty years or both;

(b) in case of corruption offence, to a fine of not less than Five Million Tanzanian Shillings and not exceeding Fourteen Million Tanzanian Shillings or imprisonment for a term of not less than three years and not exceeding fifteen years or both; or

(c) in case of other offence, to a fine of not less than Five Million Tanzania Shillings and not exceeding Ten Million Tanzanian Shillings or imprisonment for a term of not less than two years and not exceeding seven years or both.

Additional mandatory fine.

68.-(1) A person convicted of a corruption or economic crime offence shall be liable to an additional mandatory fine if the person received a quantifiable benefit or any other person suffered a quantifiable loss.

(2) The additional mandatory fine referred to in subsection (1) of this section, shall be:

(a) equal to two times the amount of the benefit or loss described in subsection (1) of this section; and

(b) if the conduct that constituted the offence resulted in both a benefit and loss described in subsection (1) of this section, equal to two times the sum of the amount of the benefit and the amount of the loss.

PART EIGHT
COMPENSATION AND RECOVERY OF IMPROPER BENEFITS

Liability for compensation.

69. A person who does anything that constitutes corruption or economic crime is liable to anyone who suffers loss as a result for an amount that shall be full compensated for the loss suffered.

Liability for improper benefit.

70. A person who receives a benefit which would constitute an offence under section 36, 37, 42, 44, 45, 46 or 53 of this Act is liable, for the value of the benefit, to the following person if:

(a) the receipt constitutes an offence under section 37, 44 or 45 of this Act to the agent's principal;

(b) the receipt constitutes an offence under section 36 of this Act, to the person solicited;

(c) the receipt constitutes an offence under section 42 of this Act, to the person advised; or

(d) the receipt constitutes an offence under section 46 or 53 of this Act, to the persons beneficially entitled to the property.

Miscellaneous liability.

71.-(1) An amount of money to a public body for which a person is liable under section 69 of this Act, may be recovered by the public body or by the Authority on its behalf.

(2) Notwithstanding any provisions of this Act, the Authority shall not be prevented from instituting civil proceedings to recover the amounts of money under subsection (1) of this section.

(3) A person is not entitled to any amount of money under section 69 of this Act in relation to a particular incidence of corruption or economic crime if that person did a related act that also constituted corruption or economic crime or economic crime.

Compensation order on conviction.

72.-(1) The Court that convicts a person of any corruption or economic crime shall, at the time of conviction or on subsequent application, order the person to:

(a) pay any amount of money, the person may be liable for under section 68 or 69 of this Act; or

(b) give to the rightful owner:

(i) any property acquired in the course of or as a result of the conduct that constituted the corruption or economic crime; or

(ii) an amount of money equivalent to the value of the property.

(2) Where there is no rightful owner under subsection (1) (b) of this section, the Court shall order that, the property or equivalent amount be forfeited to the Government.

(3) In making an order under this section, the Court may quantify any amount of money or may determine how much amount is to be quantified.

(4) An order under this section may be enforced by the person whose favour is made as if it was an order made in civil proceedings.



Forfeiture of unexplained assets.

73.-(1) The Authority may, subject to the provisions of the relevant law, commence proceedings under this section against a person if:

(a) the Authority is satisfied that, the person has unexplained assets; or

(b) the person is given a reasonable opportunity to explain the disproportion between the assets concerned and his income and the Authority is not satisfied.

(2) The proceedings under this section shall be commenced in the High Court by way of originating summons.

(3) Where the Authority adduces evidence that the person has unexplained assets, the Court shall require the person by testimony to satisfy the Court that the assets were acquired otherwise than as the result of corrupt conduct.

(4) Where the court is not satisfied with the testimony under subsection (3) of this section, it may order the person to pay to the Government an amount of money equal to the value of the unexplained assets.

(5) For the purpose of the proceedings under this section, the assets of the person whose assets are in question shall be deemed to include any assets of another person that the court finds:

(a) are held in trust for a person whose assets are in question or otherwise on his behalf; or

(b) was acquired from the accused person without adequate consideration.

(6) The procedures of adducing evidence, examination of witness and other matters of proceedings under this section shall be done in accordance with relevant laws.

Confiscation of Property.

74.-(1) Where the accused is convicted of offence under this Act, the Court may order the confiscation of any article or property used for purposes of committing or facilitating the commission of the offence or otherwise involved in the commission of the offence.

(2) Where the convicted person is not the owner of the article or property that is liable for confiscation and owner's whereabouts is not known or cannot be found, the confiscation order shall not be issued unless the conditions in subsection (3) of this section are satisfied.



(3) An order for confiscation of an article or the property shall not be made until:

(a) thirty days' notice of intention to confiscate the article or property has been issued; and

(b) the notice provided under paragraph (a) of this section has expired without any caveat issued or the caveat issued is removed by a competent court.

(4) Where the article or property is susceptible to decay and the sale of such article or property would be necessary for its proper management, the Court may order the sale of that article or property.

(5) A person who claims right to the article or property which has been confiscated under this Act, may make application to the trial court to challenge the confiscation order.

Order preserving suspect property.

75.-(1) Upon an ex-parte application by the Director General, the court may make an order prohibiting the transfer, disposal of or other dealing with property on evidence that, the property was acquired as a result of corrupt conduct.

(2) Where an accused is under investigation with a corruption or economic crime, the Court may, on an application made by the Director General, order, subject to such conditions as to the duration of the order or otherwise as the Court deems fit:

(a) the freezing of any person named in the order all moneys and other property due or owing or belonging to or held on behalf of the accused; and

(b) the prohibition of the accused or any person acting on his behalf or any other person named in the order from transferring, pledging or otherwise disposing of any money or other property so attached.

(3) The Court may, in respect of any order under subsection (1) of this section, specify moneys, salaries, wages, pensions or other benefits that shall be paid to or received by the accused indicating the source, manner and circumstance of payment or receipt.

(4) An order under this section may be made against a person who was involved in the corrupt conduct or against a person who subsequently acquired the property.

(5) In making an order under this section, the Court may authorize:

(a) the payment of debts incurred in good faith and due to creditors of the accused, before the request for the order was made by the Director General; or

(b) the sale, transfer or disposal of any property of the accused where the Court is satisfied that such sale, transfer or disposal is necessary in order to safeguard the property rights of any other person claiming an interest in the property.

(6) An order under this section shall have effect for six months and may be extended by the Court on the application of the Authority.

(7) A person served with an order under this section may, within fifteen days after being served, apply to the Court to discharge or vary the order and the Court may, after hearing the parties, discharge or vary the order or dismiss the application.

(8) The Court may discharge or vary an order under subsection (4) of this section only if the Court is satisfied that, the property in respect of which the order is discharged or varied was not acquired as a result of corrupt conduct.

(9) An order under this section shall, subject to any condition to the contrary imposed under this section, remain in force:

(a) until the Director General decides not to proceed with a charge or intended charge under this section;

(b) until the final determination of the charge under subsection (1) of this section; or

(c) in the event of a conviction, until an order for confiscation is made by the Court under sections 72 and 73 of this Act or any proceedings relating thereto are concluded.

(10) A person who is served with an order under this section and who contravenes the order commits an offence and shall, upon conviction, be liable to a fine of not less than Five Million Tanzanian Shillings and not exceeding Ten Million Tanzanian Shillings or imprisonment for a term of not less than three years and not more than five years or both.

Application for attachment order.

76.-(1) Where a Court, on an application by the Authority, is satisfied that, the Authority has reasonable ground to suspect a person that has committed an offence under this Act and Anti-Money Laundering and Proceeds of Crime Act, No. 10 of 2009 may make an attachment order.

(2) An attachment order made under this section shall:

(a) attach in the hands of any person named in the order, whether that person is himself the suspect or not;

(b) require the person named in the order to declare in writing to the Authority, within forty eight hours of service of the order, the nature and source of all moneys and other property so attached; and

(c) prohibit the person from transferring, pledging or disposing of any money or other property so attached by any means except in such manner as may be specified in the order.

Attachment order.

77.-(1) An attachment order shall be served to each of the persons named in the order.

(2) Where the Court is satisfied that, the Authority has obtained or is likely to obtain substantial new information relating to an offence under this Act, the Court may renew the attachment order for successive periods of six months upon application of the Authority.

(3) Subject to the provisions of subsection (2) of this section, an attachment order shall, unless revoked by a Court, remain in force for sixty days from the date on which it was made.

(4) Where the Authority satisfy the court that, the suspect is outside Zanzibar for any period of time, the period of which the suspect is outside Zanzibar shall not be reckoned as part of any period of validity of the attachment order.

Seizure of movable property.

78.-(1) Where in the course of an investigation under this Act, the Director General is satisfied that, movable property is the subject matter of or relates to an offence under this Act, he may seize the property.

(2) The Director General shall keep a record of property seized under subsection (1) of this section and shall serve a copy of that records to the person from whom the property was seized.

(3) A seizure under subsection (1) of this section shall be effected by placing the property seized under any custody as the Director General may determine.

(4) Notwithstanding the provisions of subsection (3) of this section, where the Director General thinks it is impossible to remove the attached property from the



place where it is, may leave the property under the supervision of the person with the property as the Director General directs.

(5) Where movable property seized under subsection (1) of this section is under the custody of a third party, the Director General may direct the third party not to dispose of the property without his consent in writing.

Recovery of funds and other assets.

79.-(1) Any funds recovered by the Authority shall be paid into the Government Consolidated Fund.

(2) Any property whether movable or immovable, recovered either in the course of or upon conclusion of investigations, upon commencement of court action or proceedings whether such proceedings are of a civil or criminal nature or upon conclusion of such proceedings shall be surrendered to the Treasury Registrar.

Proceedings consequent on forfeiture.

80.-(1) Where an order for confiscation of property has been made pursuant to section 73 of this Act, the convicted person or any other person claiming an interest in the property may apply, on his own motion, to the Court for a declaration that, the property are not the proceeds of a corruption or an economic crime offence.

(2) An application under subsection (1) of this section, shall be filed in the Registry of the Court not later than three months from the date of the order for forfeiture, in default of which the order shall become final.

(3) The Court, after hearing the application, may:

(a) grant the application and annul the order of forfeiture or any part of such order; or

(b) dismiss the application and confirm the order of forfeiture which shall thereupon become final.

(4) Where the Court grants an application under subsection (3) (a) of this section in respect of any property forfeited, such property shall cease to be forfeited and shall revert to the applicant in virtue of the judgment and the applicant shall thereupon be entitled to the recovery of his forfeiture property as decided by the court.

Payment in lieu of forfeiture.

81. Where the Court is satisfied that, the order for confiscation of property made under section 73 and 74 of this Act cannot be enforced and the property:

(a) cannot, with due diligence, be located;



(b) has been transferred to a third party in circumstances which give rise to a reasonable inference that the property has been transferred for the purpose of avoiding the forfeiture of that property;

(c) is located outside Zanzibar;

(d) has been substantially diminished in value and rendered worthless; or

(e) has been commingled with other property that cannot be divided easily,

may, order the person to pay an amount equal to the value of the property, part or interest.

PART NINE
PROVISIONS RELATING TO EVIDENCE

Unexplained asset as corroboration.

82.-(1) Unexplained asset may be taken by the Court as corroboration that a person accused of corruption or economic crime received a benefit.

(2) For the purposes of this Act, "the unexplained asset" shall be deemed to be any asset of the accused and shall include any asset of another person that the Court finds:

(a) is held in trust or otherwise for the accused's behalf; or

(b) was acquired from the accused person without adequate consideration.

Certificate to show value of property.

83.-(1) In a prosecution for corruption or economic crime or other proceedings under this Act, certificate of a Valuation Officer which shows the value or benefit of the property is admissible and is proof of the value unless the contrary is proved.

(2) For the purposes of this section "Valuation Officer" means a person appointed, employed or authorized by the Director General or the Government to value property and whose appointment, employment or authorization is published in the Gazette.

Practtice and Rules as regard to accomplices.

84. For the purposes of any rule or practice requiring the evidence of an accomplice to be corroborated, a person shall be considered as an accomplice under this Act, if that person:

(a) receives, solicits or agrees to receive or solicit a benefit from the accused person; or

(b) offers or agrees to give or offer benefit to the accused.

Certificate to show office.

85. In a prosecution for corruption or economic crime or proceedings under this Act, a certificate showing an officer's position or his benefit in the entity shall be admissible in the Court as evidence and proof of that position or benefit in the absence of evidence to the contrary.

PART TEN
FINANCIAL PROVISIONS

Funds and resources of the Authority.

86.-(1) The funds and resources of the Authority shall consist of:

(a) such sums as may be appropriated by the House of Representatives; and

(b) grants, donation and other funds received by the Authority from other eligible sources.

(2) All financial transactions of the Authority shall be made and governed in accordance with provisions of the Public Finance Management Act, No. 12 of 2016, its regulations and any other relevant financial law.

Budget.

87.-(1) The Authority shall hold its own budget vote through which all the funds appropriated or accrued and the use of the Authority shall be disbursed.

(2) The Deputy Director General shall, before the end of each financial year, prepare and submit to the Minister budget of income and expenditure of the Authority for the next financial year.

(3) The budget shall be prepared in accordance with provisions of the Public Finance Management Act, No. 12 of 2016, its regulations and guidelines issued by the Government from time to time.

Account and audit.

88.-(1) The Authority shall keep or cause to be kept proper books and records of account of its income, expenditure, assets and liabilities.

(2) The annual accounts of the Authority shall be prepared and audited in accordance with provisions of the Public Finance Management Act, No. 12 of 2016, its regulations and any other relevant financial law.

Opening of bank account.

89. The Authority shall, subject to the provisions of the Public Finance Management Act, No. 12 of 2016, open a bank account and deposit its moneys for proper performance of its functions under this Act.

PART ELEVEN
MISCELLANEOUS PROVISIONS

Annual report.

90.-(1) The Authority shall prepare an annual report for each year and shall submit to the President within three months after the end of the year to which it relates.

(2) The annual report shall contain details of the functions performed by the Authority.

(3) The President shall, upon receipt a report under subsection (1) of this section, authorize the Minister to lay the report to the House of Representatives.

Dealing with allegations against staff.

91. Where there is allegation of committing of offence under this Act or any other law by a staff, such allegations shall be dealt with in accordance with the guidelines made under this Act.

Abetment.

92. A person who willfully takes part in advising, concealing or assisting in the commission of an offence under this Act, commits an offence.

Dealing with unclaimed property.

93.-(1) The Director General or any other staff authorized in writing by the Director General shall take charge and furnish an inventory or description thereof to the Court all unclaimed property acquired by the Authority as a result of corruption or economic crimes under this Act.

(2) Where the unclaimed property is neither money, speedy and natural decay property nor property need immediate sale for the benefit of the owner, the Court shall detain or give order for the detention of such property and shall order a notice to be posted in a conspicuous place at the court and at the Authority and calling upon any person who may have a claim thereto to appear and establish his claim within six months from the date of such notice.

(3) Where the value of the unclaimed property is exceeding One Million Tanzanian Shillings, the Court shall also cause a similar notice to be published in the newspaper which has wide circulation in Zanzibar and such notice shall have the same date as the notice reffered to under subsection (2) of this section.

(4)Where no person establishes any claim within six months from the date of the notice, the unclaimed property may be disposed by the order of the Court as deems necessary.

(5) Where the Court is of the opinion that such unclaimed property is subject to speedy, natural decay or that need immediate sale for the benefit of the owner, shall detain or give order for its detention and may, at any time, direct it to be sold or destroyed without having caused the notice and after such sale or destruction, the Court shall order the notice of such sale or destruction to be posted in the manner prescribed under subsection (2) of this section.

(6) On the completion of the sale or destruction referred under subsections (4) and (5) of this section, the right to take legal proceedings for their recovery of such unclaimed property or the proceeds of such sale shall cease.

(7) The proceeds of the sale of unclaimed property shall either be paid to the person who successfully establishes his claim thereto or be deposited to the Consolidated Fund.

(8) When the unclaimed property consists of money, the same shall be dealt with in all respects as if it were the proceeds of a sale ordered by virtue of the provisions of subsections (2) and (5) of this section.

Suspension if charged with corruption or economic crime.

94. The provisions under the Public Service Act, No. 2 of 2011 shall apply in respect to a Public Officer who is charged or convicted with corruption or economic crime under this Act.

Staff to be deemed as an officer of Institute for the Education of Offenders.

95. Where a staff is carrying out the duties of an officer of the Institute for the Education of Offenders, such staff, while engaged in any such duty, shall be deemed to be an officer of the Institute for the Education of Offenders and shall have the power, protection and privileges attaching to such officer.

Disqualification of convicted person.

96. A person who is convicted of corruption or economic crime under this Act shall not be qualified from being elected or appointed to hold any office for a period of five years from the date of the conviction.

Publication of person convicted by corruption or economic crime.

97. The Authority shall, at least once in every year, publish or cause to be published in the Gazette the names of all persons convicted for corruption or economic crime under this Act.

Protection of informer.

98.-(1) An action or proceedings, including a disciplinary action, shall not be instituted or maintained against a person in respect of:

(a) assistance given by that person to the Authority or an Investigator; or

(b) a disclosure of information against any person to the Authority or an Investigator.

(2) The provisions of subsection (1) of this section shall not apply with respect to a statement made by a person who had no reason to believe it to be true.

(3) In a prosecution for corruption or economic crime or other proceedings under this Act, a witness shall not be required to identify or provide information that might lead to the identification of a person who assisted or disclosed information to the Authority or an Investigator.

(4) In a prosecution for corruption or economic crime or proceedings under this Act, the Court shall ensure that, information that identifies or might lead to the identification of a person who assisted or disclosed information to the Authority or an Investigator is removed or concealed from any documents to be produced or inspected in connection with the proceedings.

(5) The information related to commission of an offence under this Act shall not be admitted in evidence in any civil or criminal proceedings and the witness in any civil or criminal proceedings shall not be obliged to:

(a) disclose the name or address of any informer who has given information to the Authority with respect to an offence under this Act or the name or address of any person who has assisted the Authority in any way in relation to such an offence; or

(b) answer any question, if the answer to such question would lead or would tend to lead the discovery of the name or address of such informer.

(6) The Court shall, where the name, address or description of an informer or person is contained in the entry of any book or document which is the subject of evidence or required for inspection in any criminal or civil proceedings that may lead to the discovery of such informer or person to the public, order all such passages to be concealed or obliterated from view by public as may be necessary to protect the informer or such person from discovery by public.

(7) Any informer who shall suffer reprisal, retaliation, victimization, injury or any harm from a person accused of corruption or perpetrators of offences of corruption and their accessories shall be afforded reasonable protection, compensation and assistance by the Government upon ascertainment by the Authority the magnitude of victimization, injury or harm.

Protection of witness.

99.-(1) The witness shall not, in any proceedings for an offence under this Act, be regarded as an accomplice by reason of only receiving, giving, making any payment or delivery of any benefit by him or on his behalf from the person accused.

(2) Where a person:

(a) discloses to the Authority that, a person, public officer, body corporate or public body is or has been involved in an act of corruption; and

(b) believes on reasonable grounds that, the information he discloses may be true and is of such a nature as to warrant an investigation under this Act,

shall not incur civil or criminal liability as a result of such disclosure.

(3) A person who victimizes a person who has made a disclosure under subsection (2) of this section, commits an offence.

(4) For the purposes of this section, a term "victimization" means an act:

(a) which causes injury, damage or loss;

(b) of intimidation or harassment;

(c) of discrimination, disadvantage or adverse treatment in relation to person's employment; or

(d) amounting to threats of reprisals.

Duty to report benefit.

100.-(1) A head of entity who has been reported by his officer whom is given or promised benefit in contravention of any provisions of this Act, shall report such benefit together with the name, if known, of the person who gave that benefit to him to the Authority.

(2) A person from whom any benefit has been solicited, given or offered or from whom an attempt has been made to solicit, give or offer in contravention of any



provisions of this Act, shall, at the earliest opportunity, report such soliciting, obtaining or attempt to obtain the benefit together with the name, if known, of the person who solicited, obtained or attempted to obtain the benefit from him to the Authority.

(3) A person who fails, without reasonable excuse, to comply with the provisions of subsections (1) and (2) of this section, commits an offence and shall, upon conviction, be liable to a fine of not less than Five Million Tanzanian Shillings and not exceeding Seven Million Tanzanian Shillings or imprisonment for a term of five years or both.

Immunity for staff.

101. A staff shall not be personally liable for an act or thing done or omitted to be done, if the act was done or omitted to be done in good faith in the exercise of his functions under this Act.

Custom is not a defense.

102. For the purpose of prosecution under this Act, receiving, soliciting, giving or offering of any benefit in any custom in any locality, business, office or profession shall not apply as a defense.

Impossibility or no intention is not a defense.

103. In a prosecution of offences under this Act which involves a benefit that is an inducement or reward for doing an act or making an omission, it shall not be a defense that the act or omission:

(a) was not within a person's power or that the person did not intend to do the act or make the omission; or

(b) did not occur.

Co-operation with other authorities.

104.-(1) The Authority shall establish and maintain a system of consultation and cooperation with law enforcement agencies and other authorities within Zanzibar, United Republic of Tanzania, Regional and International engaged in investigation and prosecution and may, for that purpose:

(a) grant immunity from prosecution to a person who provides cooperation in investigation or prosecution of an offence under this Act;

(b) inform the authorities, on their own initiatives, where there are reasonable grounds to believe that any of the offences under this Act has been committed; and

(c) upon request, provide to the authorities all necessary information.



(2) For the purpose of subsection (1)(a) of this section, a person provides cooperation if that person;

(a) has given a full and true disclosure of all material facts relating to past corrupt conduct and economic crime by himself or others;

(b) has voluntarily paid, deposited or refunded all property he acquired through corruption or economic crime; and

(c) has paid for all loses occasioned by his corruption conduct to public property.

Co-operation with private sector.

105. The Authority shall establish and maintain a system of cooperation with the private sector and in particular financial institutions, contractors, consultants and suppliers of goods or services on matters relating to the commission of offence under this Act and encouraging the private sector to report to the Authority the commission of an offence under this Act.

Foreign assistance.

106.-(1) Mutual legal assistance in relation to offence of corruption, economic crimes and other related offences shall be made in accordance with the provisions of the Mutual Assistance in Criminal Matters Act, [CAP. 254].

(2) Without prejudice to preceding provisions of this Part, a foreign state or Government may disclose such information which might assist the Authority in initiating or carrying out investigation, prosecution, judicial proceedings and information on proceeds of offence.

Extradition.

107. Extradition matters in relation to offences of corruption, economic crimes and other related offences shall be dealt with in accordance with the provisions of the Extradition Act, [CAP. 368].

Conduct outside Zanzibar.

108. The conduct by a person taking place outside Zanzibar constitutes an offence under this Act if the conduct would constitute an offence as if it took place in Zanzibar.

Instituting of prosecution.

109.-(1) Subject to the consent of the Director of Public Prosecutions, the Director General or a person authorized by the Director General shall have power to prosecute offences under this Act.

(2) Prosecution for any offence under this Act, shall not be instituted by the Authority except by or with the written consent of the Director of Public Prosecutions.



Trial Courts.

110. The offences provided under this Act shall be classified as economic crime, corruption and other offences and shall be triable before the courts as prescribed under the Schedule of this Act.

Regulations.

111. The Minister may make Regulations for the better implementation of the functions of this Act.

Guidelines.

112. The Director General may make Codes of Conduct and Guidelines of the Authority for the proper performance of the functions of the Authority.

Repeal and saving.

113-(1) The Zanzibar Anti-Corruption and Economic Crimes Authority Act, No.1 of 2012 is hereby repealed.

(2) Notwithstanding the repeal under subsection (l) of this section, anything done under the repealed Act before the commencement of this Act shall continue and be deemed to have been done under the provisions of this Act.

(3) Notwithstanding the repeal under subsection (1) of this section, any matter pending in a Court before the commencement of this Act shall be dealt with and disposed under the repealed Act.



SCHEDULE

OFFENCES AND THE TRIAL COURTS

(Made under section 110)

A. ECONOMIC CRIME OFFENCES

SECTIONS	ECONOMIC CRIME OFFENCES	COURT
53	Misuse of public property	High Court
54	Misappropriation of property and revenue	High Court
55	Misappropriation of assets	High Court
56	Tax Evasion	High Court
57	Loss caused by negligence	High Court
58	Smuggling	High Court
59	Hoarding	High Court
60	Anti-trust and syndication	High Court
61	Wrongful use of official information	High Court
62	Money laundering	High Court
63	Drug trafficking	High Court
64	Counterfeiting of goods, service and currency	High Court
65	Unlawful financial transaction	High Court



B. CORRUPTION OFFENCES

SECTION	CORRUPTION OFFENCES	COURT
36	Bribery	Regional Magistrate Court
37	Bribing agent	Regional Magistrate Court
38	Bribery by public officer	Regional Magistrate Court
39	Bribery to public officer	Regional Magistrate Court
40	Solicit or receive an illegal benefit by person who makes or executes Court decision	Regional Magistrate Court
41	Bribery in relation to auctions	Regional Magistrate Court
42	Secret inducement for advice	Regional Magistrate Court
43	Bribery for giving assistance in regard to contracts	Regional Magistrate Court
44	Deceiving principal	Regional Magistrate Court
45	Conflict of interest	Regional Magistrate Court
46	Improper benefits to trustee for appointment	Regional Magistrate Court
47	Bid rigging	Regional Magistrate Court
48	Abuse of position	Regional Magistrate Court
49	Transfer of proceeds of corruption	Regional Magistrate Court
50	Corruption in election	Regional Magistrate Court
51	Bribery of foreign officer	Regional Magistrate Court
52	Soliciting or offering sexual favours	Regional Magistrate Court

C. OTHER OFFENCES

SECTIONS	OTHER OFFENCES	COURT
5	Failure to comply with the directives of the Authority.	District Court
7	Disobidience of lawful order of the Director General.	District Court
15	Breach of confidentiality	District Court
17	Obstruction on investigation	District Court
18	Failure to cooperate with investigator	District Court
21	Failure to comply with an Order of the Authority	District Court
24	Failure to furnish information relating to suspect's property	District Court
25	Failure to furnish information by an associate of suspect	District Court
27	Failure to produce records and property	District Court
32	Disclosure that may affect investigation	District Court
33	Impersonating	District Court
75	Failure to comply with an Order preserving suspect property	District Court
84	Breach of practice and rules as a regard to accomplice	District Court
92	Abetment	District Court
99	Victimization of witness	District Court
100	Failure to report benefit	District Court

PASSED by House of Representatives of Zanzibar on 23rd June, 2023.

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(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar