



**THE ZANZIBAR PLANNING COMMISSION
ACT, NO. 3 OF 2012**

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SCHEDULE



ACT NO. 3 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

28th May, 2012

**AN ACT TO REPEAL THE ZANZIBAR PLANNING COMMISSION ACT
NO. 5 OF 1989 AND ENACT NEW LAW TO PROVIDE FOR THE
OPERATION OF THE ZANZIBAR PLANNING COMMISSION,
ITS FUNCTIONS, POWERS AND OTHER MATTERS
CONNECTED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

- Short title and commencement. **1.** This Act may be cited as the Zanzibar Planning Commission Act, 2012 and shall come into operation immediately after being assented to by the President.
- Interpretation. **2.** In this Act, unless the context otherwise requires:-
- “Commission” means the Zanzibar Planning Commission established under section 125 of the Constitution;
 - “Committee” means a Technical Committee of the Secretariat of the Commission established under section 17(4) of this Act;
 - “Constitution” means the Constitution of Zanzibar of 1984;
 - “Chairman” means the Chairman of the Commission and includes any person for the time being duly authorised to perform the functions of Chairman;



“Department” means a Department of the Secretariat of the Commission;

“Government” means the Revolutionary Government of Zanzibar;

“Minister” means the Minister for the time being responsible for Economic Development Planning;

“Member” means a member of the Commission appointed under section 4 of this Act but shall not include the Chairman;

“oath of allegiance” means oath in the form as prescribed in the schedule to this Act, made by any person appointed as a member of the Commission;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Secretary” means the Secretary of the Commission appointed under the provisions of section 127 of the Constitution and shall have the same meaning with the Executive Secretary;

“Secretariat” means the Secretariat of the Commission established under section 17(1) of this Act and shall include a Department or Technical Committee.

PART II ESTABLISHMENT, FUNCTIONS AND POWERS OF THE COMMISSION

Planning
Commission. 3.(1) There shall be a Zanzibar Planning Commission as provided for under the Constitution, which shall be an independent and autonomous government agency in the public service.

(2) The Commission shall have a Seal in such form and size as may be determined by the Commission.

(3) The Commission shall be the highest authority for economic development planning and shall coordinate and supervise the implementation of such economic development plans and related social services planning in Zanzibar.



Composition
of the
Commission.

4.(1) The Commission shall consist of:-

- (a) the President who shall be Chairman;
- (b) the First Vice President;
- (c) the Second Vice President;
- (d) Ministers responsible for finance, and development planning;
- (e) such other Members of the Revolutionary Council appointed collectively as members of the Committee of the Revolutionary Council or on their individual capacity as the President may deem appropriate.

(2) The President may appoint such other members not exceeding three on account of their distinguished expertise, knowledge or experience in economics, finance, development planning, public service, justice or legal sector, environmental management, social development or any relevant field necessary for the prevailing Zanzibar economic priorities.

(3) Members of the Commission other than ex-officio members shall hold office for a term of three years and may be re-appointed for other term.

Ethical
requirement
of
Members.

5. All members of the Commission shall observe such ethical standard by maintaining confidentiality of information obtained in the course of their work as members of the Commission, avoiding instances giving rise to conflict of interest and generally observe and maintain ethical conduct expected as members of the Commission.

Secretary
of the
Commission.

6.(1) Subject to the provisions of the section 127 of the Constitution, the Secretary of Commission shall be appointed by the President.

(2) A person shall be qualified to be appointed a Secretary if he holds at least a first degree in a field relevant in development planning, economic or financial management and is experienced in the field for at least seven years and conversant in public administration.

(3) The Secretary shall be the Chief Executive Officer of the Commission and for such purpose is hereby designated as the Executive Secretary.

(4) The Executive Secretary shall be responsible for day-to-day management of the activities and for co-ordinating functions of the Commission.



(5) The Executive Secretary as the Chief Executive Officer of the Commission shall as such, be answerable for the conduct and execution of his duty in accordance with public service laws and regulations.

(6) The Executive Secretary shall attend all meetings of the Commission and shall be responsible to take or cause to be taken and keep minutes of the proceedings of the meeting of the Commission.

(7) The Executive Secretary shall be custodian of the seal and all records and documents of the Commission.

Oath of
allegiance.

7. Save for the First Vice President and Second Vice President, other Members and Secretary of the Commission shall, before assuming office, subscribe an oath of allegiance before the President in the form as prescribed in the schedule to this Act.

Functions
of the
Commission.

8.(1) Subject to the provisions of this Act, the core functions of the Commission shall be:-

- (a) to provide policy advice to the President in particular and the Government in general on all sphere of national development;
- (b) to prepare national priorities and engender consensus among Government agencies as may be contained in guidelines issued by the Commission from time to time;
- (c) to undertake periodic review and appraisal of the human and material resources capabilities of Zanzibar with a view to advancing their development, efficiency and effective utilization;
- (d) to formulate and prepare long-term, medium-term and short-term national development plans and to co-ordinate such plans at central and local government levels;
- (e) to monitor and evaluate projects and progress relating to plan implementation;
- (f) to advise on changes and adjustments in institutions and management techniques as well as attitudes necessary for the alignment of actions with plan, targets and goals;



- (g) to conduct research into various aspects of national interests and public policy and ensure that the implications and results of the findings in such research are geared towards the enhancement of national, economic, social, technological capabilities and management;
- (h) to mobilize popular group and institutional consensus in support of Government policies and programmes;
- (i) to deal with matters relating to regional and International economic Co-operation and to carry-out duties as are necessary or expedient for the full discharge of all or any of the functions conferred on the Commission under this Act.

(2) Without prejudice to the provisions of subsection (1) of this section, the Commission shall, at the direction of the President or House of Representatives, or on its own initiative:-

- (a) study and make strategic analysis of macro-economic and structural reform options;
- (b) make proposals for the development of multi-year rolling plans taking into consideration the resource potential and comparative advantage of different areas;
- (c) make proposals for the protection of the natural and physical environment;
- (d) make proposals for ensuring the development of every local government by the effective utilisation of available resources; and
- (e) monitor, evaluate and co-ordinate development policies, programmes and projects.

(3) The Commission shall also perform such other functions relating to development planning as the President may direct.

Powers
of the
Commission.

9.(1) Subject to the provisions of this Act, the Commission shall have power to:-

- (a) identify, adopt and approve national development key priority areas and issue directives for their integration in the national and sectoral development planning and for their realisation and execution;



- (b) adopt and approve national and sectoral development plans;
- (c) give ministries and other public service institutions any directives relating to development planning;
- (d) issue directives in accordance with the national economic development plans on priority areas for investment;
- (e) approve any change in the implementation of national development planning;
- (f) call for, from any institution, any information, representation or data relating to matters of development planning;
- (g) in collaboration with any academic, research or development institution, commission a study on any development, economic or investment issue as the Commission may deem relevant for national economic development;
- (h) advise on development of institutions for the purpose of fostering research, capacity and ethics in development planning and related fields, fact finding and reporting on any development planning issue;

(2) For the purpose of better performance of its functions, the Commission shall maintain a system of collaboration, consultation and co-operation with economic research and other planning institution having the same objectives which are likely to assist in the functions of the Commission.

Delegation
of
powers.

10. Without prejudice to any provision in this Act, the Commission may delegate certain of its powers to the Secretariat.

National
Development
Plans.

11. For the purpose of the provisions of section 8 of this Act, the Commission shall:

- (a) issue guidelines for the formulation of National Plans;
- (b) be responsible for the formulation and implementations of plans for the most effective and balanced utilisation of the country's resources;
- (c) analyse any social and economic issues and recommend to the Government appropriate policies and measures to protect the National interest;



- (d) with the facilitation and collaboration of the ministry responsible for finance, prepare draft annual capital budget requirement, for presentation before the Revolutionary Council.

Coordination
of Sectoral
Development
Plans.

12. In the exercise of the powers under section 9 of this Act, the Commission shall coordinate sectoral development plans by:

- (a) convening a pre-budget meetings of ordinary peoples, technocrats and politicians for the purpose of having their inputs be considered in the forthcoming financial year;
- (b) convening a pre-budget meeting of all ministries, departments and agencies for the purpose of consolidating their financial requirements including their total financial implications in the forthcoming financial year;
- (c) coordinating the preparation process of long-term, medium term and annual plans;
- (d) coordinating the preparation of national development strategies and provide guidance on their implementation;
- (e) coordinating government initiatives and policies for private sector development and social activities;
- (f) to do any other thing which in the opinion of the Commission may be necessary for coordination of sectoral development plans.

Commission
as a think
tank.

13. The Commission shall be a think tank, which shall analyse key economic trends in Zanzibar, in the regional economic block and in the world in general and develop implementation framework of strategic interventions which will give Zanzibar unique and comparable advantage in any of the following areas:

- (a) attracting capital and investment in key areas;
- (b) competitive production in any sector which Zanzibar has comparative advantage;
- (c) market and marketing of any goods or services;



- (d) technology development, adoption, adaptation, innovation and commercialization of such innovation, intellectual property development, application and protection thereof;
- (e) improving skills for the purpose of productivity, employment including export of labour and skills;
- (f) superiority and sustainability of Zanzibar brands for any goods or service;
- (g) assessing contribution of non state actors in the economy and in collaboration with relevant sector ministries in identifying key areas for private sector partnership with public sector;
- (h) strategic economic or marketing collaboration which will give Zanzibar an edge; and
- (i) any other area which the Commission may deem of strategic importance for economic and social development.

Monitoring
and
Evaluation.

14. The Commission shall, in the exercise of the function conferred upon it under section 8 of this Act, exercise monitoring and evaluation role to:

- (a) the day-to-day performance of various sectors of the economy and ensure that appropriate measures are taken to solve any operational problem as may be detected in those sectors;
- (b) the implementation of plans and take such measures as are necessary for ensuring successful implementation of those plans;
- (c) the implementation of Government decisions on matters of planning and the management of the economy;
- (d) the national development plans and report to the Revolutionary Council accordingly;
- (e) plan and development of manpower in order to achieve self-sufficiency of experts in various specialisations and conduct annual programme or project reviews;



- (f) in collaboration with the Ministry responsible for finance, assess financial performance as a whole and recommend corrective measures where applicable; and
- (g) perform any other function as may be assigned to it by the President.

Human
Resources
and
Demographic
Planning.

15.(1) The Commission shall undertake the human resources and demographic planning in:

- (a) coordinating human resource issues at national level for sustainable strategic planning;
- (b) coordinating population issues within national development planning;
- (c) coordinating young child survival, protection and development programme at different levels;
- (d) undertake related surveys and advise Government for the appropriate effectiveness;
- (e) oversees the implementation of population related policies and strategies.

Statistical
Management

16. The Commission shall, in collaboration with the Chief Government Statistician's Office:

- (a) prepare statistical management plans relating to economic activities of all institutions of the Government, Non Governmental Organisations and private sectors;
- (b) by using the collected statistical information, provide and advise the Government on the progress and development of the economic and social activities;
- (c) in collaboration with ministries and other Government Institutions, to utilize the collected statistical information in the implementation of economic development plans in those institutions.



Secretariat.

17.(1) There shall be a Secretariat of the Commission to be headed by Executive Secretary, which shall serve as technical and administrative organ of the Commission.

(2) The Secretariat shall compose of Administrative Departments of the Commission and Technical Committee.

(3) The Administrative Departments of Commission shall be established by the Commission under section 31(5) of this Act.

(4) The Technical Committee shall be constituted as follows:

- (a) the Executive Secretary as Chairperson;
- (b) Heads of Administrative Departments;
- (c) such other persons, not exceeding five, appointed by the Commission on the recommendation of the Minister on such terms and conditions as the Commission shall direct.

(5) The Chairperson of the Technical Committee may invite any person to attend the meeting of the Committee for the purpose of providing any relevant information, expertise or understanding on the matter for deliberation before the Committee.

Functions
of the
Secretariat.

18.(1) Subject to the provisions of this Act, the Departments of the Secretariat as part of the Secretariat shall be responsible to undertake the work assigned to it in accordance with the terms of the establishment of each department and such other functions as assigned to it by the Executive Secretary or by the Commission.

(2) The Technical Committee, as part of the Secretariat shall perform the following functions:-

- (a) to assess and evaluate reports submitted to it by Executive Secretary or Heads of Departments;
- (b) to approve and adopt reports of the Secretariat for submission before the Commission;



- (c) to issue directives on the commissioning of relevant studies on issues deemed necessary by the Committee for better carrying out of the functions of the Commission;
- (d) to coordinate and monitor the implementation of the resolutions, directives and recommendations of the Commission;
- (e) to perform such other technical works for the Commission as the Secretariat or the Executive Secretary may deem appropriate;
- (f) to do any other function as may be assigned by the Commission from time to time.

(3) For avoidance of doubt, it is expressly provided that the Technical Committee shall not be responsible for the manner or conduct on the administration of the Secretariat or of the Commission.

(4) The Technical Committee shall conduct its functions in accordance with the charter of operation developed or adopted by the Committee and approved by the Minister.

(5) Members of the Committee shall be paid such allowances and entitlements in relation to their functions as the Minister shall approve.

Appointments
of Heads of
Departments.

19.(1) Subject to the provisions of this Act, the Heads of Departments of the Secretariat of the Commission shall be appointed by the President on such designation and terms in accordance with the organisation structure approved under public service regulations.

(2) The Commission may, recommend to the relevant public service authorities on terms of service, including incentive scheme, retention scheme and appropriate service scheme for the Executive Secretary, Heads of Departments and staff of the Commission.

Staff of the
Commission.

20.(1) The Executive Secretary shall, subject to the Public Service Act, No. 2 of 2011, recommend the employment of such number of staff as he deems fit for the proper discharge of the functions of the Commission.

(2) For the purpose of protecting the Constitutional autonomy and mandate of the Commission, staff shall not be transferred to or from the Commission without prior approval of the Executive Secretary.



Liaison and coordination.

21.(1) The Minister may, by regulations, issue guidelines on the manner in which the Ministry responsible for finance, where the same is also responsible for development planning, to cooperate and work in close collaboration with the Commission in the development planning, financial resource allocation for development planning, disbursement of funds for development projects and programs, reporting and other matters relevant for efficient and smooth operation of the work of the Commission and that of the responsible Ministry.

(2) Where the Ministry responsible for finance is separate from the Ministry responsible for development planning, the Minister in consultation with the Minister responsible for finance, shall issue guidelines as provided for under subsection (1) of this section.

(3) Subject to this Act, the Commission shall be responsible for capacity and skills development of key public service employees who are responsible for technical aspects of economic and development planning as identified and accredited by the Commission.

(4) For the purpose of this section, the Commission shall coordinate the deployment of accredited economists and development planning officials to public service institutions.

PART III OPERATION OF THE COMMISSION

Powers of the Commission to call for information.

22.(1) The Commission may, in carrying out its functions, call for, in writing any person or body of persons in whose custody has any information which may be relevant to the work of the Commission and it shall be the duty of the custodian of such information to avail it to the Commission unless otherwise lawfully prevented to do so.

(2) In exercising its mandate under sub section (1) of this section, the Commission shall have power to summon any person to give information relevant to the work of the Commission.

(3) Every person who or body of person which is required to furnish information under sub section (1) of this section, shall be required to comply with that requirement.

(4) Any person who or body of person which fails or refuses to comply with that requirement commits an offence and if is found guilty shall pay a fine of not less than one million shillings or imprisonment for a term of not less six months or both such fine and imprisonment.



Correspondence
to the
Commission.

23. All correspondence to the Commission shall be made and addressed to the Executive Secretary of the Commission, and shall be kept in accordance with the Government procedures.

PART IV PROCEEDINGS OF THE COMMISSION

Meetings of
the
Commission.

24.(1) The Commission shall meet at least four times in every year, but may at any time if need be, call and convene a meeting.

(2) The quorum of any meeting of the Commission shall be more than half members of the total number of members of the Commission.

(3) All meetings of the Commission shall be presided by the Chairman or in his absence the senior member of the Commission, provided that the Chairman may direct a meeting for an urgent matter be convened in his absence and in the absence of the senior member of the Commission, the Minister responsible for planning shall preside that meeting.

(4) Where in the opinion of the Chairman or any member of the Commission, any matter or business is of an unusually urgent nature which cannot await the convening of the meeting consisting of the quorum, the matter may be decided at a meeting of the Chairman and at least half the members and such decision shall be valid and binding, and such decision shall be reported to the regular annual meetings of the Commission.

(5) Subject to other provisions of this Act, the Commission may regulate its own proceedings.

Decision
of the
Commission.

25. The decision of the Commission shall be by consensus but if members fail to reach at a consensus on any agenda, then the agenda shall be decided by voting and upon equality of votes, the Chairman shall have the casting vote in addition to his deliberative vote.

Minutes of
meeting of
the
Commission.

26. Subject to subsection (5) of section 6 of this Act, the Executive Secretary may cause to be recorded and kept details of all business conducted or transacted at its meeting and the minutes of the meeting shall be read and confirmed or amended and confirmed at next meeting of the Commission and shall be signed by the Chairman and Secretary.



Remuneration and allowances of members of Commission.

27. Members of the Commission shall be paid such remuneration and allowances as the President may determine.

PART V FINANCIAL PROVISIONS

Funds of the Commission.

28.(1) There shall be a separate vote in which all moneys of the Commission as approved by the House of Representatives shall be kept.

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

Estimates.

29.(1) The Executive Secretary shall, in respect of every financial year, submit to the Commission for deliberation and recommendation a detailed estimate of the income and expenditure for the Commission of the next year.

(2) Upon deliberation and recommendation by the Commission the budget of the Commission shall be dealt in the same manner as part of the budget of the parent Ministry.

Account and Audit.

30.(1) The Commission shall cause to be made and kept the proper and complete books of accounts reflecting all incomes and expenses of the Commission.

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

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

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



PART VI MISCELLANEOUS PROVISIONS

Establishment
of
Committees
and
Departments.

31.(1) There is hereby established in each Ministry and Region a Planning Committee.

(2) For the purpose of this Act, Management Council established in each Ministry under the Management Council Act of 1986 and Regional Administration Act, No. 1 of 1997 shall be deemed to have been established under sub section (1) of this section.

(3) Ministerial, Regional and local Government Planning Committees as the case may be, shall be responsible for approval of development plans, general supervision and monitoring of implementation in their respective jurisdictions and the Commission shall be responsible to monitor and ensure that such Committees work efficiently and effectively.

(4) The Commission may establish Committees for the discharge of its functions and it may specify functions and duties for the established Committees and it may delegate to any Committee so established any of its functions.

(5) The Commission may, on the advice of the Minister and for the purpose of better discharge of the functions of the Commission establish such number of Departments within the Secretariat as it deems appropriate and prescribe for each of such Departments functions and areas of operations.

Regulations.

32. The Minister shall, with the advice of the Commission make regulations in the areas of National Planning, Economic Management, Human Resources Development, Monitoring and Evaluation and Statistical Management and any other relevant areas for better carrying into effect the purpose and provisions of this Act.

Repeal of
Act No. 5
of 1989
and
saving.

33.(1) The Planning Commission Act No.5 of 1989 is hereby repealed.

(2) Notwithstanding the provisions of subsection (1) anything done under the repealed Act which is still in force or operational shall continue to be valid until it is ceased or replaced by the relevant authority under this Act and anything initiated under the said repealed Act which is still pending shall be completed under the repealed Act and shall be deemed to have been done under the provisions of this Act.



SCHEDULE

OATH OF ALLEGIANCE

[Made under section 7]

I,

Swear by Almighty God that I will be faithful to Zanzibar and its people and that I will serve as a (Member or Secretary) to the Zanzibar Planning Commission, whole heartedly and that I shall defend and protect the interest and economy of Zanzibar in accordance with the established laws.

So help me God.

OATH OF EXECUTION OF OFFICE

I,

Swear by Almighty God that I shall diligently and truly serve Zanzibar and its people in execution of my duties as (Member or Secretary) to the Zanzibar Planning Commission and shall at all times advise the Chairman in good faith and will not directly or indirectly disclose, or reveal the nature or content of any documents of the Commission to any person other than authorised person.

So help me God.

I hereby confirm that I have taken these oaths at Zanzibar, today the day of, 20

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Signature

.....
**PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL.**



PASSED in the House of Representatives of Zanzibar on 28th day of March, 2012.

{ YAHYA KHAMIS HAMAD }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR