

**ACT NO. 3 OF 2015**

**I ASSENT**



**{DR. ALI MOHAMED SHEIN}**

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

**27<sup>th</sup> March, 2015**

**AN ACT TO REPEAL THE ENVIRONMENTAL MANAGEMENT FOR  
SUSTAINABLE DEVELOPMENT ACT NUMBER 2 OF 1996, AND TO  
REPLACE IT FOR BETTER PROVISIONS RELATING TO THE  
CONSERVATION, PROTECTION, ENFORCEMENT AND MANAGEMENT  
OF ENVIRONMENT OF ZANZIBAR AND MATTERS CONNECTED  
THEREWITH AND INCIDENTAL THERETO**

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

**PART I**

Short title and  
Commencement.

**PRELIMINARY PROVISIONS**

Interpretation.

**1.** This Act may be cited as the Zanzibar Environmental Management Act, 2015, and shall come into operation immediately after being assented to by the President .

**2.** In this Act, unless the context requires otherwise:

“Act” means the Zanzibar Environmental Management Act, 2015;

- “Activity” means any action in relation to development work, construction, project, plan, establishment or investment that may be carried out in any environmental component;
- “Authority” means Zanzibar Environmental Management Authority established under section (14) of this Act;
- “Authorized Officer” means an environmental officer appointed under section 82 of this Act;
- “Biodiversity” means all living organisms which include plants, animals, birds and any microorganism found on terrestrials and aquatic environment;
- “Board” means Board of Zanzibar Environmental Management Authority established under section 15 of this Act;
- “Coastal Setback Buffer zone” means coastal line area between thirty meters to one hundred meters towards the land measures from the coastal point of the high water mark the distance of thirty meters to one hundred meters depends on the nature of the respective coastal line;
- “Director of Environment” means the Government Officer appointed under Section 12 of this Act;
- “Director-General” means the Government Officer appointed under Section 21 of the Act;
- “Discharge” means any release, emission or leakage of wastewater, sewage, oil, other liquid wastes, and gaseous wastes;
- “Dumping” means any deliberate disposal of wastes or other matter from vehicles, vessels, aircraft, platforms or other man-made structures on the environment;
- “Ecosystem” means the biological community of interacting living organisms and their physical environment;
- “Environment” means the physical surroundings or conditions along with its atmospheric, land and aquatic components that support life and livelihoods and where human beings, flora, fauna and nature co-exist;
- “Environmental audit” means the systematic and periodic assessment to program; project or activity intended to identify environmental compliance and management system implementation gaps, along with related corrective actions;

- ”Environmental degradation” is the deterioration of the environment through depletion of resources such as air, water and soil and its associated biodiversity; the destruction of ecosystems and the extinction of wildlife;
- ”Environmental Impact Assessment” or “EIA” means a process of systematic examination or evaluation of social and environmental impacts to a proposed project or activity and provides alternatives and mitigation measures;
- ”Environmental Monitoring” means systematic way of verifying the required environmental norms through site visit, surveying or sampling to understand the scale and magnitude of implementation of the environmental management plan;
- ”Hazardous substance” means any chemical, waste, gas, medicine, drug, plant, animal or micro organism which is likely to be injurious to human health, life or the environment;
- ”Hazardous waste” means any solid, liquid, gaseous or sludge waste, which is poisonous, corrosive, noxious, explosive, inflammable, radioactive, toxic or harmful to human living organism and environment;
- ”Investment” mean as defined under the Zanzibar Investment Promotion and Protection Act, No 11 of 2004;
- ”Local Government Authority” means City, Municipality, Town Council or District Council;
- ”Medical waste” means waste generated by health care activities including broad range of materials from used needles and syringes to soiled dressing, body parts, diagnostic samples, blood, chemicals, pharmaceuticals, medical devices or radioactive materials;
- ”Minister” means the Minister responsible for the environmental Management in Zanzibar;
- ”Non-Renewable Natural Resource” means any type of stone, gravel, sand, soil, lime or limestone or limestone rock , murrum rock or rock aggregates, or any other thing or element which do not have sustainable replacement rat
- ”Person” include individual whether acting in a public or private capacity, a group of individuals, a community, a judicial person, a Government institution or Government corporative body;

”Pollutant” means any substance when released in any process is capable of causing pollution;

”Pollution” means an introduction of pollutants into the environment in such concentrations that are likely to harm ecosystem, biodiversity or cause adverse environmental change;

”President” mean the President of Zanzibar and Chairman of the Revolutionary Council;

”Protected Areas” means any area declared under Section 61 of this Act; or any other written law of Zanzibar;

”Sand Bank” means a submerged ridge of sand that may be exposed during low tide;

”Strategic Environmental Assessment” means a system incorporating environmental and social consideration into policies, plans program;

”Unfit product” means a product as defined under the Zanzibar Food, Drugs and Cosmetics Act, No.2 of 2006 or any other written laws to be destructed or disposed;

”Waste” means garbage, refuse, sludge, construction debris and other substances discarded from industrial, commercial, domestic, individual, community or other activity;

”Water resource” means an entire range of natural waters that occur on the earth and that are of potential use to humans including waters of the river, stream, catchment area, water caves, lakes; groundwater;

Obligation to  
Protect  
Environment.

Right and Duty  
to a clean, Safe  
and a Healthy  
environment.

Environment  
management on  
Development  
plan.

## **PART II**

### **GENERAL ENVIRONMENTAL OBLIGATIONS**

**3.** Every person is obliged to protect environment for the welfare of present and future generations.

**4.** Every person shall ensure that development plans and activities are implemented in an environmentally-sound and sustainable manner.

**5.**-(1) Every person shall have a right to a clean, safe and healthy environment.

(2) Every person has a duty to maintain, safeguard and enhance a clean, safe and

healthy environment.

(3) Every person has a right to complain to relevant institutions and bring a legal action against the person who cause or likely to cause harm to the environment.

(4) Every person has a duty to inform the responsible Authority of any plan or activity that may cause significant harm to the environment.

(5) The Authority shall be bound to take action against information submitted under sub-section (4) of this section.

(6) If the Authority fails to take the action under sub-section (5) of this section, the person who submitted such information shall forward the matter before the Board.

6. For the purpose of this Act, every person shall execute his duty assigned to him under this Act in considering the following principles:

- (a) the Precautionary principle;
- (b) polluter pays principles;
- (c) the principle of Ecosystem integrity;
- (d) the principle of public participation in the development policies, plans and processes for the management of the environment;
- (e) the principle of international co-operation in management of environment; and
- (f) the principle of common but differentiated responsibilities.

General Principal  
of Enviromental  
Management.

Establishment of  
the Enviromental  
Advisory  
commitee.

Composition of  
the Enviromental  
Advisory  
commitee.

### **PART III**

#### **ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT**

7. There is hereby established an Environmental Advisory Committee.

8. The Environmental Advisory Committee shall be composed of the following members:

- (a) the Principal Secretary of the institutions responsible for enviromental management who shall be the chairperson of the Committee;
- (b) the Director of Environment who shall be the Secretary of the Committee;

Function of the Environmental Advisory committee.

- (c) the Director of the institution responsible for non renewable natural resources;
- (d) the Director of the institution responsible for Local Government Authority;
- (e) the Director of the institution responsible for Disaster Management;
- (f) the Director of the institution responsible for Public Health;
- (g) a State Attorney from Attorney General Chambers;
- (h) a member from Zanzibar National Chamber of Commerce, Industry and Agriculture; and
- (i) any other members not exceeding two may be invited when the Minister deems necessary.

**9.** The Environmental Advisory Committee shall have the following functions:

- (a) to advise the Minister on implementation of power and responsibilities assigned under this Act;
- (b) to advise on implementation of policy, strategy and environmental management plan;
- (c) to mediate and resolve any disputes between government institutions, private institutions or society on matters pertaining to environment; and
- (d) to perform any other matter as may be directed by the Minister.

Meetings and Quorum of the Environmental Advisory committee.

Power and Responsibilities of the Minister.

**10.**-(1) The Environmental Advisory Committee shall meet quarterly a year and the Committee may conduct an extraordinary meeting whenever deemes necessary.

(2) The Environmental Advisory Committee shall have its own procedures.

**11.** The Minister shall have the following powers and functions:

- (a) to provide guidelines necessary for promotion, protection and conservation of environment;
- (b) to issue general environmental guidelines to various government, private and civil society organizations or any other institution for the purpose of implementation of the provisions of this Act;
- (c) to provide information on environmental emergency to the institution responsible for disaster management in Zanzibar; and
- (d) to do any other activities for the better implementation of this Act.

Director of Environment.

**12.**-(1) There shall be the Director of Environment who shall be appointed by the President.

(2) A person to be appointed as the Director under sub-section (1) of this section shall have the following qualifications:

- (a) at least first Degree or equivalent from a university recognized by the Government on any of the following fields:
  - (i) environmental management,
  - (ii) environmental engineering,
  - (iii) ecology,
  - (iv) marine science,
  - (v) environmental law,
  - (vi) environmental sciences,
  - (vii) climate change,
  - (viii) natural resources management,
  - (ix) sustainable development, or
  - (x) any other relevant field on environmental management; and
- (b) a Senior Public Service Officer in any of the fields as prescribed under sub-section (2)(a) of this section.

Functions of the  
Director of  
Environment.

(3) There shall be other officers for the purpose of implementation of the functions of the office of Director of Environment.

**13.** On matters pertaining to the management of the environment, the Director of Environment shall:

- (a) develop National Strategies and Guidelines of management of Environment;
- (b) coordinate the implementation of National strategies and Guidelines of management of environment;
- (c) prepare and manage implementation of strategic environmental assessment according to section 48 of this Act;
- (d) recommend environmental standards;
- (e) coordinate the implementation of international environmental agreements;

Establishment of the Zanzibar Environmental Authority.

- (f) prepare and issue a report on the state of the environment for Zanzibar in every five years to be submitted to Minister;
- (g) coordinate implementation of the Environmental Policy;
- (h) coordinate all matters related to climate change adaptation, and mitigation measures;
- (i) promote environmental education to the society and other stakeholders according to the duties assigned to him;
- (j) coordinate and promote environmental research; and
- (k) carry out any other functions that are necessary to fulfil the purposes of this Act.

**14.**-(1) There is hereby established the Authority to be known as the Zanzibar Environmental Management Authority.

(2) The short name of Authority shall be known as ZEMA.

(3) The Authority shall be Government Agency for all environmental aspect under this Act and shall be a body corporate with its own seal and have the following powers:-

Composition and Appointment of the Member of the Board. I

- (a) to acquire, own and dispose any movable and immovable property;
- (b) to enter into any contract or agreement that the authority have the power to perform under this Act.

**15.**-(1) There shall be a Board of the Authority which shall, subject to this Act, administer the activities of the Authority.

(2) The Board shall consist of the following members:

- (a) the Chairperson who shall be appointed by the President;
- (b) the Director General;
- (c) the Director of Environment; and
- (d) four members who shall be appointed by the Minister, out of four, one from private sector and two shall be women.

Tenure of the Office of the Member of the Board.

(3) A person shall not be appointed under subsection 2(a) and 2(d) of this Section unless such a person has at least first degree and experience of at least five years on environment, law, administration or social development issues.



**16.**-(1) The Chairperson of the Board shall hold the office for a period of four years and may be eligible for reappointment for the term of not more than one term.

(2) Any member of the Board other than ex-officio member shall hold the office for the period of three years and may be eligible for reappointment not more than one term.

(3) A member of the Board, other than ex-officio member, shall cease to be a member if he:

(a) resigns in writing under his hand addressed to the Minister;

(b) dies;

(c) is in-capacitated by mental or physical illness approved by the doctor;

(d) is convicted of any criminal offence;

(e) has failed to comply with the duties of the Board; or

(f) is absent from three consecutive meetings without sufficient reason to the Secretary of the Board.

Function of the Board.

(4) Subject to the sub-section (3) of this Section, the Appointing Authority shall appoint another member to fill up the vacant position.

**17.** The Board shall have the following functions:

(a) to oversee implementation of the functions of the Authority so as to ensure that the objectives of the Authority are met;

(b) to approve plans and budget of the Authority;

(c) to direct the Director General on matters related to the administration and management of the Authority;

(d) to arrange sections and appoint head of sections of the Authority; and

(e) to carry out any other function as it deems necessary in relation to the functions of the Authority.

Meetings of the Board.

**18.**-(1) The Board shall meet at least once in every three months.

(2) The Chairperson may at any time convene a special meeting of the Board when it deems necessary.

Decisions of the Board.

(3) The Chairperson shall preside over a meeting of the Board and in his absence members of the Board shall appoint one member to preside over that meeting.

Secretary of the Board.

(4) The quorum of the meeting shall be more than half of the members of the Board.

**19.**-(1) All decisions of the Board shall be determined by consensus, failure to get consensus, the matter shall be determined by vote of more than half of the members present in the meeting.

(2) If there is equality of votes, the chairperson shall have a casting vote.

Appointment and Employment.

**20.**-(1) The State Attorney of the Ministry responsible for Environment shall be the Secretary of Board.

(2) The Secretary of the Board shall keep minutes of all meetings and decisions taken by Board and perform other functions as determined by the Board.

**21.**-(1) There shall be:

- (a) Director General of the Authority who shall be appointed by the President by considering the qualification prescribed under subsection (2) of this section and who shall be a Chief Executive Officer of the Authority;
- (b) Heads of Sections who shall be appointed by the Board in accordance with the provisions of Public Service Act; and
- (c) Other officers and workers of the Authority who shall be employed in accordance with provisions of the Public Service Act.

(2) A person to be appointed as Director General under sub-section (1)(a) of this section shall have the following qualifications:

- (a) at least first Degree or equivalent from a university recognized by the Government on any of the following fields:
  - (i) environmental management,
  - (ii) environmental engineering,
  - (iii) ecology,
  - (iv) marine science,
  - (v) environmental law,
  - (vi) environmental science,
  - (vii) climate change,
  - (viii) natural resources management,
  - (ix) sustainable development, or

Function of the Authority.

(x) any other relevant field on environmental management; and  
(b) a Senior Public Service Officer in any of the fields as prescribed under subsection (2)(a) of this section.

**22.**-(1) The functions of the Authority shall be to:

- (a) undertake and coordinate enforcement of the provisions of this Act;
- (b) coordinate the Environmental Impact Assessment process for any activity or investment ;
- (c) coordinate environmental audits in respect of any activity or investment;
- (d) carry out environmental monitoring that shall support in the proper management and conservation of environment;
- (e) issue environmental certificates, permit or approval;
- (f) receive and work on the complaints related to environment;
- (g) promote environmental education, awareness, and dissemination to the society and other stakeholders according to the functions assigned to the Authority;
- (h) enforce regulations and ensure compliance of standards, guidelines and orders related to environment.
- (i) monitor biodiversity, terrestrial and marine ecosystems, coastal zone, waste disposal, and natural resources;
- (j) any other safeguards related to environment;
- (k) prepare and submit to the Minister a comprehensive annual implementation report;
- (l) operate the digital Zanzibar Environmental Information Management System;
- (m) raise funds and receive donations, grants, contributions, and loans from verified sources; and
- (n) carry out any other functions that are necessary relating to the purposes of this Act.

Power of the Authority.

**23.**-(1) The Authority shall have powers to:

- (a) provide directives on the proper action to be taken for the effective environmental management;
- (b) issue a stop order for any activity to any person who violates this Act;

Environmental  
Emergency.

- (c) order an immediate closure of any activity found in violation of this Act;
  - (d) impose fees and charges for the granting of environmental certificates, permits and approvals for services and facilities provided by the Authority;
  - (e) change, suspend, or revoke environmental certificate, permit or approval issued in accordance with this Act;
  - (f) enter into contracts with any person for the purpose of fulfilling the functions of the Authority;
  - (g) seek an environmental information from any person when deems necessary;
  - (h) seize any property which has been found in connection of violation of any provision of this Act; and
  - (i) arrest any person who has been found in connection with violation of any provision of this Act.
- (2) The Minister may make regulations relating to the matters under this section.

#### **PART IV**

#### **ENVIRONMENTAL EMERGENCY**

**24.**-(1) In the event of an environmental emergency, whether from any natural disaster or anthropogenic oriented, the Minister may provide information on environmental emergency to the institution responsible for Disaster Management.

(2) If the environmental emergency proved to cause pollution, whether deliberate or accidental, the polluter shall;

- (a) be liable for any damage caused;
- (b) be liable for compensation to third party; and
- (c) be responsible for the recovery expenses.

(3) A person who contravenes this provisions of subsection (2) of this section commits an offense and upon conviction shall be liable to a fine of not less than ten million shillings and not exceeding one hundred million shillings or imprisonment for the term of not less than

five years or both.

Establishment of Environmental and Climate Change Unit.

(4) In addition to any penalty under this section, court shall order payment of compensation and damage recovery cost determined by the Authority to be paid by polluter.

## **PART V**

### **ENVIRONMENTAL AND CLIMATE CHANGE UNIT**

**25.**-(1) There is hereby established a climate change unit in each Ministry and Local Government Authority which shall be responsible for environmental and climate change issues.

(2) Each Environmental and Climate Change Unit shall:

Functions of the Environmental and Climate Change Unit.

- (a) consist of not less than two technical personnel with multidisciplinary education or experience related to environment and climate change;
- (b) be budgeted in their respective sector Ministry or Local Government Authority; and
- (c) be placed and coordinated under the department responsible for planning of the respective Ministry or the Local Government Authority.

**26.** The Environmental and Climate Change Unit shall have the following functions:

- (a) to coordinate all matters related to environment and climate change within the respective Ministry or Local Government Authority;
- (b) to consider and mainstream environmental norms and climate change adaptation and mitigation into institution's respective policies, plans, programs, projects and activities of the respective sector; and
- (c) to prepare and submit environmental and climate change bi - annually report to department responsible for planning of the respective Ministry or Local Government Authority.

Coastal Zone of Zanzibar.

## **PART VI**

### **INTEGRATED COASTAL ZONE MANAGEMENT**

**27.**-(1) All the territorial integrity of Zanzibar as stipulated in the Zanzibar Constitution of 1984 is a Coastal Zone of Zanzibar.

Establishment of Coastal Setback Buffer Zone.

(2) The climate change committees established under section 67 of this Act shall be

also responsible for the Integrated Coastal Zone management.

(3) The Minister may make Regulations related to Integrated Coastal Zone management.

**28.**-(1) There is hereby established coastal Setback Buffer Zone of Zanzibar.

(2) A person shall not carry out any activity in the Coastal Setback Buffer Zone without the permission from the Authority.

(3) A person who contravenes the provision of subsection (2) of this section commits an offence and upon conviction shall be liable to a fine of not less than five million shillings and not exceeding ten million shillings or imprisonment for a term of not less than two years and not exceeding four years or both such fine and imprisonment.

Establishment of Joint committee Non-renewable Natural Resources Management.

## PART VII

### MANAGEMENT OF NON-RENEWABLE NATURAL RESOURCES

**29.**-(1) The District Commissioner of the respective District to which the application for excavation of non-renewable natural resources is made, shall establish a Joint Management Committee for Non-renewable natural resources Management.

Composition of Joint Management committee for Non-renewable Natural Resources.

(2) Subject to sub-section (1) of this section, the Joint Management Committee for non-renewable natural resources Management shall meet upon application for excavation of non-renewable natural resources made to the institution responsible for non-renewable natural resources under the procedures set out by such institutions.

**30.** The Joint Management Committee for non-renewable natural resources shall have the following members:

- (a) District Commissioner to which application for excavation of non-renewable natural resources is made who shall be a chairperson;
- (b) Director General of the Authority;
- (c) Director responsible for Land and Registration;
- (d) Director responsible for Urban and Rural Planning;
- (e) Director responsible for Non-renewable Natural Resources who shall be a Secretary of the Committee;
- (f) Director responsible for energy;
- (g) Director of the District Council to which application for excavation of non-renewable natural resources is made; and

Function of Joint Management committee for non-Renewable Natural Resources.

(h) any other member from any institution as it may deem necessary.

**31.** The Joint Management Committee for non-renewable natural resources shall have the following functions:

- (a) to review applications on excavation, and conduct site visit to the excavation area, for non - renewable natural resources in the respective District;
- (b) to advise the institution responsible for non – renewable natural resources on application for excavation of non – renewable natural resources;
- (c) to survey and propose sites for excavation of non-renewable natural resources;
- (d) to conduct periodic monitoring to the sites authorized for excavation of non renewable natural resources; and
- (e) to review fees payable for excavation and transportation of non-renewable natural resources.

Quorum of meeting of the Joint Management committee for Non-Renewable Natural Resources.

Non- Renewable Natural Resource Permits.

**32.**-(1) The quorum of the Joint Management Committee for non- renewable natural resources shall be more than half of the members of the committee.

(2)The Secretary of Joint Management Committee for Non- renewable natural resources shall keep records of the meetings of the Committee.

**33.**-(1) A person shall not excavate, extract, dredge, collect, harvest, remove, transport, lease, transform or sell any non renewable natural resource without a permit issued by the institution responsible for non renewable natural resources.

(2) Notwithstanding the provision of subsection (1) of this section, a permit for excavation of non renewable natural resources shall be issued subject to signing a contract for rehabilitation of the excavated area issued by the institution responsible for non renewable natural resources.

(3) A person to whom a permit for excavation of non-renewable natural resources is issued, shall deposit an environmental performance bond to the institution responsible for non renewable natural resources by considering the following:-

- (a) size of area which shall be excavated;

Duty of Rehabilitation.

- (b) impacts that may be caused; and
- (c) cost of potential rehabilitation measures.

(4) The Minister may make Regulations for the management of non-renewable natural resources.

**34.**-(1) A person to whom the permit for excavation of non-renewable natural resources has been issued shall have the duty to rehabilitate the excavated area.

(2) It shall be the duty of the institution responsible for non renewable natural resources to ensure the proper rehabilitation of the excavated area.

(3) If the excavated area has been properly rehabilitated, an environmental performance bond deposited shall be returned to a person who deposited.

(4) If the environmental performance bond deposited is inadequate, a person to whom the permit for excavation of non-renewable natural resources has been issued shall be liable to pay the advance of the environmental performance bond to the institution responsible for non-renewable natural resources.

Records for non-Renewable Natural Resources.

(5) A person who contravenes the provision of subsection (1) or (4) of this section commits an offence and upon conviction shall be liable to a fine of not less than two hundred thousand shillings and not exceeding twenty millions shillings or imprisonment for a term of not less than six months and not exceeding five years or both such fine and imprisonment.

Prohibition of Sand from Beach and Sandbank.

**35.** Institution responsible for non renewable natural resources shall keep all records related to management of non renewable natural resources and submits the same to Director of Environment in every three months.

**36.**-(1) A person shall not excavate, collect, remove, transport or sell sand from the beach or sandbank for commercial purposes or other related uses.

(2) A person who contravenes the provision of this section commits an offence and upon conviction shall be liable to a fine of not less than two million shillings and not exceeding fifty millions shillings or imprisonment for a term of not less than one year and not exceeding five years or both such fine and imprisonment.

Access to Environmental Information.

## PART VIII

### ENVIRONMENTAL EDUCATION AND RESEARCH

**37.**-(1) Every person has the right to access environmental information.

(2) The right to access environmental information prescribed under sub subsection (1) of this section may be denied to any person if the information:



Environmental Research.

- (a) does not exist in the official records of the institution;
- (b) is under the national security or public interest; or
- (c) is under the protection of trade or industrial secrets.

(3) The Director of Environment or the Director General of the Authority shall have the right to access related environmental information from any person related to the implementation of this Act.

**38.**-(1) The Director of Environment shall promote environmental research that may contribute to proper environmental conservation and management.

Environmental impact Assessment Requirement.

(2) The Director of Environment shall store and utilize environmental research findings for the purpose of the implementation of this Act.

## PART IX

### ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

**39.**-(1) A person shall not carry out or cause to be carried out; any activity which is likely to have significant impact on the environment and society without Environmental Impact Assessment Certificate issued by the Authority under this Act.

(2) Subject to subsection (1) of this section, Environmental Impact Assessment shall be carried out before construction phase of any activity.

(3) The Minister may make Regulations for the Environmental Impact Assessment process.

(4) A person who contravenes the provision of this section commits an offence and upon conviction shall be liable to a fine of not less than ten million shillings and not exceeding twenty millions shillings or imprisonment for a term of not less than five years and not exceeding ten years or both such fine and imprisonment.

Criteria for Determining Activities which Require an Environmental Impact Assessment Certificate.

(5) In addition to the penalty imposed under subsection (4) of this Section, the court shall order the person convicted of the offence to pay compensation to the third party and any other cost for the restoration of the affected area to the Authority.

**40.** For the purpose of this section, an activity shall be considered likely to have significant impact on the environment and shall be required to prepare an Environmental Impact Assessment Report and have an Environmental Impact Assessment Certificate, if such activity, or cumulatively with other activities of similar nature or location;-

- (a) use major amounts of resources, either living or non-living;

Recognition of Environmental Impact Assessment Wxperts or Firms.

- (b) result in the production of waste which would be in large quantity or hazardous nature;
- (c) modify the environment on a large scale;
- (d) influence population shifts in major ways;
- (e) affect environmentally sensitive areas; or
- (f) embody such other characteristics as may prescribed under this Act.

**41.**-(1) The environmental impact assessment shall be conducted by experts or firm whose qualifications are prescribed by Regulations made under this Act.

(2) The Authority shall maintain register of experts or firms authorized to conduct Environmental Impact Assessment in Zanzibar.

Public Hearing.

(3) A proponent of an activity shall select expert or firm amongst those possessing qualifications prescribed by the regulations to conduct Environmental Impact Assessment.

Monitoring.

(4) Subject to subsection (1) and (2) of this section, the Authority shall issue license to the experts or firms who shall pay an annual fee to the Authority as it shall be prescribed by the Regulations made under this Act.

**42.**-(1) The Authority may conduct Public Hearing on environmental impact assessment report.

(2) The Authority shall stipulate procedures for public hearing.

**43.**-(1) The Authority, in collaboration with relevant stakeholders, shall carry out periodic monitoring to ensure that the conditions issued with Environmental Impact Assessment Certificate are fulfilled.

(2) Subject to sub section (1) of this section, where monitoring shows non-compliance of any condition issued with Environmental Impact Assessment Certificate, the holder of the certificate shall take actions as may be directed by the Authority.

(3) Notwithstanding the provision of sub-section (1) of this section, the Authority shall carry out periodic environmental monitoring.

Information Requirement.

(4) Any person who contravenes the provision of sub-section (2) of this section, commits an offence and upon conviction shall be liable to a fine of not less than five million shillings and not exceeding twenty million shillings or imprisonment for a term of not less than two years and not exceeding ten years or both such fine and imprisonment.

Environment Reports.

**44.** The holder of an Environmental Impact Assessment Certificate shall provide any

information required by the Authority to ensure compliance of the conditions issued with the Environmental Impact Assessment certificate.

**45.**-(1) A person who undertakes any activity that does not require an Environment Impact Assessment shall prepare an Environmental Report as may be prescribed by the Regulations made under Section 39(3) of this Act.

(2) Subject to sub-section (1) of this section, the Authority shall, upon satisfaction of Environmental Report, issue an environmental clearance certificate on such activity.

Environmental  
Audit.

(3) A person who contravenes the provisions of sub-section (1) of this Section, commits an offence and upon conviction shall be liable to a fine of not less than two million shillings and not exceeding five million shillings or imprisonment for a term of not less than one year and not exceeding five years or both such fine and imprisonment.

**46.**-(1) An Environmental Audit shall be undertaken to the activity in consideration of the following criteria:

- (a) an activity which is operating without Environmental Impact Assessment Certificate and is likely to have significant impacts on environment and society; or
- (b) an activity which is operating with Environmental Impact Assessment Certificate for a period of five years from the date of commencement of the operation phase;

(2) Without prejudice the provisions of sub-section (1) (b) of this section, environmental audit may be carried out to any activity as may be determined by the Authority through periodic monitoring.

(3) Environmental audit shall be carried out by the expert or firm recognized under this Act.

Cost Bearer.

(4) Subject to section 39(3) of this Act, the process for conducting Environmental Impact Assessment shall be used for Environmental Audit.

(5) Any person who contravenes the provisions of this Section, commits an offence and upon conviction shall be liable to a fine of not less than ten million shillings and not exceeding twenty million shillings or imprisonment for a term of not less than five years and not exceeding ten years or both such fine and imprisonment.

**47.** The proponent shall bear the cost for:

- (a) environmental Impact Assessment process;
- (b) the Environmental Audit process;

Strategic Environmental Assessment.

- (c) the Environmental Report;
- (d) implementation of the Environmental and Social Management Plan;
- (e) monitoring of implementation of the Environmental and Social Management Plan; and
- (f) any other cost which deems necessary.

## **PART X**

### **STRATEGIC ENVIRONMENTAL ASSESSMENT**

**48.** The Strategic Environmental Assessment shall be prepared for the implementation of policy, strategy, program and plan including oil and gas exploration and production to:

The role of the Director of Environment in Developing strategic Environmental Assessment.

- (a) improve environmental quality;
- (b) protect human health;
- (c) increase wise and sustainable use of natural resources; and
- (d) enhance precautionary principles for environmental management.

**49.**-(1) The role of the Director of Environment in the developing of Strategic Environmental Assessment shall be to:

- (a) prepare guidelines for development of Strategic Environmental Assessment;
- (b) identify and involve all major actors on the multiple scales;
- (c) strengthen existing communications, information dissemination and education in order to accommodate all sector plans, policies, strategies and programs including oils and gas sector; and
- (d) promote local, regional and international cooperation including trans-boundary issues of environmental impact assessment in all sectors that may be determined by the Director of Environment.

Environmental Standards.

(2) The Minister may make Regulations for the Strategic Environmental Assessment.

## **PART XI**

### **POLLUTION PREVENTION AND WASTE MANAGEMENT**

Prohibition of Pollution.

**50.** The Director of Environment shall propose environmental standards to Zanzibar

Bureau of Standards related to noise, water, air or wastewater to enhance the quality of environment.

Prohibition of Dumping into Marine Area.

**51.**-(1) A person shall not pollute or permit any other person to pollute the environment in violation of any environmental standards prescribed by any written law.

(2) A person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than two million shillings and not exceeding ten million shillings or imprisonment for a term of not less than two years and not exceeding five years or both such fine and imprisonment.

**52.**-(1) A person shall not dump or cause to be dumped into the marine area under the jurisdiction of Zanzibar any type of waste or other matter from ship, boat, submarine, airplane, helicopter or any other marine vessel or aircraft.

Solid Waste and Waste Water Mngame-nt.

(2) A person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than one million shillings and not exceeding ten billion shillings or imprisonment for a term of not less than one year and not exceeding fifty years or both such fine and imprisonment.

(3) It shall be a defence to a prosecution under subsection (1) of this section that the dump was due to or was rendered necessary by “force majeure” or for the rescue of human life.

**53.**-(1) Each Local Government Authority or any designated institution for waste shall manage both solid waste and waste water generated within their respective area of jurisdiction.

(2) Each Local Government Authority or designated institution for solid waste and waste water management, in consultation with relevant stakeholders, shall designate area for solid waste and waste water handling and disposal which shall be approved by the Authority.

(3) A person shall not handle or dispose any type of solid waste or waste water outside the designated area under this Act.

Prohibition of Destruct or Disposal of Unfit Products.

(4) A person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than one hundred thousand shillings and not exceeding five million shillings or imprisonment for a term of not less than three months and not exceeding two years or both fine and imprisonment.

(5) In addition to penalty imposed under this section, the court shall order to pay recovery expenses and compensation to the third party.

**54.**-(1) A person shall not destruct or dispose or cause to be destructed or disposed any type of unfit product without a permit from the Authority.

(2) The Minister may make Regulations for disposal of unfit products.

(3) A person who contravenes provisions of this section, commits an offence and upon conviction shall be liable to a fine of not less than five million shillings and not exceeding one hundred million shillings or imprisonment for a term of not less than three years and not exceeding thirty years or both such fine and imprisonment.

Monitoring and Inspections.

(4) In addition to penalty imposed under this section, the court may order the unfit or expired products to be returned to the original port.

Hazardous Waste.

**55.**-(1) The Authority shall carry out periodic monitoring and inspection to any public or private facility whenever necessary in order to enforce environmental compliance.

(2) Subject to sub-section (1) of this section, the authorized officer shall conduct monitoring and inspection in accordance with the order and directive of the Director General.

**56.**-(1) A person shall not import, collect, handle, store, transport or dispose any type of hazardous waste.

(2) A person who contravenes subsection (1) of this section commits an offence and upon conviction shall be liable to imprisonment for a term of not less than ten years and not exceeding thirty years.

(3) In addition to the penalty imposed under this section, the court shall order the person convicted to pay compensation to the third party and other costs involved in handling the waste or restoration of the environment to the Authority.

Hazardous Substance.

(4) Notwithstanding subsection (1) of this section, the Director of Environment may provide guidance on how to handle the hazardous waste found in Zanzibar.

**57.**-(1) A person shall not handle or discharge or cause to be handled or discharged any hazardous substance except in accordance with Regulations made under this Act.

(2) The Minister may make Regulations relating to the provisions of subsection (1) of this section.

(3) A person who contravenes subsection (1) of this section commits an offence and upon conviction shall be liable to a fine of not less than five million shillings and not exceeding thirty million shillings or imprisonment for a term of not less than two years and not exceeding ten years or both such fine and imprisonment.

Medical Waste.

Exporation  
exploitation or  
Transportation of  
Oil or Gas.

(4) The Director of Environment may issue guidelines and prescribed measures for the management of hazardous substances.

**58.** The Local Government Authority and institution responsible for waste, in collaboration with Ministry responsible for Health, shall ensure that any type of medical waste is collected, stored, transported and disposed in acceptable manner approved by the Authority.

**59.**-(1) A person shall not explore, exploit, transport or store commercially, oil or gas without a certificate of Environmental Impact Assessment.

Oil spil or gas  
leakage.

(2) A person who contravenes this section commits an offence and upon conviction shall be liable to a fine of not less than fifty million shillings and not exceeding one hundred million shillings or imprisonment for a term of not less than twenty five years and not exceeding fifty years or both such fine and imprisonment.

(3) In addition to the penalty imposed under this section, the court shall order the person convicted of the offence to pay compensation to the third party and any other cost for the restoration of the affected area to the Authority.

**60.**-(1) Every owner of a facility shall:

- (a) take all necessary measures to prevent oil spills or gas leakage; and
- (b) have contingency plan to eliminate, remedy or reduce the adverse effects of oil spills or gas leakage.

(2) For the purpose of this section, the word “facility” means “factory, industry, deport, petrol station, garage and workshop, marine vessel, store, tank, vehicles, shops, or any other instrument or premises used for transporting or storage of oil or gas”.

(3) A person shall not discharge or cause to be discharged any oil or mixture containing oil without permission from the Authority.

(4) A person who contravenes this section commits an offence and upon conviction shall be liable to a fine of not less than twenty million shillings and not exceeding thirty million shillings or imprisonment for a term of not less than seven years and not exceeding ten years or both such fine and imprisonment.

(5) In addition to the penalty imposed under this section, the court shall order the person convicted of the offence to pay compensation to the third party and any other cost for the restoration of the affected area to the Authority.

Declaration of  
Protected Area.

## **PART XII**

### **CONSERVATION OF BIODIVERSITY AND MANAGEMENT OF WATER**

Management of  
the Protected  
Area.

Guidelines for  
Conservation of  
Biodiversity.

Prohibition of  
Biodiversity.

Conservation of  
water sources.

## RESOURCES

**61.** Minister responsible for terrestrial or marine natural resources, in consultation with Minister, may declare any area of Zanzibar with ecological importance to be a protected area.

**62.** The minister, who declares a protected area under section 61 of this Act, shall make regulations, and prepare and implement management plan for the area.

**63.**-(1) The Director of Environment shall issue guidelines and prescribe measures for the conservation of biodiversity.

(2) The Director of Environment, in issuing the guidelines under sub-section (1) of this section, may:

- (a) specify Zanzibar strategies, plans and programmes for the conservation and the sustainable use of biodiversity;
- (b) consider principles of conservation and sustainable utilization of biological diversity;
- (c) identify, prepare or maintain an inventory of biodiversity of Zanzibar; and
- (d) determine components of biodiversity which are rare or threatened with extinction.

**64.**-(1) A person shall not import, sell, buy, possess, transit, export, transport or destruct any biodiversity or product of biodiversity which is declared internationally to be endangered without permit from responsible institution.

(2) Notwithstanding the provisions of this section, no person shall import, transit, sell, buy, possess, export, transport or destruct any biodiversity or product of biodiversity which are not required under subsection (1) of this section without a permit from responsible institution.

(3) Subject to provisions of subsection (2) of this section, every relevant institution responsible for the management of biodiversity shall provide guidelines for harvesting, selling, buying, possessing, exporting, or transporting biodiversity or product of biodiversity of Zanzibar.

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



and upon conviction shall be liable to a fine of not less than five hundred thousand shillings and not exceeding thirty million shillings or imprisonment for a term of not less six months and not exceeding ten years or both such fine and imprisonment.

**65.**-(1) A person shall not destroy or pollute by any means water resources and catchment.

(2) A person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than one million shillings and not exceeding thirty million shillings or imprisonment for a term of not less than six months and not exceeding ten years or both such fine and imprisonment.

Climate change  
Implementing  
entity.

Establishment of  
Climate change  
committees.

### **PART XIII**

#### **CLIMATE CHANGE GOVERNANCE**

**66.** The Ministry responsible for environment shall be the implementing entity for coordination of all climate change issues in Zanzibar.

**67.**-(1) For the proper management of climate change issues in Zanzibar, there are hereby established the following Climate Change Committees:

- (a) Steering Committee; and
- (b) Technical Committee;

Composition and  
Functions of  
Climate change  
Steering  
committee.

(2) The Minister in consultation with the respective District Commissioner, may establish a District and Shehia Committee of climate change as may deem necessary.

**68.**-(1) The Climate Change Steering Committee shall be composed by the following members:

- (a) Principal Secretary of the Ministry responsible for environment and climate change who shall be a Chairperson of the Committee;
- (b) Principal Secretary of the Ministry Responsible for Finance;
- (c) Principal Secretary of the Ministry Responsible for Disaster Management;
- (d) Principal Secretary of the Ministry Responsible for Agriculture and Natural Resources;
- (e) Principal Secretary Responsible for Land;
- (f) Principal Secretary of the Ministry Responsible for Fisheries and Livestock;

Composition and  
Function of  
Climate change  
Technical  
committee.

- (g) Executive Secretary, Zanzibar Commission for Planning;
  - (h) Deputy Attorney General of the Revolutionary Government of Zanzibar; and
  - (i) Director of Environment, who shall be a Secretary of the Committee.
- (2) The Climate Change Steering Committee shall have the following functions:-
- (a) to advise the Minister responsible for the National Implementing Entity on all Climate Change matters for Zanzibar;
  - (b) to recommend and provide guidance for Climate Change Policy and Strategy, the National Adaptation Plan of Action and any other climate change related issues as defined under the United Nations Framework Convention on Climate Change and all its Protocols and Conventions from time to time;
  - (c) to evaluate the implementation of climate change policy, strategy, National Adaptation Plan of Action and other climate change programs for Zanzibar;  
and
  - (d) to oversee issues related to Integrated Coastal Zone management.

**69.**-(1) The Climate Change Technical Committee shall be composed by the following members:

- (a) Director of Policy, Planning and Research from the Ministry responsible for environment and climate change who shall be a Chairperson;
- (b) Commissioner of National Planning, Sector Development and Poverty Reduction;
- (c) Director of Disaster Management;
- (d) Director of Fisheries Development;
- (e) Commissioner of External Finance;
- (f) Director of Livestock Production;
- (g) Director of Forestry and non renewable natural resources;
- (h) Director of Tanzania Meteorology Agency, Zanzibar office;
- (i) Director of Institute of Marine Sciences;
- (j) Representative from NGO responsible for environment; and

(k) Director of Environment who shall be a Secretary.

(2) The Climate Change Technical Committee shall have the following functions:-

- (a) to provide technical support to the Steering Committee on all Integrated Coastal Zone management issues and Climate Change matters for Zanzibar;
- (b) to prepare climate change Policy and Strategy for Zanzibar;
- (c) to prepare the National Adaptation Plan of Action and any other climate change related document for Zanzibar; and
- (d) to monitor, assess and evaluate trends in climate variations, to climate change impacts, vulnerabilities, and effects on the socio-economic arena, and provide a road map towards appropriate adaptation and mitigation measures.

Fund of Authority.

(3) The Minister may make regulations for the management of the climate change including issues related to committees established under section 67 of this Act.

Sources of the Fund of the Authority.

#### **PART XIV FINANCIAL PROVISIONS**

**70.** There shall be a separate Vote in which all money of the Authority as approved by the House of the Representative and other sources shall be kept.

**71.(1)** The appropriation of the fund shall be made by the Director General upon approval of the Board and the House of the Representative.

(2) The sources of funds and revenue of the Authority shall consist of such sum as may be provided by:

Uses of the Fund of Revenue of the Authority.

- (a) budget approved by House of Representatives;
- (b) donations, gift and grant from any person approved by Government;
- (c) five percent of the fine imposed under this Act; and
- (d) any other source as may be approved by Government.

Establishment of Zanzibar Environment Fund.

**72.** The Authority shall use its funds and revenue on discharge of its functions as prescribed under this Act and in accordance with the terms and conditions upon which its funds and revenue may have been obtained or derived.

**73.-(1)** Subject to the Public Finance Act, there is hereby established Environmental

Fund.

(2) The sources of money payable into the Fund shall consist of such sum as may be provided by:

Uses of the Money of the Fund.

- (a) Budget approved by House of Representatives;
- (b) Donations, Gift and Grants from any person approved by Government;
- (c) Five percent of the fine imposed under this Act; and
- (d) Any other source as may be approved by Government.

**74.**-(1) The Moneys of the Environmental Fund shall be used for the Special National Environmental Management Programme to be approved by the Environmental Advisory Committee and in accordance with Government financial procedures and rules.

Offence Related to Authorised Officers.

(2) The Ministry of Finance in consultation with the institution responsible for environment shall prepare modalities and procedures for governing the Fund.

## **PART XV**

### **OFFENCES AND PENALTIES**

**75.** A person who:

- (a) denies the authorized officer access to the premises;
- (b) hinders the execution of duties by the authorized officer within the premises under this Act;
- (c) produces or provides false information to authorized officer; or
- (d) commits or omits any act which may cause to any kind of harassment to the authorized officer on duty under this Act;

Offence related to failure to observe a stop order.

Commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand shillings and not exceeding five million shillings or imprisonment for a term of not less than three months and not exceeding one year or both such fine and imprisonment.

Compounding Offences.

**76.** A person who fails to observe a stop order issued under this Act commits an offence and upon conviction shall be liable to a fine of not less than two million shillings and not exceeding forty million shillings or imprisonment for a term of not less than one year and

not exceeding twenty years or both such fine and imprisonment.

**77.** The Minister may, on the recommendation of the Director General, if he is satisfied that a person has committed an offence under this Act and if the person admits the commission of the offence and agrees in writing to its being dealt with under this section:

Repeated or continued Offence.

(a) compound an offence by accepting a sum of money not less than the maximum fine as specified for the offence which may be paid to the Authority; and

Offences for Attempting to commit an Offence.

(b) order the release of any item seized in connection with the offence on payment of a sum of money not more than the value of that item.

General Penalty.

**78.** The penalty for a repeated or continued offence under this Act shall be double of the penalty imposed for such offence.

**79.** Notwithstanding the provisions of sections 395 and 396 of the Penal Act No. 6 of 2004, any offence under this Act or regulations made there under shall include the attempt to commit that offence.

General Provisions Relating to Penalties.

**80.** A person who contravenes the provisions of this Act, where no specific penalty prescribed, shall be liable to a fine of not less than two million shillings and not exceeding fifty million shillings or imprisonment for a term of not less than one year and not exceeding twenty five years or both such fine and imprisonment.

**81.**-(1) Notwithstanding the provisions of any other written law for the time being in force, a court may, in addition to any penalty imposed on a person convicted under this Act:

(a) in the case of an institution, order the revocation of any business permit or license in respect thereof; or

(b) in the case of a natural person, order the revocation of a license to practice such person's profession.

(2) A provision of this Act shall not be construed as relieving any person of the civil liability that the person's wrongful act or omission would attract under any law or as requiring an aggrieved person to forego any claim for damages.

Designation and Power of an Authorised Officer.

## PART XVI

### MISCELLANEOUS PROVISIONS

**82.**-(1) The Director General shall designate an officer from within or outside the Authority to be an authorized officer to enforce this Act.

(2) The designation under subsection (1) of this section from outside of the Authority shall be made in consultation with the responsible institution.

(3) A authorised officers designated under sub-section (1) of this section shall be Gazetted in the official Gazette.

(4) A Authorized officer appointed under sub-sections (1) of this section may, without a warrant, at any time and with necessary assistance:

- (a) enter into or upon a building, vehicle, aircraft, vessel, or any other suspected place for the purpose of enforcing this Act;
- (b) seize any property which has been found in connection with violation of any provision of this Act;
- (c) arrest any person who has been found in connection with violation of any provision of this Act;
- (d) take samples for testing and evidence;
- (e) request documentation proof;
- (f) inquire information from any person of interest either orally or in writing;
- (g) order removal of any pollutant, waste, or any other substance proved to be harmful to the environment or society; and
- (h) follow-up on any environmental complaint submitted to the Authority and take action.

Immunity.

Environmental  
Prosecutor.

**83.** A Officer of the Authority or Authorized Officer empowered under this Act shall not be charged for an offence or being held liable for anything that has been done or intended to be done on discharging his or her duties in good faith in pursuance of this Act.

**84.**-(1) The Director of Public Prosecution may, upon recommendation of the institution responsible for the environment, appoint a public servant to be an Environmental Public Prosecutor to try an environmental case under this Act.

(2) A person to be appointed as an environmental prosecutor shall have:-

- (a) at least first Degree in law; and

Power of the  
Minister to  
Prohibit.

Power of the  
Minister to Make  
Regulations.

(b) at least five years experience in environmental matters.

Repeal and  
Saving.

**85.** The Minister in consultation with Advisory Committee or Authority shall have power to ban or prohibit any item or material which causes or likely to cause serious harm on environment and society.

**86.** The Minister may make regulations for proper and effective implementation and enforcement of this Act.

**87.**-(1) The Environmental Management for Sustainable Development Act No. 2 of 1996 is hereby repealed.

(2) Notwithstanding the repeals made under subsection (1) of this section:

- (a) regulations or orders made under repealed Act prior to the commencement of this Act shall remain effective and in force unless it is amended, revoked or replaced by Regulations made under this Act;
- (b) all licenses permit, authorizations and other instruments or document granted or issued under the repealed Act shall so long as they on the date of commencement of this Act, continue in full force and effect until they expire, cease to have effect or are replaced by new ones issued or granted under this Act;and
- (c) the current employees of the Department of Environment shall continue to execute their duties until this Act is assented.

**PASSED** by the Zanzibar House of Representative in January, 2015

**YAHYA KHAMIS HAMAD**  
*Cleak of the House of Representatives*  
*Zanzibar*

**AN ACT TO REPEAL THE ENVIRONMENTAL MANAGEMENT  
FOR SUSTAINABLE DEVELOPMENT ACT NUMBER 2 OF 1996,  
AND TO REPLACE IT FOR BETTER PROVISIONS RELATING  
TO THE CONSERVATION, PROTECTION, ENFORCEMENT AND  
MANAGEMENT OF ENVIRONMENT OF ZANZIBAR  
AND MATTERS CONNECTED THERE WITH  
AND INCIDENTAL THERETO**

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