

**REGULATIONS FOR THE ADMINISTRATION OF THE YOUTH
COUNCIL, ELECTION PROCEDURES, EMPLOYMENT AND
FINANCIAL MATTERS.**

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ZANZIBAR YOUTH COUNCIL ACT, NO. 26 OF 2013

431

**REGULATIONS FOR THE ADMINISTRATION OF THE
YOUTH COUNCIL, ELECTION PROCEDURES,
EMPLOYMENT AND FINANCIAL MATTERS
(Made under section 26)**

IN EXERCISE of the powers conferred upon me under section 26 of the Zanzibar Youth Council Act, No. 16 of 2013, **I, ZAINAB OMAR MOHAMMED** the Minister for Empowerment, Social welfare, Youth, Women and Children do hereby make the following Regulations: L.N. 78 of 2015

**PART I
PRELIMINARY PROVISIONS**

1. These Regulations may be cited as the Election Procedures and Administration procedures, employment and financial regulations and shall come into operation after being signed by the Minister and published in the Official Gazette.. Short title
and
commen-
cement

2. In these Regulations, unless the context requires otherwise:

Interpreta-
tion.

"Act" means the Zanzibar Youth Council Act, NO. 16 of 2013.

"Chairperson" means Chairperson of the Council;

"Electoral Committee" means the National Youth Council Electoral Committee and the District Youth Council Electoral Committee as established by the provisions of these Regulations;

"Council" means National Youth Council, District Youth Council and Shehia Youth Council under the provisions of the Act;

"Complaint Committee" means the Committee established under Regulation 43 of these Regulations

"District Commissioner" means District Commissioner of the respective District

"General Assembly" means the National General Assembly of the Council, District General Assembly and the Shehia Youth General Assembly as established under the provisions of the Act;

"Minister" means the Minister for the time being responsible for Youth Affairs.

PART II ELECTIONS

General
Election.

3. There shall be general election of the Council which shall be held after every three years to elect the following persons:

- (a) Chairperson;
- (b) Vice Chairperson;
- (c) Seven members of the Executive Council;
- (d) Chairperson of the District Council;
- (e) Vice Chairperson of the District Council;
- (f) Seven members of the District Executive Committee;
- (g) Chairperson of Shehia Council;
- (h) Vice Chairperson of shehia council;
- (i) Secretary of Shehia Council; and
- (j) Nine members of the Shehia Youth Executive Committee.

By-election.

4.-(1) There shall be by election of the Council which shall be held when any post mentioned in regulation 3 of these regulations falls vacant.

(2) By election shall not be held if the remaining period before the general election is less than six months.

5. Subject to the provision of the Act, a leader of the Council shall be elected by the General Assembly convened for such purpose.

General
Assembly to
elect leaders
of the
Council.

PART III ELECTORAL COMMITTEE

6.-(1) There is hereby established a committee to be known as the National Youth Council Electoral Committee.

Establi-
shment of
the National
Youth
Council
Electoral
Committee.

(2) The National Youth Electoral Committee shall be responsible for the conduct of elections in the National and District Youth Council.

7. The Committee under Regulation 6 of these Regulations shall:

Functions of
the National
Youth
Council
Electoral
Committee.

(a) receive applications from aspirants;

(b) run free and fair election;

(c) to declare the names of the candidates;

(d) count votes and declare the results of the elections;

(e) to receive and determine the objection of the candidates;

(f) to notify the candidates the outcomes of the election;

(g) to prepare and submit election reports and submit to the Ministry

(h) to perform any other relevant function in elections as per the mandate of the Committee.

8. The National Youth Council Electoral committee shall be composed of the following members:

Composition
of the
National
Youth
Council
Electoral
Committee.

(a) Chairperson who shall be appointed by the Minister; and

- (b) other four members to be appointed by the Minister from among the persons with professional knowledge or experience in the conduct or supervision of election.
- (c) the composition of the National Youth Council Electoral Committee shall consider gender, peoples with disability representation and at least one of the members shall be a lawyer.
- (d) the Minister shall regulate the procedures for the discharge of the duties of the National Youth Council Electoral Committee.

Qualifica-
tions of the
Chairperson
of National
Youth
Electoral
committees.

9. A person shall be eligible to be appointed as Chairperson of the National Youth Electoral Committee if he:

- (a) Is a Zanzibari;
- (b) holds at least first degree in law, social science or other related discipline from any recognized educational institution;
- (c) has a working experience of at least five years in any of the field mentioned in paragraph (b).
- (d) has good character.

Vice
Chairperson

10. The electoral Committee shall elect one of their members to be a Vice-Chairperson of the Committee.

Chairperson
and
Members to
take oath.

11.-(1) The Chairperson and members of the National Youth Council electoral Committee shall not assume office unless subscribe an oath of secrecy and impartiality before the Minister in the form as prescribed in the Schedule I of these Regulations

(2) Notwithstanding the provisions of sub-regulations (1) of this Regulation, the Chairperson and members of the District Youth Council electoral Committee shall not also assume office unless subscribe an oath of secrecy and impartiality before the District Commissioner in the form as prescribed in the Schedule II of these Regulations.

12.-(1) In case of any misconduct of the Chairperson or any member of the Electoral Committee the Minister or District Commissioner as the case may be, may take the appropriate measures against him or her.

Misconduct
of
Chairperson
and
members of
the
Committee.

(2) The Minister or District Commissioner shall, on his own decision or for a complaint filed by any member of the Council entertain any matter relating to the misconduct of the Chairperson or member of the Electoral Committee

(3) In entertaining any matter referred to under sub regulation 2 of this Regulation the Minister or District Commissioner shall afford the alleged member the opportunity to defend himself against the allegation.

13.-(1) All meetings of the Electoral Committee shall be convened by the Chairperson or in his absence by the Vice-Chairperson.

Convening
of Meeting.

(2) In the absence of both Chairperson and Vice Chairperson, the members present shall elect one from their number to preside the meeting, and the member so elected shall exercise all the powers and perform all the duties of the Chairperson.

14. More than half of the total number of members shall constitute a quorum at any meeting of the electoral Committee.

Quorum of
Meeting.

15. Subject to the provisions of these Regulations, the Electoral Committee shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business.

Procedures
at Meetings.

16.-(1) The Electoral Committee shall be formed two months before the conduct of the election of the council and shall cease to exist one month after the election.

Tenure of
the
Committee.

(2) The Minister may extend the tenure of the Electoral Committee where it deems necessary to do so but such extension shall not exceed another one month from the date of extension.

17.-(1) The electoral committee shall appoint such number of election officers as the Committee may deem sufficient, who are not members of

Election
Officers.

the electoral committee, candidate or his agent to assist in the operations of the committee.

(2) The Electoral Committee shall develop the procedures for recruiting election officers.

Allowances
for
Members.

18. The Chairperson and other members of the electoral committee shall be entitled to be paid such allowances during its tenure in such rates as the Council may determine from time to time and approved by the Minister.

District
Youth
Council
Electoral
Committee.

19. There is hereby established a committee to be known as the District Youth Council Electoral Committee.

Functions of
the
District
Youth
Council
Electoral
Committee

20. The District Youth Council Electoral Committee shall be responsible for the conduct of elections of the Council at Shehia level.

Composi-
tion of the
District
Youth
Council
Electoral
Committee.

21. The District Youth Council Electoral Committee shall be composed of the following members:

- (a) Chairperson who shall be appointed by the District Commissioner; and
- (b) Other four members to be appointed by the District Commissioner from among the persons with professional knowledge or experience in the conduct or supervision of election.

Nomina-tion
of the
District
Youth
Council
Electoral
Committee

22. Subject of the provisions of Regulations 10, 11(2), 12, 13, 14, 15, 16 and 18 the Nomination of the District Electoral Committee shall consider gender representation, people with disability and at least one of the members shall be a lawyer.

23. A person shall be eligible to be appointed as Chairperson of the Committee if he:

Qualifica-
tion of
Chairperson
of District
Youth
Council
Electoral
Committee.

- (a) is Zanzibari;
- (b) holds at least first degree in law, social science or related discipline from any recognized educational institution;
- (c) has a working experience of at least three years in any of the field mentioned in paragraph (b). and
- (d) has good character.

24. The provisions of regulations 10 to 18 shall be mutatis mutandis applicable to the District Electoral Committee.

Administ-
ration of
District
Youth
Council
Electoral
Committee.

25. The Election of Shehia Youth Council shall be held at least two months before the election of the District Youth Council and for election of District Youth Council shall be held at least one month before Election of National Youth Council

General
Election of
the
Council.

PART IV NOMINATION OF CANDIDATES

26. A member of the council who meets qualifications as provided in the Act shall have the right to contest in the election of the Council at respective level.

Right to
contest in
Election.

27.-(1) A candidate shall fill nomination forms and submit them to the election officer within time as may be prescribed by the electoral committee provided that the prescribed time shall not exceed ten clear days.

Nomina-
tion forms.

(2) There shall be a special fee which shall be fixed by the Electoral Committee that shall be paid upon submission of the nomination forms.

Objection.

28.-(1) A member of the Council may within five days from the date of the submission of nomination form object to the electoral committee, the candidature of any person on the ground that a person is not qualified for the post he is contesting for.

(2) The objection shall only be made in writing by a person who resides in the respective areas of election; Shehia, District and National.

(3) The electoral Committee shall, upon receipt of the objection, dispose of the matter within five days and shall notify the parties accordingly.

Declaration
of
Candidates.

29. The electoral committee shall declare the names of candidates at least ten days before election and after the lapse of time of the submission of forms or after the disposal of all filed objections if any.

Sole
Candidate.

30.-(1) Where there is only one contestant candidate, the electoral Committee shall declare such person as the sole candidate.

(2) The candidate declared under sub-regulation 1 of this regulation, shall be duly elected in the respective office if he obtains more than fifty percent of the total votes.

(3) If the sole candidate failed to secure the required votes, the electoral Committee shall declare another election after one month from the previous election.

Withdrawal
of
Candidates.

31. The candidate may withdraw from contesting by notice in writing signed and delivered by him to the Committee within seven days before the election day.

Absence of
Candidate.

32. Where after the nomination there is no candidate for the post being contested for, the election Committee shall declare another election day for a particular post.

Election
Campaign.

33.-(1) The campaign period shall be the whole period commencing from the day after declaration of candidates up to one day before election day.

(2) A person who contravenes the provisions of sub- regulation (1) of this Regulation commits an offence and shall be liable to be removed from contesting election by Electoral Committee..

34.-(1) Subject to the provisions of the Act and any other law for the time being in force, any act of bribery is prohibited in the elections of the Council.

Prohibition
of issuing
and
receiving
corruption.

(2) A candidate who is proved to have issued or received bribery shall be disqualified from the election.

PART V ELECTION PROCEDURES

35. A member of the Council, who qualifies to vote, shall be entitled to vote in the respective election of the Council.

Right to
vote.

36.-(1) A voter shall cast his vote in secret ballot

Secret Vote.

(2) The electoral Committee shall keep conducive environment that will enable voters to cast their votes secretly.

37. A voter shall have one vote in each contested post.

One man
one vote.

38.-(1) The electoral committee shall prepare ballot papers which shall be in such shape and form that will enable voter to cast his vote properly.

Ballot
paper.

(2) The ballot papers shall contain the name and picture of the candidate and his contesting post.

(3) The electoral Committee shall prepare the procedures in which the people with disability will cast their votes without any inconveniences

(4) In case of a person is incapable of casting his vote by reason of illiteracy or any disability he may choose a person to assist him in casting his vote.

Ballot box.

39. Immediately before the commencement of voting, the election officer shall show the empty ballot box to persons lawfully present so that they may see that it is empty and thereafter close it in such a manner to prevent it being opened.

Agent.

40. A candidate may appoint a person to be his agent who may be present during voting and counting of votes.

PART VI COUNTING OF VOTES

Counting of
votes.

41.-(1) Immediately after the closure of the voting exercise, the Committee shall start counting of votes.

(2) Only candidate or his agent if any shall be present during the counting of votes.

(3) The electoral Committee may allow any member of the media or observer to be present during the counting of votes.

(4) All votes shall be counted at the election station and the results shall be displayed at any conspicuous place at the station

(5) The counting of votes shall be transparent to every candidate and agent who is present during counting exercise.

(6) For the purpose of transparency during counting of votes, the election officer or any officer dully authorized by the electoral Committee shall count a loud each ballot paper and record the total of the ballot papers found in the ballot box.

(a) immediately after counting of votes, every candidates or agent present and chairperson or any officer dully authorized by the electoral Committee shall shall fill and sign election result forms,

- (b) after counting of votes, election officer or any authorized officer by the electoral Committee shall compile the election result forms, write an election report and within twenty four hours submit them to the higher level structure,
- (c) the higher level structure for the National Electoral committee shall be the Minister.

42.-(1) The chairperson after receiving results of all candidates and upon verification, within twenty four hours shall declare election results. Declara-tion
of Results.

(2) A candidate shall be declared a winner if he gets majority of votes.

PART VII ELECTION COMPLAINTS

43.-(1) There shall be Election Complaints Committee which shall be composed of not more than five and not less than three members. Establish-
ment of the
Election
Complaint
Committee.

(2) The Complaints Committee shall be responsible to do the following:

- (a) to receive election complaints as may be submitted to it;
 - (b) to resolve election complaints;
 - (c) to notify the parties the outcome of complaints;
 - (d) to submit report to the General Assembly.
- (3)(a) members of the Complaints Committee shall be appointed by the Minister.
- (b) the members shall be amongst persons who are not members of the Electoral Committee of the Council, candidates or agents in any elections of the Council.

(4) A person aggrieved by the election results may submit his complaints to the Minister for National and District Election within five days from the day the election results were declared.

(5) The Complaint Committee or National Youth Council electoral Committee may call any person or demand any document which in the opinion of the Complaint Committee relevant in the determination of the complaint.

(6) The complaints shall be in writing and shall state the reasons for the dissatisfaction and any procedures violated.

(7) A person aggrieved by the election results in Shehia elections may submit his complaints to the National Electoral Committee within five days from the day when the election results were declared.

Determina-
tion of
Complaints.

44. The Complaints Committee or National Youth Council Electoral Committee shall hear the complaints and give its decision within seven days from the day of receiving complaints.

PART VIII ADMINISTRATION OF THE COUNCIL

Staff of the
Council.

45.-(1) There shall be staff of the Council to be employed by the Council upon such terms and conditions in accordance with Staff Regulations established by the Council in conformity with the provisions of the Public Service Act and its Regulations.

(2) The Council may, in order to facilitate the performance of its functions, establish such departments, sections or units to be headed by the heads and other staff as may be determined by the Council in conformity with the provisions of the Public Service Act and its Regulations.

Operation of
the Council.

46.-(1) The National Youth Council shall work closely with the District Youth Council and Shehia Youth Council.

(2) Subject to the provisions of the sub-regulation 1 of this Regulation, the National Youth Council shall have supervisory power over District Youth Council and Shehia Youth Council.

(3) Any matter which needs further consideration may be referred to the superior Council.

PART IX MANAGEMENT OF DISCIPLINE

47.-(1) Subject to the provisions of Section 31 of the Act, there is hereby established the disciplinary committee in each level of the Council which shall be composed of not more than seven members from person who are not members of the council.

Disciplinary
Committee.

(2) The disciplinary Committee shall administer all discipline in the Council.

48. For the purpose of administering the discipline in the Council, the following shall be the disciplinary Authorities:

Disciplinary
Authorities
for
employee

- (a) Heads of Department who shall administer discipline in their respective department in accordance with Public Service Act and its Regulations.
- (b) the Executive Secretary who shall administer the discipline within the Council in accordance with Public Service Act and its Regulations.

49.-(1) A disciplinary authority may take a disciplinary action against employee within the Council if it is reasonably satisfied that, the employee has:

Grounds for
Disciplinary
Action.

- (a) performed duties negligently, carelessly or inefficiently; or
- (b) been guilty of misconduct; or
- (c) been absent from duty without approved leave and without reasonable excuse; or

- (d) contravened, without reasonable excuse, a direction given to the officer as a public service officer by a responsible person; or
- (e) used, without reasonable excuse, a substance to an extent that has adversely affected the competent performance of the officer's duties; or
- (f) contravened, without reasonable excuse, a provision of the Act, Public Service Act or an obligation imposed on the person under Public Service Code of Conduct, Public Service Principles, Values or any other code of conduct which fall under Zanzibar Public Service; or
- (g) committed any disciplinary offences mentioned in the Schedule of the Employment Act No.11 of 2005;

Suspension
of Public
Officer of
the Council
under
inquiry.

50.-(1) The Executive Secretary may suspend from duty a public service employee in the Council who is under disciplinary inquiry or criminal investigation which relates or reflects on the public service duty of the employee if he reasonably believes it is in the interest of justice, fairness or transparency to do so.

(2) The suspension may be cancelled at any time upon completion of investigation or inquiry or where the disciplinary authority deems it appropriate.

(3) Suspension on disciplinary inquiry shall not be for more than six months and the employee shall be entitled to a half pay for the duration of suspension.

(4) Where upon the completion of disciplinary inquiry and the disciplinary authority intends to proceed with disciplinary proceedings and find it expedient to further suspend the employee pending determination of the disciplinary action such employee may be further suspended for not more than six months on half pay.

(5) Upon expiry of six months the employee shall be entitled to be reinstated or be paid full salary pending determination of the disciplinary proceedings.

(6) Where upon the determination of the disciplinary proceedings the employee is found not liable of the disciplinary offence, he shall be immediately reinstated and be paid the balance of the half pay which remained unpaid during suspension.

(7) For the purpose of this section determination shall include final determination of appellate proceedings where appeal is preferred by either party.

(8) Where an employee is suspended by reason of criminal inquiry he shall be paid half salary for a period not exceeding twelve months, upon the expiry of such period he shall cease to be entitled to such half salary and the period he continue to be on suspension shall be deemed to be a leave without pay for such period he shall be entitled to seek alternative employment until such time the matter is disposed of.

(9) Where upon the completion of criminal investigation and the prosecution authority decides not to prefer a charge against the employee, the authority shall inform the Council of its decision not to take the matter against the accused employee to court and such information shall be sufficient to warrant the Council to reinstate the employee.

(10) Where upon the determination of the criminal trial, including appeal, if any, the accused employee is acquitted, the said accused employee shall be entitled to be reinstated.

(11) Where at any stage of trial the accused employee is discharged by the court or the charge is withdrawn by the prosecution, the accused employee shall only be reinstated when the Director of Public Prosecutions shall, in writing, state his intention not to proceed further with the case.

(12) A disciplinary action not stipulated in this Regulation shall be in accordance with the Public Service Act.

51.-(1) Disciplinary proceedings before any disciplinary authority shall be conducted in the following manner:

- (a) notification of disciplinary offence to the accused employee;
- (b) manner and period within which parties to the proceedings may present their reply in writing;
- (c) manner of presentation of securing necessary documents as evidence which are in the custody or control of the other party;
- (d) manner of presentation of evidence;
- (e) securing the attendance of witnesses;
- (f) service of summons generally;
- (g) temporary orders and their enforcement;
- (h) awards, rulings and orders of the disciplinary authority;
- (i) period of limitation for filing and notification;
- (j) any other matter necessary for orderly conduct of the proceedings and quick disposal of the matter

52.-(1) Decisions of the disciplinary authority shall, unless no appeal lies against it, be executed upon expiry of the appeal period.

(2) The appellate authority may order execution of orders made by the disciplinary authority if it is satisfied that execution of such order shall not prejudice the hearing of the appeal or render the appeal inconsequential

53.-(1) Subject to the jurisdiction of the disciplinary authority and limitation provided by the Act or Regulations on imposition of disciplinary penalties, a disciplinary authority may impose any of the following penalties:

- (a) verbal warning, written warning, reprimand and severe reprimand;
- (b) deduction of salary except that in any case:
 - (i) the deduction shall not exceed half of the employee salary; or
 - (ii) the deduction shall not be more than one third for an employee receiving a salary and not exceeding two times of the minimum salary.
- (c) demotion or deferment of promotion ;
- (d) termination of employment;
- (e) dismissal;

54. Any member of the Council aggrieved by the decision of the disciplinary authority in accordance with subsection 4 of Section 4 of the Act may appeal to the General Assembly whose decision shall be final Right to Appeal.

PART X MISCELLANEOUS PROVISIONS

55. The absence of agent or a candidate at the appointed time and place of voting shall not stop, delay or invalidate the election process. Absence of agents or Candidate.

56. All monies of the Council shall be managed and controlled by the Executive Secretary of the Council according to Public Finance Act. Management of money of the council.

57.-(1) The Secretary of Shehia Youth Council shall issue application forms to the applicant as prescribed under Schedule III these Regulations. Application for membership.

(2) The applicant shall submit dully application forms to the Secretary who shall submit the same to the Shehia Executive Committee for consideration and approval.

(3) Any applicant who is admitted by the Shehia executive committee shall be so informed in writing.

(4) In case the Shehia Executive Committee rejects the application, the Secretary shall forthwith inform the applicant in writing citing reasons for such rejection.

Interim
manage-
ment of the
Council.

58.-(1) The Minister shall appoint the interim Secretary of each Shehia Youth Council to perform the respective duties until the Secretary of Shehia Youth Council is elected.

(2) In each General election the previous leadership will resign and the members of General Assembly shall elect one among them who is not contestor to be chairman of the general assembly until the general election in accordance with the provisions of the Act and these Regulations is held and the new leadership elected.

Offences
and
Penalties.

59. A person who contravenes the provisions of these Regulations commits an offence and upon conviction, if no penalty is mentioned, shall be liable to fine of not less than five hundred thousand or imprisonment for a term of not less than six months or to both such fine and imprisonment.

SCHEDULE I**OATH OF SECRECY AND IMPARTIALITY FOR MEMBERS OF THE
NATIONAL YOUTH COUNCIL ELECTORAL COMMITTEE
[Made under Regulation 12 (1) of these Regulations]**

I, having been appointed as Chairperson/Member of the Electoral Committee of the Youth Council, do hereby affirm and states that, I will perform my duties faithfully, Impartial and with high integrity in accordance with my knowledge and understanding.

Therefore, I hereby declare that, I will not disclose any information which comes to my knowledge as a Chairperson/ Member of the Committee, to any person or institution as contrary to the Laws of Zanzibar.

Made at Zanzibar on thisday of, 20.....

.....
Chairperson/Member

.....
Minister

SCHEDULE II**OATH OF SECRECY AND IMPARTIALITY FOR MEMBERS OF THE
DISTRICT YOUTH COUNCIL ELECTORAL COMMITTEE
[Made under Regulation 12 (2) of these Regulations]**

I, having been appointed as Chairperson/Member of the Electoral Committee of the Youth Council, do hereby affirm and states that, I will perform my duties faithfully, Impartial and with high integrity in accordance with my knowledge and understanding.

Therefore, I hereby declare that, I will not disclose any information which comes to my knowledge as a Chairperson/ Member of the Committee, to any person or institution as contrary to the Laws of Zanzibar.

Made at Zanzibar on thisday of, 20.....

.....
Chairperson/Member

.....
District Commissioner

SCHEDULE III
(Made under Regulation 57)

ZANZIBAR YOUTH COUNCIL
Application Form for Membership

Application Fee TZS as may be
determined

2 Passport size
Photos

Please type or print your answers in the space provided below:

Part 1: PERSONAL INFORMATION

Sex (Male or Female)	
First and Middle Name(s)	
Surname	
Current Occupation	
Date of Birth (Please attach with a copy of Birth Certificate)	
Marital Status	
Permanent Address	
P.O.BOX.....	
E-mail Address	
Telephone Number	
Shehia	
District	

Part 2: Supplementary Personal Information	
Academic Qualifications	
Zanzibar ID/National ID or Passport Number (please attach copy)	
Country and Place of Issuance	
Date of Issuance	
Date of Expiration	
Are you an active member of any Organization? If yes, give the name of the organization concerned; and for how long?	
What do you know about the Zanzibar Youth Council and who introduced you to it?	
What motivated you to join the Zanzibar Youth Council?	
What are your expectations in the event of your being enrolled as a member of Zanzibar Youth Council?	

Part 3: FOR OFFICE USE	
The applicant has been approved.	
The Applicant has not been approved.	
Reason(s) for applicant's disapproval.	
Has the applicant paid the application fee in the amount of Tshs.....?	

Please return the duly completed application form to: The Secretary of Shengia Youth Council.

**(ZAINAB OMAR MOHAMMED)
MINISTER FOR EMPOWERMENT, SOCIAL
WELFARE, YOUTH, WOMEN
AND CHILDREN
ZANZIBAR**

