



THE VOCATIONAL TRAINING (AMENDMENT) ACT, 2007

ARRANGEMENT OF SECTIONS

SECTIONS

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ACT NO. 11 OF 2007

I ASSENT

A. Karume

{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

18th DECEMBER, 2007

AN ACT TO AMEND THE VOCATIONAL TRAINING
ACT, NO. 8 OF 2006

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

Short title and
Commencement.

1. This Act may be cited as the Vocational Training (Amendment) Act, 2007 and shall come into operation immediately after being assented to by the President.

Construction.

2.(1) This Act shall be read as one with the Vocational Training Act, No. 8 of 2006 hereinafter referred to as the Principal Act.

(2) This Act shall not apply to the employers and employees of the United Republic of Tanzania, its Institutions and Agencies.

Amendment of
section 4.

3. Section 4 of the Principal Act is hereby amended by inserting interpretation of the new words in its alphabetical order as follows:

"Deputy Commissioner" means the Deputy Commissioner of Tanzania Revenue Authority in Zanzibar;



"Employer" means any person or public authority who enter into a contract of service to employ any person or group of persons, a corporation or a company and whether originated inside or outside the country, for the payment of wages;

"Employee" means a person who has entered into or works under or seeks to work under or where the employment has ceased was working under a contract of service.

"Employment" means:

- (a) a position of an individual in the employment of another person;
- (b) a position of an individual as manager of an entity other than as partner of a partnership;
- (c) a position of an individual entitling the individual to a periodic remuneration in respect of services performed; or
- (d) a public office held by an individual, and includes a past, present and prospective employment.

"Fund" means the Vocational Training Fund established under section 34 of this Act;

"Income Tax Act" means the Income Tax Act, No. 11 of 2004, of United Republic of Tanzania.

PART II AMENDMENT AND ADDITION OF NEW PARTS

Amendment of section 15.

Addition of new Part IVA and IVB.

4. Section 15(1) of the principal Act is hereby amended by deleting paragraphs (c) and (f) thereof.

5. The principal Act is hereby amended by adding new Part IVA and IVB immediately after Part IV as follows:-



"PART IVA THE VOCATIONAL TRAINING LEVY

Imposition of a Vocational Training Levy.

27.(1) There shall be a charged and payable levy to be known as the skills and development levy to be paid by the employer according to the provisions of this Act.

(2) Subject to the provisions of sub section (1) of this section, levy shall be paid to the Deputy Commissioner at the end of every month, from every employer who has in his employment four or more employees.

(3) The levy shall be the sum of money equal to five per centum (5%) of the total gross monthly emoluments payable by employer to all his employees in respect of that month.

(4) For the purpose of this section "gross monthly emoluments" in relation to any employee includes basic salary paid to him by the employer in respect of his employment or service, and any amount so paid in respect of employment or services rendered by the employee in any month other than the month in which it is paid, shall be deemed to be emoluments in respect of the calendar year in which it is paid.

(5) Where in any case an employer pays emoluments to any employee at intervals of less than a month or at intervals of greater than a month, the provisions of this Act shall apply as if such employee was entitled to monthly payments and the monthly chargeable emoluments of such employee in respect of any month shall be deemed to be the chargeable emoluments that would have accrued to the employee had the emoluments been



payable monthly.

(6) Where in any case the monthly chargeable emoluments in respect of any employee cannot be ascertained with any reasonable accuracy, the Deputy Commissioner may, in writing require the employer to pay the Levy in respect of such employee at such intervals as the Deputy Commissioner may specify, where such order is made in respect of any employee, the employer shall pay the Levy for any period so specified on the last day of such specified period.

(7) The Levy imposed and paid pursuant to this Act, shall be deducted for the purpose of ascertaining the taxable income in accordance with the provision of the Income Tax Act.

Accounting for
the Levy

28. The Deputy Commissioner shall, immediately after collecting the Levy under section 27 of this Act, submit the whole amount collected to the Zanzibar Treasury.

Penalty and
Interest upon
failure to file
returns and to
pay Levy.

29.(1) Every employer shall on or before the seventh day of every month submit returns and pay to the Deputy Commissioner the Levy due from such employer in respect of the proceeding month.

(2) Where any employer who is required to pay levy under this Act, fails to pay the whole or any part of such levy within due date, an additional sum calculated in accordance with the provision of the Income Tax Act shall be imposed.

(3) Where any employer who is by this Act required to file monthly returns, fails to do so, he shall be liable to a fine to such amount as calculated in accordance with the provision of the Income Tax Act.



(4) Any sum payable by way of interest or penalty under this section shall, for the purpose of this Act, be deemed, to be a skills and development levy and shall be collected and recoverable accordingly.

Summary
recovery of
unpaid Levy.

30.(1) Any levy, interest or penalty payable by an employer under this Act, shall be a debt due to the Zanzibar Government and shall be collected and recovered in accordance with the provisions of the Income Tax Act.

(2) Without prejudice to the methods of recovery of levy, interest and penalties prescribed under sub section (1) of this section, where any amount of levy, interest or penalty is due from any employer, the Deputy Commissioner may file an application to the Regional Magistrate Court having jurisdiction over the area in which such employer resides or carries on business, attached with:-

- (a) the name and address of the employer from whom the levy is due; and
- (b) the amount due.

(3) Any order made by the Court under this section, shall be deemed to be a decree of the Court against the person named in the order for payment by such person to the Deputy Commissioner of the amount stated in the order together with interest of twenty per centum (20%) per month from the date on which such order is issued until the date of payment, and every such decree may be executed in the same manner as a decree passed by a Court of a Regional Magistrate in a civil suit.



(4) The provisions of sub section (2) shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of a Regional Magistrate.

(5) Every application filed in a court of a Regional Magistrate pursuant to the provisions of this section, shall be conclusive evidence for the truth of the statements contained in such application.

Power of
Deputy
Commissioner.

31.(1) Notwithstanding the provisions of section 30 of this Act, where a person fails or defaults to remit the levy or part of the levy, the Deputy Commissioner shall by demand notice, require such person to pay immediately the demanded amount of levy plus interest and such demand notice shall constitute a final demand notice.

(2) Any dispute arising from the decision of the Deputy Commissioner under sub section (1) of this section, shall be determined in accordance with the provisions of the Zanzibar Tax Appeal Act, No.1 of 2006.

(3) Subject to any express directions by the Deputy Commissioner to the contrary, any powers and duties of the Deputy Commissioner under this Act, may be exercised by any public officer authorised in writing by the Deputy Commissioner.

Giving false
information etc.,
to evade levy

32. Any employer who:-

- (a) with intend to evade payment of any levy or with penalty due under this Act; or
- (b) makes any false statement to the Deputy Commissioner; or



- (c) fails or omits to give any information or to submit any returns required to be given or submitted under this Act or under Regulations made under this Act; or
- (d) gives any information or submit any return which is false in any material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Five Hundred Thousand Shillings (500,000/=) or to imprisonment for a term not exceeding two years or to both.

Collection of Levy.

33.(1) The Levy payable under this Act shall be paid directly to the Deputy Commissioner or collected by the Deputy Commissioner who shall immediately after collection submit to the Zanzibar Treasury.

(2) The Minister for Finance may after consultation with the Minister make Regulations relating to appropriation of levy under this Act.

PART- IVB ESTABLISHMENT AND MANEGEMENT OF THE VOCATIONAL TRAINING FUND

Establishment of the Vocational Training Fund.

34. There is hereby established a Fund to be known as the Vocational Training Fund which shall be managed by the Board established under section 9 of the Principal Act.

Resources of the Fund.

35. The resources of the Fund shall be:-

- (a) such sums as may be collected under section 27 and paid under section 33(2) of this Act;
- (b) such sums as may be provided for the Fund



by the House of Representatives;

- (c) such sums as may be paid to the Fund by way of grants or donations from any source within or outside Zanzibar.

Management and auditing of the Fund.

36. (1) The Authority shall maintain with such a bank a designated account as the Board may approve, into which shall be deposited all the money of the Fund.

(2) The Board shall cause to be provided and to be kept proper books of account of the payments made into and out of the Fund.

(3) The accounts relating to the Fund shall be audited annually by Controller and Auditor General or any other authorised auditor duly registered as the Board may with the approval of the Minister, appoint.

Report and audited accounts to be laid before the House of Representatives.

37.(1) The Board shall within six months after the close of every financial year, cause to be prepared and submitted to the Minister, a report on the activities and operations of the Authority during that year together with a copy of:-

- (a) audited accounts of the Authority; and
(b) auditors report on the accounts;

(2) The Minister shall as soon as practicable and in any case not later than twelve months after the closing of the financial year, lay before the House of Representatives a copy of:-



- (a) annual report of the Authority;
- (b) audited account; and
- (c) auditor's report."

PASSED in the House of Representatives this 24th day of October, 2007.

{IBRAHIM MZEE IBRAHIM}
CLERK OF THE HOUSE OF REPRESENTATIVES.