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**THE ZANZIBAR ENVIRONMENTAL MANAGEMENT  
ACT, NO. 3 OF 2015**

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**THE DISPOSAL OF UNFIT AND CONDEMNED PRODUCTS  
REGULATIONS, 2019**

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**THE ZANZIBAR ENVIRONMENTAL MANAGEMENT  
ACT, NO. 3 OF 2015**

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**THE DISPOSAL OF UNFIT AND CONDEMNED PRODUCTS  
REGULATIONS, 2019  
[Made under section 86]**

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**L.N. 103  
of 2019**

**IN EXERCISE** of the powers conferred upon me under section 86 of the Environmental Management Act No. 3, 2015, **I, MOHAMED ABOUD MOHAMED**, Minister of State, Second Vice President's Office, do hereby make the following Regulations:

**PART ONE  
PRELIMINARY PROVISIONS**

Short title  
and Com-  
mence-  
ment.

**1.** These Regulations may be cited as the Disposal of Unfit and Condemned Products Regulations of 2019, and shall come into operation after being signed by the Minister and published in the Gazette.

Applica-  
tion.

**2.-(1)** These Regulations shall apply to the intended disposal of:

- (a) adulterated;
- (b) expired;
- (c) counterfeit;
- (d) prohibited; and
- (e) any other product, substance and item including foods, drugs and chemicals that have been rejected and declared inedible or unfit for consumption or any other mode of human use under any law or which are unfit to human consumption flora and fauna and to the environment.



(2) These Regulations shall not affect existing national and international legal obligations in application and enforcement of measures for handling, storage and disposal of all forms of:

- (a) hazardous wastes;
- (b) hazardous substances;
- (c) waste electrical and electronics equipment; and
- (d) any other existing categories of conventional or toxic wastes or substances.

3. In these Regulations, unless the context requires otherwise: Interpretation.

“Act” means the Zanzibar Environmental Management Act, No.3 of 2015;

“Authority” means Zanzibar Environmental Management Authority established under section 14 of the Act;

“adulterated” means any food or non-food product or item that has been intentionally or accidentally added or contaminated with substances resulting in the loss of its actual quality and hence condemned from legal or safe consumption;

“bulk disposal” means an intended dumping of a large volume or mass of a consignment of condemned product or unfit products;

“counterfeit” means any fake, forged or copied product that has been fraudulently produced to imitate original products with an intent of deceiving consumers or users;

“condemned products” means any food or non-food item that has been declared as unfit for human consumption;

“dumping” means any deliberate disposal of wastes or other matter from vehicles, vessels, aircraft, platforms or other man-made structures on the environment;

“expired” means a food or a non-food item or any manufactured product that has reached the end of its validity or period of use;

“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;

“prohibited” means any item that has been banned from being used or imported into the country for use by consumers in order to protect public health and environment;

“hazardous substance” means any chemical, waste, gas, medicine, drug, plant, animal or microorganism 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;

“Local Government Authority” means the Local Government Authority as defined under the Zanzibar Local Government Authority Act, No.7 of 2014;

“Minister” means the Minister responsible for the environmental management in Zanzibar;

“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;

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

“Product” means any product, item or substance declared and condemned as adulterated, expired, counterfeit, prohibited, or unfit for human consumption, flora, fauna, environment or otherwise;

“unfit product” means a product as defined under the Zanzibar Food, Drugs and Cosmetics Act, No. 2 of 2006 or any other law 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.

## **PART TWO PROHIBITION AND PERMIT**

4.-(1) A person shall not dispose of any product, item or substance declared and condemned as adulterated, expired, counterfeit, prohibited, or unfit for human consumption, flora, fauna, environment or otherwise in Zanzibar without permit from the Authority and in accordance with the provisions of these Regulations

(2) Notwithstanding with the provisions of sub regulation (1) of this regulation, a person shall be allowed to store the products only for specific period of time as determined by the Authority before disposal.

(3) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine of not less than

Five Millions Tanzanian Shillings and not more than Ten Millions or imprisonment for a term of not less than one year and not more than three years or both such fine and imprisonment.

Proce of  
Apply-  
ingper-  
mit for  
disposal.

5.-(1) A person who intends to carry out a bulk disposal of any form of a condemned product, item or substance shall apply for Disposal Permit from the Authority by filling an Disposal Application Form prescribed in the First Schedule of these Regulations.

(2) The Authority shall, within ten working days after receipt the Disposal Application Form:

- (a) inspect the consignment of the condemned product;
- (b) recommend the disposal site and the mode of disposal or storage of the condemned consignment;
- (c) recommend for conditional approval; or
- (d) reject the application subject with reasons for the rejection and recommend alternative measures in accordance with Act.

(3) The application referred under sub regulation (1) of this regulation shall be accompanied with requisite information from the Applicant on the nature, composition, hazard and risk, and environmental aspects of the condemned item.

(4) The Authority shall not propose disposal site before the consultation of the relevant institutions.

(5) The Applicant shall bear full cost of handling, transport, storage and disposal of the approved consignment of the condemned product.

(6) The Authority shall issue a Disposal Permit after the applicant complied with requirements required under these Regulations.



(7) The Disposal Permit shall be as prescribed under the Second Schedule of these Regulations.

6.-(1) The Disposal Permit issued under regulation 5 (6) of these Regulations, shall: Validity  
use of a  
permit.

- (a) be for single-use purpose only;
- (b) not be transferred to another person;
- (c) not used for any other purpose other than that prescribed under the Permit; and
- (d) be used within a time limit determined by the Authority.

(2) Where a permit expired an applicant shall be required to renew a permit for another period of use.

(3) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to pay a fine of not less than Five Hundred Thousand Tanzanian Shillings and does not exceed Five Millions Tanzanian Shillings or imprisonment for not less than three months and does not exceed one year or both such fine and imprisonment.

7.-(1) The Authority may reject to issue a disposal permit where: Criteria  
to  
reject to  
issue a  
permit.

- (a) the nature of the item is harmful to the environment and to the public health; and
- (b) the quantity of the item cannot be disposed of in Zanzibar.

(2) Subject to regulation 7 (1) of these Regulations, a person shall be required to transport the products to the country of origin.

(3) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to pay a fine of not less than Five Hundred Thousand Tanzanian Shillings and does not exceed Five Millions Tanzanian Shillings or imprisonment for not less than three months and does not exceed one year or both such fine and imprisonment.

### **PART THREE DISPOSAL SITE**

Criteria  
for  
selection  
of  
disposal  
site.

8.-(1) The Authority shall, in consultation with relevant institutions, select the Disposal Site on which disposal activity is to be conducted.

(2) Subject to the provision of sub regulation (1) of this regulation, the Authority shall, in selection of the Disposal Site, consider that:

- (a) the Disposal Site is not less than five hundred meters away from the nearest human settlement area;
- (b) the Disposal Site shall be not less than one hundred meters away from the boundary line of any land used as a cemetery including an ancient and historical cemetery;
- (c) the Disposal Site shall be not less than one hundred meters away from any land area classified in the national spatial development strategy as agricultural or, irrigation;
- (d) the Disposal Site shall be not less than five hundred meters away from any land area classified in the national spatial development strategy as tourism zones;
- (e) the Disposal site shall be not less than one hundred meters away from the boundaries of road reserves, transmission lines and communication towers;



- (f) the Disposal Site shall be not less than five hundred meters away from any water catchment area, a shallow or punctured water table or public water supply source;
- (g) the Disposal Site shall be not less than five hundred meters away from any boundary lines of the recognized forest, protected areas, and mangrove habitats;
- (h) the Disposal Site shall be not less than one hundred meters away from the adjacent beach layout, sand bank and lagoons; or
- (i) any land area designated or to be designated by the Revolutionary Government of Zanzibar.

9. The Authority shall direct the applicant to dispose the product Disposal Methods.  
by:

- (a) incineration;
- (b) open burning;
- (c) land filling;
- (d) crushing and grinding;
- (e) shredding; or
- (f) any other approved method;

10. The Authority shall ensure that all necessary occupational Health and Safety.  
safety and health measures during the disposal and storage operations are complied with.

11.-(1) The Authority shall notify in written local authorities Notifica- tion of disposal.  
of the intent to carry out the proposed disposal of condemned or unfit products in their respective jurisdiction.

(2) The notification wherever necessary may include:

- (a) the date and time of disposal;
- (b) the location of the disposal site;

- (c) the item to be disposed;
- (d) the duration of the proposed disposal activity;
- (e) methods of disposal; and
- (f) any other notification if it may deems necessary.

#### **PART FOUR MISCELLANEOUS PROVISIONS**

Delegation of power of compounding.

**12.** The Minister may delegate the power to the Authority to compound an offence committed under these Regulations based on the Zanzibar Environmental Management Act, No. 3 of 2015.

General penalty.

**13.** A person who commits an offence under these Regulations for which no specific penalty is provided shall be liable upon conviction to a fine of not less than One Hundred Thousand Shillings and not exceeding Five Hundred Thousand Shillings or imprisonment for a term of not less than six months or to both the fine and imprisonment.



**FIRST SCHEDULE****DISPOSAL APPLICATION FORM****[Made under regulation 5(1)]**

1. Name of applicant.....Address.....
2. Telephone number.....Fax ..... Email .....
3. Location for disposal .....
4. Business/office.....
5. .... date..... month ..... year.....
6. Item to be disposed

S/N	NAME OF ITEM	QUANTITY	UNIT	NATURE	Reason for disposal

Declaration:

I, .....  
certify that the above information is complete and correct.

Signature of Applicant..... Designation .....Official

Stamp.....

Date.....

**OFFICIAL USE ONLY**

## Recommended method for disposal

- i. Incineration.....
- ii. Burning.....
- iii. Land filling.....
- iv. Crushing and grinding.....
- v. Shredding.....
- vi. Other .....

Name of Officer..... Designation .....

Signature.....

Date.....



**SECOND SCHEDULE****DISPOSAL PERMIT****[Made under regulation 5(7)]**

Name of permit holder .....

Physical address.....

This is to certify that the above mentioned holder is hereby granted permit to  
disposal ..... quantity.....

Location at .....

This permit shall be valid from ..... to .....

Fee paid in words .....

Amount (TZS) .....Receipt No.....

This permit is issued with the following conditions:

- (a) the permit shall only hold rights according to the specified activities and location only;
- (b) the permit shall not be transferred to another person;
- (c) Original payment receipt for this permit shall at all time be attached;
- (d) the permit shall be used only once; and
- (e) the permit shall be not used for any other purposes rather than the prescribed uses.

**FOR OFFICE USE ONLY**

Comment from the Relevant Head of Section

.....  
.....

Full name.....

Signature: .....

Date: .....

Decision for the Director of the Authority:

.....  
.....

**Signed and Sealed**

.....

Name: .....

**SIGNED** on this 26<sup>th</sup> day of July, 2019.

**MOHAMED ABOUD MOHAMED  
MINISTER OF STATE, SECOND VICE PRESIDENT'S OFFICE  
ZANZIBAR**





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