

CHAPTER 154

THE ZAMBIA NATIONAL BROADCASTING CORPORATION ACT

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CHAPTER 154

ZAMBIA NATIONAL BROADCASTING
CORPORATION

Act No.
16 of 1987
13 of 1994
20 of 2002

An Act to provide for the establishment of the Zambia National Broadcasting Corporation; to define the functions and powers of the corporation; to provide generally for the control and regulation of

broadcasting and diffusion services; and to provide for matters connected with or incidental to the foregoing.

[24th April, 1987]

PART I

PRELIMINARY

1. (1) This Act may be cited as the Zambia National Broadcasting Corporation Act. Short title

(2) This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

2. In this Act, unless the context otherwise requires- Interpretation

"appointments committee" means an appointments committee appointed under section *four A*;

"Board" means the Board of Directors of the Corporation established by section *four*;

"broadcaster" means the Corporation;

"broadcasting service" means a radiocommunication service for reception by members of the general public and the word "broadcast" shall be construed accordingly;

"Corporation" means the Zambia National Broadcasting Corporation established by section *three*;

"dealer" means-

(a) a person who carries on a trade, business or industry in which receivers are assembled, manufactured, imported, bought, sold, exchanged, or offered or exposed for sale or exchange; or

(b) an auctioneer of television receivers; and cognate expressions shall be construed by reference, *inter alia*, to transactions or operations such as are carried on by persons referred to in paragraph (a);

"diffusion service" means-

(a) the dissemination by means of wires, otherwise than within the precincts of a single private residence, of the whole or any part of a broadcasting service; or

(b) the dissemination of music or speech by means of wires connecting two or more loudspeakers which-

(i) are installed in a specific building or within the precincts of a specified building; or

(ii) are permanently fixed, otherwise than within a single specified building, in a motor vehicle, aircraft, ship or railway train, for purposes not ancillary or incidental to or connected with any exhibition, performance, including a performance by a circus, contest, game or sport, such as-

A. the running of any horse race; or

B. the holding of any concert or the production of any play, opera, ballet, pageant or the like; or

C. the showing of cinematograph film; or

D. the holding of any agricultural, horticultural, industrial or commercial show or any dance, cabaret, garden party, fete, fair, gymkhana or the like;

and "diffuse" shall be construed accordingly;

"director" means a member of the Board and includes the Chairperson and the Vice-Chairperson;

"inspector" means an inspector of the Corporation appointed under section *twenty-six*;

"listener" means a person who has in his possession a receiver otherwise than as-

(a) a broadcaster; or

(b) a dealer; or

(c) an operator of a diffusion service; or

(d) a police officer or a member of the Defence Force acting in the course of his duty;

"Telecommunications Corporation" means the Telecommunications Corporation established by section *four* of the Telecommunications Act; Cap. 469

"radiocommunication service" means the transmission of writing, signs, signals, pictures and sounds of all descriptions whatsoever, wholly or partly by means of electromagnetic waves of frequencies between ten kilohertz and three million megahertz;

"receiver" means an apparatus in respect of which no licence is required in terms of the Radiocommunications Act, which is designed to be used for the reception of a broadcasting service; Cap. 169

"specified building" means a building used for industrial purposes or such other purposes as the Minister may, by statutory notice, specify.

(As Amended by Act No. 20 of 2002)

PART II

ZAMBIA NATIONAL BROADCASTING CORPORATION

3. There is hereby established the Zambia National Broadcasting Corporation, which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform and as are necessary for, or incidental to, the carrying out of its functions and powers as set out in this Act. Establishment of Corporation

4. (1) There is hereby constituted the Zambia National Broadcasting Corporation Board which shall, subject to the provisions of this Act, perform the functions of the Corporation under this Act. Constitution of Board of Directors

(2) The Board shall consist of nine part-time directors appointed by the Minister on the recommendation of the appointments committee, subject to ratification by the National Assembly.

(3) A person shall not be qualified to be appointed to the Board unless the person is committed to fairness, freedom of expression, openness, and accountability and when viewed collectively the person appointed shall be representative of a broad section of the population of the Republic.

(4) The Chairperson and Vice-Chairperson shall be elected by the directors from amongst themselves.

- (5) A person shall not be appointed as a director if that person-
- (a) is not a citizen of Zambia;
 - (b) is not permanently resident in Zambia;
 - (c) is a member of Parliament or local authority;
 - (d) is an office bearer or employee of any political party;
 - (e) is an immediate family member of a person referred to in paragraph (d);
 - (f) is an undischarged bankrupt;
 - (g) has been convicted of an offence involving fraud or dishonesty; or
 - (h) has been convicted of an offence under any other written law and sentenced to a term of imprisonment of not less than six months, without the option of a fine.
- (6) The directors shall be paid such allowances as the Board may, with the approval of the Minister, determine.
- (7) Except as otherwise provided in this Act, the Board shall not be subject to the direction of any other person or authority.

(As amended by Act No. 20 of 2002)

4A. (1) The Minister shall, for the purposes of section *four* constitute an *ad hoc* appointments committee consisting of the following:

Appointments
committee

- (a) one member nominated by the Law Association of Zambia;
 - (b) one member nominated by a non-governmental organisation active in human rights;
 - (c) one member nominated by religious organisations; and
 - (d) one member nominated by the Ministry responsible for information and broadcasting.
- (2) The Chairperson of an appointments committee shall be appointed by the members from amongst their number.
- (3) The members of an appointments committee shall be appointed on such terms and conditions as the Minister may determine.

- (4) The functions of an appointments committee shall be-
- (a) to invite applications from persons with such qualifications as may be specified for appointment to the Board;
 - (b) to interview the applicants and nominees referred to in paragraph (a); and
 - (c) following the interview referred to in paragraph (b), to select the candidates for appointment to the Board and to submit a recommendation to the Minister.
- (5) An appointments committee shall determine its own procedure.
- (6) There shall be paid to the members of an appointments committee such allowances as the Minister may determine.
- (7) The Corporation shall pay the expenses incurred by an appointments committee in the performance of its functions under this Act.

(As amended by Act No. 20 of 2002)

- 5.** (1) Subject to the other provisions of this Act, a director shall hold ^{Tenure of office and} office for a period of three years from the date of appointment and may ^{vacancy} be re-appointed for one further term of three years.
- (2) On the expiration of the period for which a director is appointed, the Director shall continue to hold office until the directors successor is appointed but in no case shall such further period exceed three months.
- (3) The office of a director shall become vacant-
- (a) upon resignation;
 - (b) upon the death of the director;
 - (c) if that director without good cause or approval of the Chairperson is absent is absent from three consecutive meetings of the Board of which that director had notice;
 - (d) if that director is adjudged bankrupt;
 - (e) if director is declared to be of unsound mind; and
 - (f) if the director is convicted of an offence for a period exceeding six months without the option of a fine or convicted of any offence involving dishonesty.

(4) A director may resign from office by giving one month's notice in writing to the Minister.

(5) Whenever the office of a director becomes vacant before the expiry of the term of office the Minister may, on the recommendation of appointments committee and subject to ratification by the National Assembly, appoint another director in place of the director who vacates office but such director shall hold office only for the unexpired term.

(As repealed and replaced by Act No. 20 of 2002)

6. Within seven days of the date of his appointment as Chairperson or director as the case may be, the Chairperson or director shall submit to the Minister a statement in writing of any directorship, office, post, shareholding or financial interest, direct or indirect, held or acquired by him or his spouse in a company or firm which carries on a radiocommunication service or operates a diffusion service or deals in receivers or manufactures, assembles, imports or sells apparatus or equipment for use in radiocommunication or diffusion services. Director to declare connection

7. (1) The functions of the Corporation shall be to-

Functions of Corporation

(a) provide varied and balanced programming for all sections of the populations;

(b) serve the public interest;

(c) meet high professional quality standards;

(d) offer programmes that provide information, entertainment and education;

(e) contribute to the development of free and informed opinions and as such, constitute an important element of the democratic process;

(f) reflect, as comprehensively as possible, the range of opinions and political, philosophical, religious, scientific, and artistic trends;

(g) reflect and promote Zambia's national culture, diversity and unity;

(h) reflect human dignity and human rights and freedoms and contribute to the tolerance of different opinions and beliefs;

(i) further international understanding and the public's sense of peace and social justice;

(j) defend democratic freedoms;

(k) enhance the protection of the environment;

(l) contribute to the realisation of equal treatment between men and

women;

(m) broadcast news and current affairs programmes which shall be comprehensive, unbiased and independent and commentary which shall be clearly distinguished from news;

(n) promote productions of Zambian origin; and

(o) carry on or operate such other services including diffusion services and undertakings as in the opinion of the Board, are conducive to the exercise of its functions under this Act.

(As repealed and replaced by Act No. 20 of 2002)

8. The Corporation shall have power, subject to the provisions of this Act, to do all or any of the matters and things specified in the Schedule. Powers of Corporation

9. (1) The Board may, for the purpose of performing the Corporation's functions under this Act, establish committees and may delegate to any such committee such of its functions as it thinks fit. Committees of Board

(2) The Board may appoint as members of a committee established under subsection (1) persons who are or are not members of the Board and such persons shall serve for such period as the Board may determine.

(3) Subject to any specific or general directions of the Board any committee established under subsection (1) may regulate its own procedure.

10. (1) Subject to the provisions of this section, the Board may regulate its own procedure. Proceedings of Board

(2) The Board shall hold its first meeting on such date and at such place and time as the Minister may determine; and thereafter the Board shall meet for the transaction of business at such places and at such times as the Board may determine.

(3) The Chairperson of the Board may at any time and shall, at the request of three directors, convene a special meeting of the Board.

(4) A notice convening a special meeting of the Board shall state the purposes for which the meeting is to be convened.

(5) Where the Chairperson of the Board is prevented by illness, absence from Zambia or other cause from exercising his functions on

the Board, the Vice-Chairperson shall exercise the powers and fulfil the duties and functions of the Chairperson.

(6) Where the Chairperson and the Vice-Chairperson are absent from any meeting of the Board there shall preside at that meeting such director as the directors present may elect for the purpose of that meeting.

(7) The quorum at a meeting of the Board shall be five directors.

(8) All acts, matters or things authorised or required to be done by the Board may be decided by resolution of a meeting at which a quorum is present.

(9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of every meeting of any committee established by the Board.

(As amended by Act No. 20 of 2002)

11. If it is not practicable to hold a meeting of the Board for the transaction of business of an urgent nature, the Chairperson shall, after consulting the Minister and such other directors as is practicable in the circumstances, deal with the business himself and not later than seven days thereafter consult the Board for ratification.

Transaction of
business of an urgent
nature

12. No decision or act of the Board or act done under the authority of the Board shall be invalid by reason only of the fact that there is a vacancy in the membership of the Board or that a disqualified person acted as a director, at the time the decision was taken or the act was done or authorised.

Validity of Board's
decisions

13. Any agreement, contract or instrument may be entered into or executed on behalf of the Corporation by any person or persons generally or specially authorised by the Board for that purpose.

Contracts and
instruments

14. (1) The seal of the Board shall be such device as may be determined by the Board and shall be kept by the Director-General.

Seal of Board

(2) The Board may use a wafer or rubber stamp in *lieu* of the seal.

(3) The affixing of the seal shall be authenticated by the Chairperson

or the Vice-Chairperson and the Director-General or one other person authorised in that behalf by a resolution of the Board.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Director-General or any other person generally or specifically authorised by the Board in that behalf.

(5) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed so executed or issued, as the case may be, without further proof, unless the contrary is proved.

15. (1) If any person is present at a meeting of the Board at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter. Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(3) A person who fails to disclose interest in terms of subsection (1) and participates in the consideration or discussion of a matter in which the person or that person's spouse has interest commits an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 20 of 2002)

16. No action or other proceedings shall lie or be instituted against any Board member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act. Immunity of members

17. (1) For the better exercise of the functions of the Corporation contained in section *seven*, the Board shall- Appointment of Director-General and other staff

(a) subject to the provisions of paragraph (b), and on such terms and conditions as it may determine, appoint a Director-General of the

Corporation who, subject to the control of the Board, shall be responsible for the management of the business of the Corporation; and

(b) not appoint or terminate the services of the Director General without prior consultation with the Minister.

(2) The Board may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

(As amended by Act No. 20 of 2002)

PART III

FINANCIAL PROVISIONS

18. The Corporation shall establish a general fund- Establishment and operation of general fund

(a) into which all monies received by the Corporation shall be paid in the first instance; and

(b) out of which all payments made by the Corporation shall be paid.

19. (1) The Corporation may establish a general reserve account to which may be appropriated from any surplus of revenue over expenditure such sums as the Board may approve. Establishment and operation of general reserve account

(2) Sums appropriated to the general reserve account in terms of subsection (1) may, with the approval of the Minister, be used for such purposes as the Corporation may consider expedient for the proper exercise of its functions and the development of its services and undertakings.

20. (1) The Corporation shall charge to its revenue account all charges which in the normal conduct of a business are regarded as proper to be made to a revenue account and in so doing shall make adequate annual provision, whether by sinking fund or other proper means, for- Charges to revenue account of Corporation and investment of monies in sinking funds

(a) interest and all other charges and expenses incurred in connection with loans;

- (b) the depreciation or diminution in value of assets; and
- (c) the redemption of loans at due times to the extent that the annual provision exceeds the amount to be provided under paragraph (b).

(2) Money in sinking funds established in terms of subsection (1) shall be vested in such manner as the Board acting in consultation with the Minister may think fit.

21. The funds of the Corporation shall consist of such moneys as may- Funds of Corporation

- (a) be payable to the Corporation in terms of this Act;
- (b) be appropriated by Parliament for the purposes of the Corporation;
- (c) be paid to the Corporation by way of grants or donations; and
- (d) vest in or accrue to the Corporation.

22. The Corporation shall cause to be kept proper books of account and other records relating to its accounts. Accounts

23. (1) For the purpose of auditing its accounts, the Board shall appoint Auditors from amongst persons who, or organisations which, are registered as public accountants to examine the accounts of the Corporation not less than once in each financial year. Appointment of auditors

(2) The Corporation shall produce and lay before the auditors all books and accounts of the Corporation, with all vouchers in support thereof and all books, papers and writings in its possession or control relating thereto.

(3) The auditors shall be entitled to require from all directors and all employees of the Corporation such information and explanations as may be necessary for the performance of their duties as auditors.

(4) All expenses in connection with or incidental to an audit shall be

borne and paid by the Corporation.

24. (1) As soon as practicable, but not later than six months after such financial year, the Corporation shall submit to the Minister a report concerning its activities during such financial year. Annual report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Corporation and there shall be appended thereto-

- (a) a balance sheet;
- (b) an audited statement of revenue and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

PART IV

TELEVISION LICENCES AND INSEPECTORS

25. (1) Notwithstanding the provisions of the Radio Communications Act and subject to the provisions of this Act, a person shall not have in person's possession a televison receiver otherwise than in accordance with the terms and conditions of a licence issued by the corporation under this Act: Television licence
Cap. 169

Provided that in a private household where there is more than one television receiver, a licence fee shall be paid in respect of only one television receiver.

(2) For Purposes of subsection (1) a proprietor of a hotel, inn, motel, lodge, guesthouse, resthouse, club, holiday resort or such other commercial enterprise as the Minister may, by statutory instrument, determine shall pay a licence fee in respect of each television receiver

on the premises concerned.

(3) The Minister may, on the recommendation of the Corporation, by statutory instrument, prescribe the fees to be paid on the issue of a licence referred to in subsection (1).

(4) The provisions of subsection (1) shall not apply to person-

(a) who is a *bona fide* tourist residing outside Zambia and whose television receiver is temporarily in Zambia; or

(b) whose television receiver is capable of use solely in connection with a diffusion service.

(5) Any person who owns or operates a television receiver without a licence issued under this Act commits an offence and liable, on conviction, to a fine not exceeding one thousand penalty units.

(6) The licence fees referred to under this section, shall be paid into the general fund of the Corporation for the use of the Corporation.

(7) The Minister may exempt a person, organisation or institution from the provisions of subsection (1).

(As amended by Act No. 20 of 2002)

26. (1) The Corporation shall establish an inspectorate unit and may Inspector appoint such number of inspectors as are necessary to enforce the provisions of this Act with respect to section *twenty-five*.

(2) Every inspector appointed under this section shall be issued with a certificate of appointment which shall be *prima facie* evidence of the inspector's appointment as such.

(3) An inspector carrying out any function under this Act shall on demand by a person affected by the exercise of the inspector's power under this Act, produce for inspection the certificate referred to in subsection (2).

(As amended by Act No. 20 of 2002)

27. (1) To ensure that the provisions of this Act are being complied with, an inspector shall have power, on production of the certificate of appointment issued under section *twenty-six* to demand the production of, and to inspect or make copies of, a licence issued under section *twenty-five*. Power of inspectors

(2) An inspector or police officer may upon probable cause shown on oath to a magistrate court obtain a warrant to enter upon and search or examine the premises prescribed in the warrant in order to ascertain whether any offence under this Act is being committed on the premises.

(3) Where an inspector or police officer is satisfied that a person does not have a valid television licence in respect of a matter for which a licence is required under this Act, the inspector or police officer may serve on that person a notice in the prescribed form.

(As amended by Act No. 20 of 2002)

28. (1) A person commits an offence if that person-

Obstruction of
inspectors

(a) wilfully delays or obstructs an inspector in carrying out the inspector's duties under this Act; or

(b) knowingly or negligently gives an inspector false or misleading information orally, in writing or otherwise.

(2) Any person who commits an offence under subsection (1) shall be liable, on conviction, to a fine not exceeding one thousand five hundred penalty units.

29. No person shall, after the commencement of this Act, assume for the purposes of business or be registered under the Companies Act, under-

Restriction on use of
name of corporation
Cap. 388

(a) the name "Zambia National Broadcasting Corporation" or

(b) a name which includes the word "broadcast" or "broadcasting" or "diffusion" or "rediffusion" with the word "National", "Zambia", "Zambian", "State" or Corporation".

(As amended by Act No. 20 of 2002)

30. (1) The Minister may, by statutory instrument, make regulations to prescribe matters which are necessary for the better carrying out of the purposes of this Act.

Regulatory powers
of Minister

(2) Without prejudice to the generality of subsection (1) the regulations to prescribe matters which are necessary for the better carrying out of the purposes of this Act.

(a) the registration for dealers with the Corporation and the information to be supplied to the Corporation;

(b) the keeping of books, records and documents, the furnishing of returns and the supply of information to the Corporation relating to the

dealings in television receivers;

(c) the fees to be paid under the provisions of this Act;

(d) the form of notices required to be served under this Act;

(e) the methods of payment and collection of fees payable under the Act; and

(f) any other matters required to be prescribed under this Act.

(As Repealed and replaced by Act No. 20 of 2002)

SCHEDULE

(Section 8)

POWERS OF CORPORATION

1. To acquire, establish and construct broadcasting stations, studios, offices and other premises necessary or convenient for the purposes of the undertakings of the Corporation, and for this purpose, to buy, take on lease or in exchange hire or otherwise acquire immovable property within Zambia and interests therein and rights over the same and concessions, grants, rights, powers and privileges in respect thereof, and to act in that connection either absolutely or conditionally and either solely or jointly with others.
2. To buy, take in exchange, hire or otherwise acquire vehicles, machinery, plant, apparatus and other movable property necessary or convenient for the exercise of the functions of the Corporation, or for the purposes of the undertakings of the Corporation, and to act in that connection either absolutely or conditionally and either solely or jointly with others.
3. To maintain, alter and improve property acquired by the Corporation.
4. To apply for, buy or otherwise acquire-
 - (a) copyrights and performing rights; and (b) patents, licences, concessions or the like: conferring an exclusive or non-exclusive or limited right to use information or a process which may seem to the Board capable of being used for the purposes of the Corporation or the acquisition of which may seem to the Board calculated, directly or indirectly, to benefit the Corporation, and to use, exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.
5. To establish orchestras, bands and choirs, engage artists and performers and organise, provide or subsidise public concerts, lectures and other performances or entertainment.
6. To cause descriptions of or commentaries on current events to be broadcast or diffused from the locality where they are taking place.
7. To broadcast or diffuse religious services and addresses.
8. To collect and collate news from any source and enter into agreements for the supply to the Corporation of news for the purpose of broadcasting or diffusing the same.

9. To obtain from or grant to a government operator of a diffusion service or other person whatsoever, whether within or outside Zambia and gratuitously or otherwise, rights or concessions in connection with the broadcasting or diffusion by the Corporation or programme broadcast or diffused by the Corporation or, as the case may be, the government, broadcaster, operator or other person.

10. To compile, print, publish and distribute, with or without charge, publications relating wholly or partly to the broadcasting or diffusion services of the Corporation or to the undertakings of the Corporation.

11. To enter, with the approval of the Minister, into agreements with persons in connection with the operation of diffusion services.

12. To carry on or operate, with the approval of the Minister, broadcasting and diffusion services in conjunction or association with other persons.

13. To broadcast or diffuse advertisements for periods which do not-

(a) in the aggregate amount to more than fifteen per centum of the time each day during which the service in which the advertisements are included is broadcast or diffused; and

(b) in each hour during which the service in which the advertisements are included is broadcast or diffused amount to more than ten minutes;

or for such longer period or, as the case may be, periods the Board, with the approval of the Minister, may, by varying one or other or both of the time limits specified in this paragraph, determine.

14. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with any movable assets of the Corporation or any part thereof and, with the approval of the Minister, any immovable assets of the Corporation or any part thereof, which are not required for the purposes of the Corporation for such consideration as the Board may determine.

15. To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable and transferable instruments.

16. To insure against losses, damages, risks and liabilities which the Corporation may incur.

17. To make contracts and to enter into suretyships or give guarantees in connection with the exercise of the functions of the Corporation or the undertakings of the Corporation and to modify or rescind such contracts and to modify or rescind such suretyships or guarantees.

18. To invest monies of the Corporation not immediately required by the Corporation in such manner as the Board may, with the approval of the Minister, determine and to vary or realise investments so made.

19. To raise monies, temporarily or otherwise, by way of loans or by bank overdraft for such purposes as the Minister may approve.

20. To pay a person in the employment of the Corporation such remuneration and allowances as may be fixed in terms of subsection (3) of section *Seventeen* and to grant a person in the employment of the Corporation such periods of leave as are stipulated or in respect of which provision is made in his terms and conditions of service and, with the approval of the Minister, to make gifts, bonuses and the like to a person in the employment

of the Corporation.

21. To provide pecuniary benefits for persons in the employment of the Corporation on their retirement, death or termination of service or in the event of their sickness or injury or for their dependants, and for this purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for persons in the employment of the Corporation any or all of the pecuniary benefits to which the provisions of this paragraph relate.

22. To purchase, lease or otherwise acquire dwelling houses for occupation by or lease to persons in the employment of the Corporation.

23. To construct dwelling houses for occupation by or lease to persons in the employment of the Corporation on land vested in the Corporation and to purchase, lease or otherwise acquire land for that purpose.

24. To lend money to persons in the employment of the Corporation who are required to travel in the course of their duties, for the purpose of purchasing vehicles.

25. To enter with the approval of the Minister, into agreements with persons, associations and companies in connection with the collection of licence fees.

26. To produce, manufacture, purchase or otherwise acquire gramophone and other mechanical records, tapes, materials and apparatus for use in connection with broadcasting services.

27. To provide facilities for training and advancing of the skills of persons in its employment.

28. To establish, install, erect, alter, reconstruct, operate, and maintain broadcasting studios, transmitters, relay stations and micro-wave facilities.

29. To introduce such number of radio and television broadcasting stations and channels as the Board may consider necessary.

30. To determine, subject to the direction of the Board, the programme policy for the Corporation.

31. To act in combination or association with any other person or body whether incorporated or not, and whether in Zambia or elsewhere for any other purposes authorised by this Act.

32. To develop and make available radio and television broadcasting services through Zambia by the most appropriate and efficient means and as resources become available for the purpose.

33. Subject to the directions of the Board, to carry on broadcasting services for such purposes as the Board may specify for reception by listeners outside Zambia.

34. To implement the editorial policies of the Corporation and maintain editorial independence.

35. Generally to do all such things as are incidental or conducive to the exercise of the functions of the Corporation or are incidental to the powers specified in this Schedule or which are calculated, directly to enhance the value of or render profitable or develop the services, undertakings, property or rights of the Corporation.

(As amended by Act No. 20 of 2002)

SUBSIDIARY LEGISLATION

SECTION 25-THE ZAMBIA NATIONAL BROADCASTING (LICENSING) REGULATIONS *Regulations by the Minister*

Statutory Instrument

178 of 1993

Act No. 13 of 1994

1. These Regulations may be cited as the Zambia National Broadcasting (Licensing) Regulations.

Title

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

Interpretation

"Band III" means a very high frequency (VHF) television band from 174 MHZ to 238 MHZ;

"Band IV" means (UHF-Ultra High Frequency) sixteen channels are available from 470 to 582 MHZ;

"Band V" means (UHF-Ultra High Frequency) forty channels are available from 582 to 862 MHZ;

"Commercial television station" means any UHF or VHF station, other than those classified by the Minister as non-commercial or educational and other than the stations frequency and amplitude for the purpose of providing FM reception to the general public;

"FM/TV booster stations" means FM broadcasting booster stations that operate to retransmit the signals of FM radio broadcasting signals of FM radio broadcasting stations by amplifying and reradiating such signals without significantly altering any characteristics of incoming signals other than its amplitude;

"international broadcasting station" means transmissions by international broadcasting stations which are licensed by non-governmental entities and are intended to be received by the general public in foreign countries;

"low power television station" means a television station that transmits programmes and signals of a TV broadcasting station and originates programmes or operates as a subscription service;

"TV translators" means a station operated to transmit programmes and signals of a television broadcasting station without significantly altering any characteristics of the original signal other than its frequency and amplitude for television reception to the general public;

"satellite broadcasting" means a greater number of channels are available than on any other band at 11.7 to 12.5 GHZ;

"auxiliary service" means radio frequencies operated in conjunction with AM, FM or TV stations and includes remote pick up stations, TV auxiliary broadcasting stations and low power auxiliary stations;

"cable television relay service" means the station is used for the transmission of television and related audio signals, signals of standard and FM broadcasting stations, signals of instructional television, fixed stations and cable casting from the point of reception to a terminal point from which the signals are distributed to the public by cable system;

"commercial AM/FM station" means an AM or FM station other than those stations which qualify as non-commercial or educational stations;

"commercial television station" means a VHF or UHF television station other than those classified by the Minister as non-commercial or educational stations;

"FM translators" means an FM translator station which retransmits the signals of an FM radio broadcasting station or another broadcasting translator station which significantly does not alter any characteristics of incoming signals.

3. (1) No person shall operate a radio or television broadcasting station without a licence issued by the Minister. Application

(2) The Minister may issue a radio or television broadcasting licence to-

(a) an individual;

(b) a body corporate;

(c) an association, by whatever name called, established on a permanent basis.

(3) The fees for independent television stations shall be as set out in the First Schedule.

(4) An applicant shall fill in a Fee Processing Form set out in the Second Schedule.

4. (1) An applicant for a licence shall-

Conditions for
licence

(a) comply with the provisions of the Radio Communications Act; Cap. 169

(b) fully describe the proposed technical facilities which he wishes to establish;

(c) demonstrate his financial ability to construct the station and operate it for a period of at least one year; and

(d) indicate the type of programmes he wishes to show or air, and, if the station is not an international broadcasting station, it shall also indicate the economic, social and cultural events in Zambia.

(2) The Minister shall issue a licence in the form set out in the Third Schedule on completion of the construction of the broadcasting station.

(3) The licence shall be valid for a period of seven years or such shorter period as the Minister may determine in any particular case or class of cases.

5. The Minister shall declare in the *Gazette* and the national media- Declaration

(a) any broadcasting and frequency available within a period of twelve months, for use in a particular area; and

(b) the type of station proposed and the assigned power levels.

6. (1) An application for a construction permit to build a broadcasting facility shall be in the form set out in the Fourth Schedule. Filing applications

(2) The Broadcasting and Construction Permit licence shall be in the form set out in the Fifth Schedule.

(3) The Minister may allow extension of time where circumstances beyond the control of the contractor prevent the completion of construction in the time specified in the permit.

(4) A confirmation of a broadcasting licence shall be in the form set out in the Sixth Schedule.

(5) The Minister may make changes or modifications to the confirmation licence to comply with international treaties and agreements.

(6) The licence or the right to use the frequency is not transferable.

(7) The application shall be issued within a period of two months.

(8) The construction period shall not exceed one and a half years.

(9) The Minister shall, at regular intervals, publish in the *Gazette* and the national media, a list of applications accepted.

(10) Where an application is rejected a fresh application may be filed within thirty days from the date of refusal and the licence may be issued unless the Minister has not granted the licence to a competing applicant.

7. (1) There shall be the following radio station licences: Types of stations

(a) commercial television stations;

- (b) commercial AM/FM stations;
- (c) FM translators;
- (d) television translators;
- (e) low power television;
- (f) FM and television booster stations;
- (g) auxiliary services;
- (h) international broadcasting stations; and
- (i) cable television services.

(2) No person without a permit or licence of a primary frequency modulation broadcasting station shall apply for a frequency modulation broadcasting booster authorisation.

(3) No person shall, without a permit or licence for a full service television broadcasting station, retransmit programmes and signals of its primary station to areas of low signal strength in any region within the primary television station's Grade B contour.

(4) An international broadcasting station shall operate at an internationally predetermined frequency.

8. (1) The following radio transmission shall be available to media Transmissions not controlled by the Government:

- (a) Long Wave (LW);
- (b) Medium Wave (MW); and
- (c) Frequency Modulation (FM).

(2) The following television transmissions shall be available for Government controlled media:

- (a) Band III;
- (b) Band IV;
- (c) Band V; and
- (d) satellite broadcasting.

(3) The following radio transmissions shall be available for Government controlled media:

- (a) Short Wave (SW) for radio broadcasting; and
- (b) Band III for television broadcasting.

9. (1) A person who applies for a broadcasting station licence shall: Notice in local media

- (a) give notice in a local newspaper or national media if no local newspaper is available;
- (b) publish the notice at least twice a week in two consecutive weeks.

(2) The notice shall contain the following information:

- (a) the name of the applicant;
- (b) the names of the officers and directors holding more than 10 per cent or more of the shares of the company;
- (c) the purpose for which the application is filed;
- (d) the date filed;

- (e) the call and letters of the frequency or channel;
- (f) the facilities sought, including the type and class of station power location of studios, transmitters and antenna height;
- (g) a statement that a copy of the application and related materials is filed for public inspection at a stated address in the community in which the station is proposed to be located;
- (h) a statement that members of the public wishing to bring information to the attention of the Minister regarding the legal, financial, technical or programming qualifications of the applicant shall do so not later than the last day of publishing the announcement.

10. The following limits of common media ownership shall apply:

- (a) ownership limits of AM, FM and television station; and
- (b) regional or local ownership limits of AM, FM and television stations.

FIRST SCHEDULE

(Regulation 3 (3))

FEES FOR INDEPENDENT TELEVISION STATIONS

<i>Type of Fee</i>	<i>Fee units</i>	<i>Type of Service</i>
1. Application for licence	1,000	Acquisition of forms and processing fee
2. Assignment of station licence	40,000 primary licence charge	Primary broadcasting/cable television services (Subscription television)
3. Any other subsequent construction, station modification or service expansion	10% of primary licence charge (4,000)	Secondary broadcasting casting activities such as TV translators and LPTV station translators and LPTV stations TV booster stations, TV auxiliary broadcasting station, etc.
4. Annual subscription fee	25% of primary licence charge (10,000)	
5. Station licence renewal	50% of primary licence charge (20,000)	
6. Application for extension of time to construct station or replace construction permit	1% of primary licence charge (400)	
7. Application for amateur or temporary station licence	1% of primary licence charge (400)	

FEES FOR INDEPENDENT FM RADIO STATION

<i>Type of Fee</i>	<i>Fee units</i>	<i>Type of Service</i>
1. Application for licence	1,000	Acquisition of forms and processing fee
2. Assignment of station licence	20,000 (primary licence charge)	Primary broadcasting
3. Any other subsequent construction, modification or service expansion	10% of primary licence charge (2,000)	Secondary broadcasting activities such as FM translator station, FM Booster stations, FM auxiliary services etc.
4. Annual subscription fee	25% of primary licence charge (5,000)	
5. Station licence renewal	50% of primary licence charge (10,000)	
6. Application for extension of time to construct station or replace construction permit	1% of primary licence charge (200)	
7. Application for amateur or temporary station (200)	1% of primary licence charge	

FEES FOR INDEPENDENT FM RADIO STATION

<i>Type of Fee</i>	<i>Fee units</i>	<i>Type of Service</i>
1. Application for licence	1,000	Acquisition of forms and processing fee
2. Assignment of station licence	30,000 (primary licence charge)	Primary broadcasting
3. Any other subsequent construction, modification or service expansion	10% of primary licence charge (3,000)	Secondary broadcasting casting activities such as radio auxiliary service
4. Annual subscription fee	25% of primary licence charge (7,500)	
5. Station licence renewal	50% of primary licence charge (15,000)	
6. Application for extension of time to construct station or replace construction permit	1% of primary licence charge (300)	
7. Application for amateur or temporary station (200)	1% of primary licence charge (300)	

SECOND SCHEDULE

(Regulation 3 (4))

FEE PROCESSING FORM

1. Applicant's name
2. Mailing address

3. Town
4. State/Country
(If foreign Address)
5. Broadcasting Station
6. Call Sign
7. Type of Fee(s)

8. Total amount due: fee units.....
9. Total amount remitted
with this Application: fee units
10. Mode of Payment: By post
Hand Deliver
11. Form of Payment: Cash
Cheque
Telegraphic Money Order
Bank Draft
12. *If sent by Cheque indicate Cheque No
13. Applicant's Signature Date

THIRD SCHEDULE

(Regulation 4 (2))

MIBS/BLC 5

Ref. No

Call Sign

Ministry of Information and Broadcasting Services

REPORT OF COMPLETED STATION CONSTRUCTION

SECTION I-GENERAL INFORMATION

- 1. Applicant's Name
Applicant's mailing address
Telephone No

SECTION II-TECHNICAL DATA

2. Completion date of construction.....

2.1 Description of facilities as authorised by the construction permit:

(a) Location of transmitting station (co-ordinates)

(b) Antenna co-ordinates "N. Latitude
"W. Longitude

(c) Effective radiated power	Horizontal	Vertical
kW	----- kW-----	-----

(d) Beam tilt effective radiated power (if applicable)	----- kW-----	
kW		

(e) Radiation centre above ground	----- m	----- m
-----------------------------------	---------	---------

(f) Radiation centre above mean sea level	m-----	m
---	--------	---

(g) Antenna height above average terrain	----- m	----- m
--	---------	---------

(h) Overall tower above ground

(including antenna, all other appertunances, lighting, if any) ----- metres

2.2 Description of facilities as constructed:

(a) Antenna co-ordinates Latitude "N. Longitude "W.

(b) Effective radiated power kW Horizontal Vertical

(c) Beam tilt effective radiated power (if applicable) kW

(d) Radiation centre above ground m m

(e) Radiation centre above ground m m

(f) Antenna height above ground m m

(g) Overall tower above ground (including antenna, all other appertunances and lighting, if any) -----metres

2.3 Are there any differences the facilities describes in item 2.1 and those in item 2.27 Yes No

If YES, attach an annexure explaining in detail how these differences occurred.

Annexure No. []

2.4 Attach an annexure in compliance with any special operations, terms and obligations described in the construction permit

Annexure No. []

Does not Apply []

2.5 Antenna description

Make Mode No No. of Section Power Gain

[] [] [] []

If the antenna utilises tilt, null fill, reduced spacing (less than one wavelength) between bays or the antenna is directional or specialised, an Annexure must be attached.

Also attach radiating pattern.

Annexure No. []

2.6 Transmission system description

(a) Transmission line:

Make

Model No.

Length in m

[] [] []

(b) Perfect efficiency of entire transmission line system %

If any losses are included in 2.6 (b) other than the loss of transmission line listed in 2.6 (a), attach an Annexure detailing these addition losses.

Annexure No.

2.7 Transmitter power output (in kilowatts) kW

2.8 Operating constants:

(a) D.C. plate current in last radio stage (amperes) A

(b) Applied D.C. voltage in last radio stage (volts) V

(c) Efficiency of transmitter at operating power (percent) %

(d) RF transmission line meter reading (percent) %

CERTIFICATION

I certify that the foregoing statement of technical information is true to the best of my knowledge and belief.

Name Signature

Address Date

[] Technical Director

Other []

[] Chief Engineer (Operator)

(Specify).....

FOURTH SCHEDULE

(Regulation 6 (1))

MIBS/BLC 3

Ministry of Information and Broadcasting
Services

APPLICATION FOR CONSTRUCTION
PERMIT FOR RADIO AND
TV BROADCASTING STATIONS IN
ZAMBIA

SECTIONS I - GENERAL INFORMATION

1. Name/s of applicant/s
- 1.2 Mailing address of applicant
- 1.3 Telephone No Telex Facsimile
- 1.4 Is fee submitted with this form?

Yes No

If yes, state amount enclosed K.....and enclose copy of receipt.

- 1.5 This application is for (check appropriate boxes)

Amateur AM TV

Commercial Public

Other (Specify)-----

SECTIONS II - LEGAL QUALIFICATIONS

- 2.1 Application is (check one box)

Natural person Legal person (corporation)

Other

- 2.2 Nationality of applicant if applicant is a natural person -----

- 2.3 If applicant is a corporation, identify the date and place where applicant is registered.

Date Place

Attach to this application as Exhibit No. 1 a verified copy of the applicant's registration certification.

- 2.4 Name, address and citizenship (nationality) of director and each officer of the corporation.

2.5 Name, address and nationality of each person who owns stock/share in the corporation. Specify the number and percentage of shares owned by each person.

2.6 Total authorised shares of corporate stock -----
Total issued shares of corporate stock -----

2.7 Are there any documents, instruments, contracts or understanding (written or oral) not already identified in this application, relating to current or future ownership interests in the applicant or rights to profits or income from the proposed operation of the broadcasting station?

Yes No

If yes, attach to this application any such documents as Annexure No. 2. All oral understandings must be reduced to writing and included as a part of Annexure No. 2.

2.8 Are there any documents, instruments, contracts or understandings (written or oral), not already identified in this application, relating to programming or technical operation of the proposed station or any other aspect of the proposed station(s) operation?

Yes No

If yes, attach to this application any such document, as Annexure No. 3. All oral understandings must be reduced to writing and included as a part of Annexure No. 3.

2.9 Does the applicant or any part to this application or any member of the immediate family of any party to this application have interest as an owner, director or officer in any broadcasting or other media in Zambia?

Yes No

2.10 Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant or any party identified in response to No. 2.5, and 2.9 above?

Yes No

If the answer is yes, attach as Annexure No. 4 a full disclosure of the person(s) and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offence alleged or committed, and a description of the current status or disposition of the matter.

SECTIONS III - FINANCIAL QUALIFICATIONS

3.1 Attach as Annexure No. 5 a detailed itemisation of the total costs of constructing the proposed station and the total cost of operating the station for one year after construction is completed. Costs must include infrastructure, staff and all other expenses.

3.2 Attach as Annexure No. 6 verified financial documentation which establishes the ability of each source to provide the

funds noted.

- 3.3 Will any funds, credits or any other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, or domestic entities controlled by aliens, or their agents:

Yes No

If yes, attach as Annexure No. 7 a full disclosure concerning this assistance.

SECTION IV-INFRASTRUCTURE-ENGINEERING

- 4.1 Transmission medium (e.g. cable/terrestrial or microwave links/satellite).
4.2 Frequency band (e.g. LF/MF/SW/FM/VHF/UHF).
4.3 Operating frequency.
4.4 Coverage Area (attach map as Annexure No. 8).
4.5 (a) Site for transmitter (indicate exact geographical co-ordinates):
(b) Make/type, of transmitting equipment:
(c) Radiated power:
4.6 Site for studio.
4.7 Will any existing transmission facilities in Zambia be used?
 Yes No

If yes, identify owner and describe location of facilities to be used. Also describe manner in which facilities will be used and provide proof of contract with owner of facilities as Annexure No. 9.

- 4.8 Antenna Characteristics:
(a) Type of Antenna
(b) Height and Gain
(c) Other Particulars
4.9 Provide proof as Annexure No. 10 that the proposed site is available for the use intended by this application.

SECTION V-PROPOSED PROGRAMMING

- 5.1 Details of any previous experience in broadcasting
- 5.2 In what language(s) will programming be broadcasting
- 5.3 Proposed number of hours station will broadcasting each day
(Specify times of the day)
- 5.4 Attach as Annexure No. 11 details of proposed programme schedule showing programming format.
- 5.5 Estimated percentage programming time to be:
(a) Produced in Zambia by applicant

- (b) Produced in Zambia by other organisations
- (c) Relayed directly from foreign sources
- (d) Obtained via other means from foreign sources

5.6	Percentage time allocated to:	
	Coverage of Zambian scenes	%
	Zambian Music	%
	Other Music	%
	Zambian sport	%
	International sport	%
	Educational broadcasts produced in Zambia	%
	Other educational broadcasts	%
	Public service announcements and programmes	%
	Community messages	%
	Advertising	%
5.7	Source of programming	%
	Zambian news and current affairs	%
	Foreign news and current affairs	%
	Music	%
	Advertising	%
	Other	%
5.8	Station identification	
5.9	Call sign	

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief.

Signature of Chief Executive

Name of Applicant

Date -----

Title -----

FIFTH SCHEDULE

(Regulation 6 (2))

Ministry of Information and Broadcasting Services

BROADCASTING AND CONSTRUCTION PERMIT

Subject to the provision of ----- Act of 19 -----

Rules and Regulations set forth in this permit, authority is hereby granted to construct and build FM Broadcasting Station located and described as follows:

Name -----

Authorised assignment -----

1. Frequency -----

2. Transmitter output power -----

3. Effective radiated power -----

4. Antenna height above ground (metres) -----

5. Hours of operation -----

6. Station Location -----

7. Studio location (if applicable) -----

8. Location of antenna and supporting structure:

North Latitude degree °

West Longitude degree °

9. Transmitter location

10. Transmitter(s) Type

11. Aviation obstruction markings

12. Additional/Special conditions

13. Date of required commencement of construction

14. Date of required completion of construction

Ref No -----

Call sign -----

Date -----

*Ministry of Information and
Broadcasting Services*

SIXTH SCHEDULE

(Regulation 6 (4))

Ministry of Information and Broadcasting Services

CONFIRMED BROADCASTING LICENCE

Subject to the provision of
Act of 19
and Ministry Rules and Regulations, and further subject to conditions set forth in this
licence, the Minister has this
day of
licensed
to use and operate
the apparatus hereinafter described for the purpose of broadcasting for the term
ending

The licensee shall use and operate the said apparatus in accordance with the following terms:

1. Frequency
2. Transmitter output power
3. Effective radiated power
4. Antenna height above ground (metres)
5. Hours of operation
6. Station Location (Town)
7. Location of antenna and supporting structure:

North Latitude degree ° ' '

West Longitude degree ° ' '

8. Transmitter location
9. Type of transmitter(s)

- 10. Aviation obstruction markings
- 11. Additional/Special conditions

CERTIFICATION

I certify that the statements contained in this application are true to the best of my knowledge and belief.

Licensee fee units-----annually

Signature

Date

Signed.....

Minister

Date

