



**Stakeholders
Proposals on the
Media Services Bill
2011**



Stakeholders Proposals on the Media Services Bill, 2011

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ISBN 978-9987-710-10-2

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NOTICE

The following Bill to be submitted to the National Assembly is published for general information together with a statement of its objects and reasons.

Dar es Salaam,

Date:

Chief Secretary

A BILL

for

An Act to make provisions for the promotion and regulation of media operations in Tanzania Mainland and for other matters connected thereto.

ENACTED

by

The Parliament of the United Republic of Tanzania.

[.....]

Part I

PRELIMINARY PROVISIONS

- | | |
|------------------------------|---|
| Short title | 1. This Act may be cited as the Media Services Act, 2011. |
| Application and Commencement | 2. (1) This Act shall come into operation within ninety days after its assent by President on a day to be appointed by Minister by order published in the Gazette.
(2) This Act shall apply to Tanzania Mainland only. |
| Objectives | 3. The principal objects of this Act are:
(a) the establishment, promotion and protection of media in Tanzania;
(b) the protection of journalists from infringement of their rights;
(c) the promotion of the profession of journalism;
(d) the protection of the rights of the media subjects;
(e) the protection of journalists' confidential sources of information;
(f) the regulation of operations of media services;
(g) making provisions governing media ownership in the country; |

(h) providing for other related matters.

Interpretation

4. In this Act, unless the context requires otherwise-

“academic and professional qualifications” means a certificate given by a recognized institution of professional or higher learning institutions in media sciences;

“arbitration rules” means the rules made by the Arbitration Committee of the Stakeholders’ Independent Media Council for regulating arbitration proceedings filed under this Act or where no such rules exist, rules made under the arbitration Act;

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“Authority” means the Tanzania Communications Regulatory Authority also known by its acronym TCRA established by the Tanzania Communications Regulatory Authority Act, 2003;

“broadcaster” means a person carrying on the business of dissemination of information through audio or visual telecasts;

“broadcasting apparatus” means an apparatus for the audio or visual reception and transmission of information to the general public;

“broadcasting services” means television, radio or any other communication services in which the transmissions are intended for direct audio or visual reception by members of the general public;

“broadcasting station” means any place, location or premises used for the purposes of carrying on a broadcasting service fitted with broadcasting apparatuses;

- “Commission” means the Commission of Information established under the Right to Information Act, 2010;
- “community media” means a broadcasting or print medium established, managed and operated by the respective members of a particular community of interest or a community of locality;
- “Council” means the Council for Media Education established under this Act;
- “defamatory statement” is a statement that injures the reputation of any person by exposing him to hatred, contempt or ridicule, or damages any person in his profession or trade by an injury to his or her reputation;
- “document or record” means any medium in which information is recorded and or preserved, whether in retrievable form or not;
- “editor” means a media professional employed or undertaking the function of processing information for purposes of broadcasting or publication;
- “Executive Secretary” means the head of the secretariat of the Council for Media Education;
- "intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;
- "injury" includes injury to a person in respect of his business, occupation, employment or other source of income and also includes any actionable wrong;
- “journalist” is a media professional who collects

- and processes information from first hand sources for purposes of dissemination to the public through media;
- “libel” is defamatory information recorded by print, writing, painting, effigy or by any retrievable means otherwise than solely by gestures, spoken words or other sounds;
- “licence” means a certificate issued by the Authority under section 11;
- “matters of public concern” includes all matters of legitimate public interest including, but not limited to, all three branches of government, politics, public health and safety, law enforcement and the administration of justice, consumer and social interests, the environment, economic issues, the exercise of power, art and culture, and matters relating to public figures and public officials;
- “media” means all means of conveying information from a source to the public or intended recipients through sound, virtual, electronic, print or any other audio, visual or mechanical device conducting media services;
- “media practitioner” includes a journalist, editor, media worker and media professional;
- “media professional” is a skilled person who is qualified in media sciences and or media studies;
- “media services” includes the process of seeking, obtaining, processing and publication of information to the public through media but does not include personal or private electronic mails, private blogs and Web sites, personal or private information and communications published through media;

- “media stakeholders” means media professionals, media owners, media subjects, media workers, media professional associations, trade unions and government;
- “media worker” means any person working for a media establishment;
- “Minister” means the Minister for the time being responsible for media services;
- “minor” means a person who has not attained the apparent age of eighteen years;
- "newspaper" means any regular publication containing news, intelligence, reports of occurrences, views, comments or observations thereon, printed for sale or distribution in the form of tabloid, broadsheet or magazine;
- “official” in relation to a public authority or private body, means any person in the employment, whether permanently or temporarily, full-time or part-time, of that public or private body, and includes the head of the authority or body, or a member of the public or private body;
- “opinion” is a statement which is given as a personal comment, assessment or evaluation of a fact, event or situation whether as an expert or not that does not bind or impose legal liability upon its maker;
- “periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;
- "prescribed" means–
- (a) prescribed by or under the written law in which the word occurs; and

- (b) in a case where reference is made to anything prescribed by a written law other than the law in which the word occurs, includes anything prescribed by subsidiary legislation made under that other written law;
- "print" means produce or reproduce words or pictures in visible form but does not include the representation of words or pictures by means of cinematography or television;
- "publication" includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape or wire, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape or other characteristics, or in any manner capable of producing, representing or conveying words or ideas and every copy or reproduction of any publication, and it includes internet materials;
- "public interest" means any matter or act that confers any benefit to the people of Tanzania or promotes and safeguards their sovereign and legitimate goals and aspirations;
- "public official" includes anyone who is elected and/or appointed to public office, and anyone who works for any branch of government or any other body which performs public functions, whether as an employee or on some other capacity;
- "Registrar" means the person appointed to register

media institutions and outlets under this Act and includes a person appointed to be a Deputy or Assistant Registrar.

“responsible Minister” in relation to a public responsibility means the Minister of Government to whom a portfolio, issue, matter or activity is assigned;

“slander” means an unlawful attack against any person by gesture, spoken words or other sounds, broadcasting any defamatory matter concerning another person;

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“stakeholders’ independent media council” means the existing media council of Tanzania registered under the Societies Act or its successor;

“unsuitable material or programme” means any publication or transmission meant for public consumption that promotes, displays or expresses nudity, sex, violence, alcoholism, drug addiction and immorality;

"written law" means all Acts for the time being in force and all subsidiary legislation for the time being in force, and includes the Acts of the Community and all applied laws.

Part II

ESTABLISHMENT OF MEDIA IN TANZANIA

Media
ownership

- 5.** (1) There shall be freedom to establish media institutions and outlets in Tanzania.
- (2) Ownership of media institutions and outlets shall be regulated in such a way that no one shall own an unfair share of the national market as determined by TCRA with participation of media stakeholders.
- (3) The right to own media shall vest on Tanzanian citizens provided that foreign citizens can co-own media with a shareholding not exceeding thirty percent (30%).
- (4) Without prejudice to the provisions of subsection (3) , citizens of the member States of East African Community shall have equal rights to own media in Tanzania in accordance to the guidelines and conditions to be set out under the Protocol on East Africa Common Market: Provided that the existing media outlets belonging to citizens of East African

countries, other than Tanzanians, at the time of coming into effect of this Act shall be deemed to have complied with subsection (3) until such time when the Protocol on East Africa Common Market shall come into operation.

- (5) State, public corporations and other state agencies shall ensure that private media shall be given equal opportunity in awarding advertisement contracts.

Public
service
media

- 6.** (1) There shall be public service media that shall be owned by the public through independent governing boards accountable to Parliament.
- (2) A person shall not be appointed as a member of the governing board of a public service media if he-
- (a) is not a citizen of Tanzania;
 - (b) has not attained 18 years of age;
 - (c) is employed in the civil service or any other branch of Government;
 - (d) holds an official office in, or is an employee of a political party or holds an elected position in the Central Government or a local government authority;
 - (e) has directly or indirectly, a significant financial interest in the private media;
 - (f) is an undischarged bankrupt;
 - (g) has been convicted, after due process, of corruption, crime of dishonesty or crimes of moral turpitude.

- (3) Members of the governing board of a public service media shall be appointed by the Appointment Committee established under section 24 of the Right to Information Act 2010.
- (4) The Appointments Committee may appoint a person who, but for the conditions set out in subsection (2) (c) and (d) , could be eligible for appointment as member of the governing board and will give such a person time that shall not exceed ninety days from the date of appointment to resign from positions that stand in conflict with his appointment.
- (5) Any person who shall be appointed as member of the governing board in accordance with this Act shall take an oath or affirmation before the Chief Justice, of faithfulness and confidentiality to the Commission.
- (6) Each sector from which a board member of a public service media is drawn shall nominate or elect its member each time the board turns over or there is a vacancy.
- (7) Each board of a public service media outlet shall elect its own chairperson and hire a secretariat to perform its day-to-day business.
- (8) Public service media shall not compete with private media in advertisement and broadcasting contracts.
- (9) Public service media shall be non-partisan and for avoidance of doubt, all

registered political parties shall have equal and unqualified access to public service media.

- (10) Public Service media shall be independent and not affiliated to any public or private body.

State
information
services

- 7.** (1) The state shall own no media of its own but shall maintain information services and facilities that shall provide services to the public freely.
- (2) State information services and facilities shall be non- partisan.
- (3) No state, public corporation or state agency shall award advertisement contract to a state information service or facility or public service media.

Media
Freedom

- 8.** (1) The media shall be free to seek, receive process and publish news and information without interference, undue influence, threat or control by any person.
- (2) Media Practitioners shall be free, when exercising their duties in accordance with this Act and the professional Code of media ethics, to seek, receive process and publish news and information without interference, undue influence, threat or control by any person.

Registration
and licensing

- 9.** (1) The Authority shall establish a registry or registries and shall appoint a registrar and may appoint deputy registrars to register media institutions and outlets.

- (2) No person shall own, transmit, relay or otherwise operate a radio or television broadcasting service unless he is in possession of an appropriate licence.
- (3) No person shall own, print and distribute a newspaper without an appropriate licence.

Application
for licence

- 10.** (1) An application for a licence under this Part may be made only by–
- (a) a citizen of the United Republic of Tanzania;
 - (b) a company whose shareholding is beneficially owned by at least fifty one percent by a citizen or citizens of the United Republic and whose principal place of business or registered office is in the United Republic of Tanzania;
 - (c) a company whose shareholders are citizens of East Africa member States in accordance with the Protocol the East African Common Market.
- (2) Any application for the grant of a licence under this Act shall be made to the Authority in such form and manner and shall contain or be accompanied by–
- (a) a prescribed application fee;
 - (b) if the application is for radio or television the applicant shall submit a proposal in relation to the policy, nature of service and a programme schedule in regard to the daily transmission time

- allocated to different programmes, network plan, proposed technical specifications of the equipment, studio, capital and trained manpower;
 - (c) if the application is for a newspaper, proposal of the policy, nature and type of the newspaper and technical information regarding capacity in terms of trained journalists, equipment and capital;
 - (d) the training programme involving local staff;
 - (e) such other information as the Authority may deem necessary in order to decide on the ability of the applicant to provide a technically viable and socially acceptable broadcasting service.
- (3) When considering an application for the grant of a licence under this Act, the Authority shall have regard to–
- (a) the expertise, experience and financial sustainability plan;
 - (b) compliance with the prescribed technical and professional standards;
 - (c) whether the conditions of broadcasting licence shall unjustly benefit one holder of a broadcasting licence above another;
 - (d) the allocation of spectrum resources in such a manner as to ensure the widest possible diversity of programming and the optimal

- utilisation of such resources, provided that priority may be given to broadcasters transmitting the maximum number of hours per day;
- (e) the reservation of spectrum resources for future use;
 - (f) the desirability of giving priority to public service media and community-based or national development broadcasts;
 - (g) the extent to which the applicant is determined and has planned to train local staff in matters concerning internet communication, radio and television broadcasting:
Provided that the Authority may exempt community media from any of the above conditions.
- (4) The Authority shall publish in the Gazette and in the mass media in the United Republic a notice in respect of every application for the issue of a licence which it has received.
 - (5) Any person may, within thirty days of publication of a notice under subsection (4), lodge with the Authority written representations if he wants to oppose the grant of a licence to the applicant, but no such representations shall be taken into account by the Authority when considering the application unless all parties have been notified of it and have been given opportunity of being heard.

Issue of
licence

- 11.** (1) Where the Authority is satisfied that a particular applicant meets the requirements of this Act for a licence holder it shall grant him an appropriate licence in the prescribed form and subject to payment of the prescribed fee.
- (2) The Authority shall, in granting licences under this section, issue a comprehensive license including business license for all regulated services.
- (3) Upon the grant by the Authority of a license under this section, it shall cause notice of that decision to be published in the Government Gazette and in any newspaper circulating in the United Republic of Tanzania.
- (4) Where the Authority decides to grant an application for a licence, it may attach conditions to the licence in relation to—
- (a) the frequencies that may be used in the operation of a station, location of a transmitter station, the technical servicing and inspection of a station and any other technical specifications;
 - (b) the prevention of electric and other disturbances of radio reception or the transmission over any telegraph line.
- (5) The Authority may, in respect of any particular broadcasting licence, and after giving the licence holder an opportunity to make written representation, amend any of the

prescribed conditions, including adding further conditions–

- (a) if the Authority is of the opinion that it is in the interest of orderly spectrum management; or
 - (b) in order to give effect to any international treaty in relation to broadcasting to which Tanzania is a party; or
 - (c) at the request of the licence holder.
- (6) Any person aggrieved by a decision of the Authority granting or refusing an application may, within ninety days petition to the High Court of Tanzania in the form and manner to be prescribed in regulations.
- (7) The Authority may specify other matters or activities connected to broadcasting or apparatus in relation to which a licence shall be required in accordance with this Act.

Broadcasting
frequencies

- 12.** (1) The Commission, shall develop and from time-to-time revise a Broadcasting Frequency Spectrum Plan in order to promote the optimal use of frequencies and the widest possible broadcasting diversity.
- (2) The Broadcasting Frequency Spectrum Plan shall ensure that the broadcasting frequency spectrum is shared equitably and in the public interest among the following categories of broadcasting, that is to say, public service, commercial and community media.

- (3) The Broadcasting Frequency Spectrum Plan, along with any revisions to it, shall be published and widely disseminated.
- (4) The Broadcasting Frequency Spectrum Plan may reserve certain frequencies for future use for specific categories of broadcasters in order to ensure diversity and equitable access to frequencies over time.

Duration
of license

- 13.** (1) A media service licence shall be issued for such period as the Authority may determine, but in any case the minimum period shall not be less than ten years for electronic media and twenty years for print media.
- (2) The Authority may upon application by the license holder renew a licence upon its expiry for such period not less than the prescribed license duration under subsection (1).
 - (3) An application for the renewal of a licence shall be made within the three months preceding the last three months before the date of expiry of the existing licence.
 - (4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary.
 - (5) If at the date of expiry of a licence the Authority has not yet reached a decision in respect of an application to renew it the licence shall continue to be of effect until the application for its renewal is

granted or refused by the Authority.

Duty to
publish certain
information

- 14.** (1) The Authority shall ensure that any newspaper or publication made or circulated in the United Republic of Tanzania should contain the following information:
- (a) the correct title or name of the newspaper or publication;
 - (b) a true description of the house or building wherein such newspaper or publication is printed or published;
 - (c) the name of the publisher and or proprietor; and
 - (d) the true names and places of business of proprietors, printers and publishers of the newspaper or publication.
- (2) Whenever any of the proprietors, printers or publishers named in the application forms and registered under the Act are changed or change their printing houses, place of business and as often as the title or name of the newspaper or publication is changed, then and in every such case the proprietors, printers and publishers shall make a resolution stating the particulars of the changed information and file it in the office of the Registrar in the prescribed form.

Filing copies to
Information
Registry

- 15.** (1) The publisher of every newspaper or publication printed in the United

Republic of Tanzania shall, upon publication of any newspaper or other publication at his own expense, deliver or send by registered post to the Information Registry established under the Right to Information Act, 2010 two copies of every newspaper or publication so published and a copy of every supplement thereto, if any.

- (2) The copies referred to in the subsection (1) shall be of the same quality and in the like condition as the copies prepared for sale or distribution.
- (3) The copies delivered to the Information Registry under this section shall be kept by the Registry for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as the Commission of Information may approve or prescribe.

Duty to publish particulars of media

- 16.** The Authority shall cause to be published in the Gazette, its website or in an annual report in each year, a list containing particulars of all registered media in the register at the close of the previous year.

Right to inspect and receive copies

- 17.** (1) Any person may, during the usual hours of business inspect a register, or require to be supplied with a copy of or an extract from any subsisting entry in a register, certified by the Registrar to be a true copy or extract of the information contained in the original register.
- (2) Any person may, during the usual hours

of business inspect any record kept by the Registrar under this Act.

- (3) Where the register is in the electronic form, the inspection and copies may be availed in such form to the person requesting such inspection or copies.

Duty to
comply with
the Code of
Ethics

- 18.** All media shall comply with the applicable media professional Code of Ethics and ethical practice to be made by the Council for Media Education pursuant to section 28 (1).

Conditions
of licence

- 19.** (1) It shall be the duty of every person holding a licence granted under this Act to comply with all conditions subject to which the licence was granted.
- (2) Broadcasters shall keep a master copy of all programmes broadcast for a period of three months, provided that a master copy of any programme which is the subject of a complaint, investigation or other dispute shall be kept until the complaint, investigation or other dispute is settled.
- (3) All media shall prepare a monthly list of all programmes aired or materials published during a particular month and submit the same to the Information Registry established under the Right to Information Act, 2010.
- (4) (4) The Information Registry shall, within two months following receipt of the list mentioned in subsection (3), select from the list such programmes and materials published and request the production of

a true copy by the media to be kept in the Registry of Information as public records.

- (5) The Commission of Information shall reimburse the media for costs incurred in developing a true copy of the programme aired or materials published pursuant to subsection (4).
- (6) The name of the producer of every programme shall be displayed at the end of the programme.
- (7) Broadcasters may only broadcast programmes which they produced or for which they hold broadcasting rights.
- (8) Copyright must be clearly indicated as part of the credits displayed with each programme.
- (9) Advertising shall be limited to forty percent (40%) of total daily programming or publication and all advertisements shall be clearly identified as such.

Breach of conditions of licence

- 20.** (1) The Authority shall supervise compliance by licence holders with the conditions and duties pertaining to licences held under this Act.
- (2) Where the Authority, as a result of inspection or of complaint by any person, is of the opinion that conditions or duties under this Act have been materially breached by a licence holder, it shall request him in writing to make written representations to the Authority regarding the alleged breach;
- (3) If after considering the written

representations made by a licence holder under this section, the Authority is of the opinion that he has materially contravened a condition or duty, it may issue an order-

- (a) warning the licence holder;
- (b) directing the licence holder to comply with the licence conditions within a period not exceeding thirty days from the date of receipt of the directions;
- (c) directing the licence holder to publish, free of charge and in such manner as the Authority may direct, the findings of the Authority;
- (d) imposing a fine on the license holder, not exceeding Tanzania shillings one million;

Provided that the Authority may impose an escalating punitive fine not exceeding Tanzania shillings fifty million (Tshs 50,000,000/-) for each subsequent breach of the same licence conditions by the same licence holder.

- (4) For the purposes of this Act, decisions and findings of the Authority shall be filed with the Court of a Resident Magistrate where the licence holder is situated for execution as if they were decisions and decrees of the same court.
- (5) Any person aggrieved by the findings of the Authority may apply for revision or appeal within ninety days to the High Court of Tanzania.

Duty to
broadcast
counter-
version

- 21.** (1) A licence holder shall broadcast a counter-version presented by any person or body of persons affected by a broadcasted programme, a counter-version that seeks to establish that the alleged fact in the previously broadcasted programme is in fact false.
- (2) The counter version referred to in subsection (1) shall -
- (a) be limited to a factual account;
 - (b) not contain any material that by reasonable estimation may expose the licence holder to legal action if such material were to be broadcasted;
 - (c) be made in writing;
 - (d) specify the programme and the assertions to which objection is raised; and
 - (e) be signed by the person affected or, in the case of an organisation, by the chief executive officer thereof.
- (3) Notwithstanding subsection (1), a licence holder shall not broadcast a counter-version if:
- (a) the person or organisation concerned has no direct interest in the transmission of the counter-version; or
 - (b) the counter-version is not of reasonable length, and in particular, if it is substantially longer than the part of the broadcast which dealt with the false assertion of fact;

- (c) the counter - version contains materials that are factually false;
 - (d) the counter - version contains materials that are exempted from publication or disclosure under the Right to Information Act, 2010;
- (4) The person or body of persons affected shall not be entitled to insist on the transmission of a counter-version as contemplated in subsection (1) if the counter-version is presented to the licence holder after the expiry of a period of forty five days from the date of broadcast of the false assertion of fact.
- (5) The licence holder shall, subject to subsection (2) and (4) -
- (a) at the first opportunity, but not later than fourteen days from receipt of a counter-version referred to in subsection (1) broadcast the counter-version within the same programme or programme section as the one in which the false assertion was made and at the same time or day or, should that not be possible, at a time equal in value to that of the programme objected to;
 - (b) broadcast the counter-version without any omissions and interruptions; and
 - (c) broadcast the counter-version free of charge.
- (6) A licence holder shall immediately upon receipt of the counter-version referred to

in subsection (1) inform the Authority of that fact, and shall keep and store the programme objected to and the counter-version for a period not less than forty five days unless otherwise directed by the Authority.

- (7) This section shall not apply to a broadcast of a public meeting or of the National Assembly.

Part III

ACCREDITATION OF JOURNALISTS AND MEDIA PRACTITIONERS

Accreditation
of professional
media workers

- 22.** (1) It shall be the duty of every media outlet to establish and maintain a register of all people directly or indirectly employed by them as media workers in diverse capacities such as reporters, photographers, broadcasters, journalists, editors, managing editors and directors of programmes.
- (2) Every media outlet shall make a copy of the register established under subsection (1) and submit the same to the Council for record.
- (3) All persons whose names shall be contained in the Register under subsection (1) shall be entitled to a professional accreditation card to be issued by the media outlet specifying the title, professional specialisation and employment status signed and stamped by the Chief Editor for and on behalf of the Council.
- (4) Any person who, in exercising the powers to accredit media practitioners

under this Part of this Act, issues an accreditation card to any other person not qualified to act as a reporter, a photographer, a broadcaster, a journalist, an editor, a managing editor or a director of a program, is guilty of an offence, and upon conviction, shall be punished by imprisonment for a term not exceeding two years or a fine not exceeding two million Tanzania Shillings or both such imprisonment and fine.

Accreditation
of freelance
media
professionals

- 23.** (1) Any media professional who is not employed by a media outlet may apply to and obtain, without unnecessary delay or conditions, a professional accreditation card from the Council.
- (2) The requirements for accreditation under this Part shall not apply to members of the public who wish to make contributions, comments, opinions, and authors of various articles to be published or broadcast in any medium of their choice whether regularly or on ad hoc basis:
- Provided that the editor shall have the duty to introduce such author or contributor that he is not a journalist.

Professional
associations
and trade
unions

- 24.** Media practitioners shall be free to organize themselves into or join professional associations and or trade unions within or outside the United Republic of Tanzania for the purposes of enhancing their professional skills and remuneration.

- 25.** (1) Any person who, unlawfully and with intent to injure or annoy a media practitioner in relation to the said media practitioners' past, present or future professional work, causes any poison or noxious thing to be administered to, or taken by, or physically attacks with poison or noxious thing, or any other thing, any media practitioner, and thereby endangers his life or does him grievous harm, is guilty of an offence and liable to imprisonment for sixteen years.
- (2) Any person who threatens to murder or unlawfully inflicts grievous harm to a media practitioner in relation to his past, present or future professional work is guilty of an offence and is liable to imprisonment for ten years.
- (3) Any person who, with intent to restrict any person from exercising his rights and freedom under section 8 of this Act, conveys a media practitioner to a secret destination without the consent of that media practitioner is said to kidnap that media practitioner and shall, upon conviction of which, be guilty of an offence punishable by imprisonment for fourteen years.
- (4) Any person who wilfully intimidates or threatens a media practitioner exercising his rights and freedoms set out in this Act commits an offence and upon conviction shall be liable to one year imprisonment or a fine not

- exceeding two million shillings or both such imprisonment and a fine;
- (5) Any person who wilfully causes damage to tools of work or communications facilities belonging to a media practitioner or media outlet commits an offence on conviction of which he shall be sentenced to pay a fine of not less than one million shillings or imprisonment for a period not less than one year or both the fine and imprisonment, and shall be ordered to pay compensation of an amount determined by the court to the person in respect of whom the offence was committed for the injuries and damage caused to that person and or for such damage to the tools.
 - (6) The provisions of this section shall not act as a barrier to any victim of any offence provided for under this section to seek and obtain civil remedies awarded by a competent court of law.
 - (7) It shall be the duty of the government and its agents to respect the status of media practitioners as civilian non-combatants in times of armed conflict by taking measures to protect them against attacks.

Protection of
Journalists
during Armed
Conflicts

- 26.** (1) During a situation of armed conflict between the government of Tanzania and a foreign state, it shall be the duty of the government to provide protection and safety for journalists reporting

behind the government forces.

- (2) In situations of civil conflicts all parties involved in civil conflicts shall observe and respect the rule not to attack or injure journalists.
- (3) Any person who fails to observe the rule under this section shall be guilty of an offence, and upon conviction of which, shall be punished by a term of one year imprisonment.

Council for
Media
Education

- 27.** (1) There shall be established the Council for Media Education that shall have objects and functions as prescribed by this Act or any other written law.
- (2) The Commission of Information established under the Right to Information Act, 2010 shall have supervisory powers over the Council for media education.
 - (3) The Council shall appoint, amongst people with proved qualifications, a secretariat to undertake its daily functions under this Act.
 - (4) The Council shall receive funds for remuneration of its members, secretariat and running of daily activities from the budget appropriated by Parliament as part of the budget allocated to the Commission for Information.
 - (5) The Council shall prepare annual reports that shall be part of the report of the Commission of Information to be laid before the National Assembly in accordance with the Standing Orders of

the said Assembly.

Functions of
the Council

- 28.** (1) The functions of the Council for Media Education shall be:
- (a) with the participation of media stakeholders to develop a media professional code of ethics;
 - (b) to facilitate the development of training curriculum for all training institutions offering media related sciences;
 - (c) to organize various professional qualifying examinations and tests with the purpose of awarding professional qualification certificates for journalists and media workers;
 - (d) to conduct research on media related matters and advise the government and other public and private bodies on specific issues related to media education;
 - (e) to accredit journalists in accordance with this Act;
 - (f) to manage the Media Training Fund;
 - (g) to perform any other function, which may be assigned to it by any other law.
- (2) The Council shall establish and maintain, as far as may be practicable, a system of consultation, coordination and cooperation with any other body or organization established by or under any other written law and having functions

similar to those specified in subsection (1).

Composition
of the Council

- 29.** (1) The Council shall consist of five members as follows:
- (a) one representative of higher media learning institutions;
 - (b) one representative from the Ministry responsible for media services;
 - (c) one representative from the Authority;
 - (d) one representative from an independent stakeholders' media council, and
 - (e) one representative from the Information Stakeholders' Forum.
- (2) Members of the Council shall elect one of them to be the Chairperson of the Council who shall preside over all meetings of the Council.
- (3) Members of the Council shall be obtained from people who have expertise, by virtue of their education or experience, in the media sector or other related fields who are known for their high moral standards, integrity, impartiality and competence.
- (4) All members of the Council shall have equal votes and the decisions shall be reached based on the majority of members.

Part IV

ACCOUNTABILITY OF THE MEDIA

Media
accountability

30. (1) It shall be the duty of every editor or director of programmes of each media outlet to satisfy himself that the contents of the articles, opinions, stories, comments or contributions made by members of the public to the media do not infringe upon the conditions contained in the licence issued by the Authority.

(2) It shall be the duty of every editor or director of programmes of each media outlet to satisfy himself that the contents of the articles, opinions, stories, comments or contributions made by members of the public to the media do not infringe upon the media professional code of conduct.

Offences
against public

31. (1) Any media practitioner who extorts, blackmails or by any other unlawful means solicits money from any other person in order to forgo to publish or broadcast any information relating to crime, immorality or defamation against

that other person commits an offence upon conviction of which he or she shall be liable to two years imprisonment or a fine not exceeding two million shillings or both such imprisonment or fine.

- (2) Any person who wilfully publishes false or manipulated information through any media shall be guilty of an offence upon conviction of which shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding two million Tanzania shillings or both such fine and imprisonment.

Breach of code
of ethics

- 32.** (1) Any person alleging a breach of professional code of ethics by a media outlet or violation of a person's basic human rights by the publication or programme whether published or about to be published by any media outlet may refer the allegations relating to the particular programme or publication to the arbitration committee established under section 33.
- (2) The Arbitration Committee shall have power, *suo motu*, to summon any media outlet or practitioner to show cause why disciplinary measures should not be taken against such media outlet or media practitioner in relation to any breach of the code of ethical standards and professional conduct.
 - (3) The stakeholders' independent media council shall be the secretariat to the Arbitration Committee with the powers

to coordinate the filing of complaints, records and arbitration process.

- (4) The parties to the dispute referred to the Arbitration Committee shall pay fees as prescribed by the Arbitration Rules, provided that the Arbitration Committee may waive the requirement of fees for complaints filed in *forma pauperis*.

Kamati ya
Usuluhishi

- 33.** (1) The stakeholders' independent media council shall appoint an Arbitration Committee that shall discharge functions and duties of the media council provided for under the Act.
- (2) The Stakeholders' independent media council shall appoint persons from members of the public to constitute a list of arbitrators who will form an arbitration committee for the purposes of this Act.
- (3) The quorum for the Arbitration Committee shall consist of the following, who among themselves shall appoint one of them to be the Chairperson for that particular arbitration:
 - (a) one lawyer,
 - (b) one media practitioner, and
 - (c) one member from the public,
- (4) The stakeholders' independent media council may solicit and obtain funding for the arbitration proceedings and remuneration of members of the Arbitration Committee from the following sources:
 - (a) members' contributions;

- (b) fees to be paid by parties to the arbitration,
- (c) donations and grants from members of the public and development partners;
- (d) appropriations from the Government budget;
- (e) any other legitimate sources.

Proceedings,
decisions of
the Arbitration
Committee
and appeals

- 34.** (1) The proceedings of the Arbitration Committee under this Act shall be conducted based on the existing laws, media professional code of conduct and rules of natural justice.
- (2) The Arbitration Committee shall, when conducting its functions under this Act, call upon and consider the evidence of both parties and upon satisfaction may enter the following awards and or orders:
- (a) damages as a result of the alleged breach;
 - (b) a preliminary injunction preventing publication or continuing publication pending final determination of the matter;
 - (c) dismissal of the complaint;
 - (d) order for publication or broadcast of an apology in the manner specified in the award;
 - (e) payment of costs;
 - (f) suspension from practicing as editor for a period not exceeding one year;
 - (g) any other order as the Arbitration Committee may deem fit.

- (3) The decision of the arbitration is final and conclusive, except for the discretionary remedy for breach of the rules of natural justice.
- (4) The decision of the Arbitration Committee shall be registered in the resident magistrate court in the place of domicile of the defendant or where the event took place.

Protection of sources

- 35.** (1) Subject to the powers of the High Court provided for under this Act or the Right to Information Act 2011, no journalist who is or has been engaged in the gathering, procuring, compiling, editing, or publishing of information for the purpose of transmission, dissemination or publication to the public shall be required to disclose the person or means from or through which information was obtained, or to disclose any unpublished information which is likely to lead to the identification of the person or means from or through which information was obtained.
- (2) The privilege provided under subsection (1) shall prevail notwithstanding provisions of any written law, which require journalists to disclose sources of their information.

Powers to order disclosure

- 36.** (1) The High Court shall have the powers to lift the privilege provided under section 35(1) if it is satisfied, after hearing the parties in camera, that disclosure of a

source of information is necessary in order to meet the ends of justice under the following conditions:

- (a) that the information is necessary for the investigation, prosecution or defence of a serious criminal offence punishable by life imprisonment or death;
- (b) that the information is necessary for protection of life;
- (c) That the interest in disclosure of source under subsections (a) or (b) outweighs the interest in non-disclosure, taking into account whether disclosure would inhibit the flow of information or endangers personal security:

Provided that the same information or other information of similar probative or investigative value cannot be obtained from alternative sources.

- (2) The disclosure order made under subsection (1) shall clearly specify reasons why, in the opinion of the court, the conditions set out in subsection (1) have been satisfied.
- (3) A disclosure order pursuant to subsection (1) shall be limited in scope to the information which is necessary to meet the conditions set out in that subsection.
- (4) Information obtained under a disclosure order may be used only for the purposes indicated in that order and accordingly,

the disclosure order must state whether such information can be published for public consumption.

- (5) Where a disclosure order has either been issued or refused pursuant to this section, any party aggrieved by that order may appeal to the Court of Appeal.
- (6) No execution of a disclosure order shall be made until a pending appeal under subsection (5), has been determined,
- (7) The privilege provided for under section 34(1) shall subsist regardless of publication or broadcast of the information the source of which is being sought.

Protection
of media
practitioners

- 37.** (1) No journalist or media practitioner or media house shall be punished for the offences set out in subsection (2) if the act that constitute the offence alleged against such a journalist, media practitioner or media house was conducted in the exercise of the following:
- (a) a constitutional or human right recognized under the Constitution of the United Republic of Tanzania or the International Human Rights Instruments;
 - (b) a duty to publish information as recognized under the Right to Information Act, 2011;
 - (c) truth, fair comment or opinion;
 - (d) the public interest to know the information so published or about

- to be published provided that the information is not exempted under the Right to Information Act, 2011;
- (e) the right to publish information after a judgment of the Commission of Information or the High Court;
 - (f) a quotation from a statement of a person entitled to make such statements or publication by virtue of his knowledge, professional responsibilities, or occupation.
- (2) Offences referred to under subsection (1) include:
- (a) abusive language, brawling and threatening violence under section 89 (1) of the Penal Code;
 - (b) solicitation or incitement under section 390 of the Penal Code;
 - (c) treason and treasonable offences under Chapter VII of the Penal Code;
 - (d) criminal trespass under section 299 of the Penal Code;
 - (e) terrorism under the Prevention of Terrorism Act.
- Cap 16
- (3) Any person claiming that his rights have been injured as a result of a media practitioner's publication or broadcast based on the grounds set out in subsections (1) and (2) may have recourse to civil remedy in courts of law.
- Cap 19

Part V

MISCELLANEOUS PROVISIONS

Regulations

- 38.** (1) The Authority may with the participation of the stakeholders make regulations regarding all matters which need to be prescribed for the better carrying out or giving effect to the provisions of this Act.
- (2) The Authority may by regulations made under subsection (1) and published in the Gazette provide for-
- (a) the registration of dealers and the information to be supplied in connection with applications for registration;
 - (b) the keeping of books, records and documents, the furnishing of returns and the supply of information relating to dealings in receivers;
 - (c) the prescription of licences to be issued under this Act;
 - (d) the collection of licence fees payable under this Act;
 - (e) the form and manner in which applications for licences are to be made and the information to be

- supplied in connection with it;
- (f) the circumstances in which and the terms and conditions subject to which licences shall be issued;
- (g) the form of licences and the terms and conditions to be contained in licences;
- (h) the issue of licences without charge authorising the possession of-
 - (i) broadcasting apparatus; or
 - (ii) apparatus for carrying on broadcasting services;
- (i) the circumstances in which and the conditions including the payment of a fee subject to which copies of licences may be obtained; and in so doing may classify broadcaster, operators of diffusion services, dealers and listeners, and otherwise make different provisions for different categories of persons; and
- (j) The procedure of appointing members of the Council.

Repeals
Cap 306
Cap 229
Cap 230
Cap 255

- 39.** (1) The laws or provisions of the laws cited in the First Schedule to this Act are amended as shown therein
- (2) The following written laws are hereby repealed:
- (a) the Broadcasting Services Act No 6 Of 1993;
 - (b) the Newspapers Act No 3 of 1976;
 - (c) the Films and Stage Plays Act No 4 of 1976; and
 - (d) the General Loan and Stock Act.

Transitional
provisions

- 40.** (1) Notwithstanding the enactment and operation of this Act in relation to the relevant sectors, any licences and permits granted prior to the commencement of this Act in relation to the production, distribution or supply of regulated goods or services in the said sectors shall remain in operation until they are revoked, annulled or otherwise replaced under this Act.
- (2) If any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in accordance with the provisions of subsection (1), a certificate under the hand of the Registrar bearing a seal of the Authority shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was so transferred or vested.

Part VI

CONSEQUENTIAL AMENDMENTS

(a) *Sub Part I*

**AMENDMENT OF THE PUBLIC
LEADERSHIP CODE OF ETHICS ACT**

Construction
Cap 398

41. This Sub Part shall be read as one with the Public Leadership Code of Ethics Act, hereinafter referred to as ‘the principal Act’.

Section 13
amended

42. Section 13 of the principal Act is amended by deleting the whole of subsection (1) and substituting for it the following new subsection:

“(1) A public leader shall declare his interest and shall not take part in the deliberations of the Cabinet, the National Assembly, a local government authority or any committee thereof, or in or at any other official forum or part of it, on any matter in which he has a direct pecuniary interest”.

Section 17
amended

43. Section 17 of the principal Act is amended in subsection (1) by deleting the whole of paragraph (c).

Modification of Regulation 6
GNs Nos
108 of 1996
261 of 2001

44. Paragraphs (1) and (2) of Regulation 6 of the Public Leadership Code of Ethics (Declaration of Interests, Assets and Liabilities) Regulations are hereby revoked.

Modification of Regulation 7
GNs Nos
108 of 1996
261 of 2001

45. Paragraphs (1), (2) and (3) of Regulation 7 of the Public Leadership Code of Ethics (Declaration of Interests, Assets and Liabilities) Regulations are hereby revoked.

(b) *Sub Part II*

**AMENDMENT OF THE POLICE FORCE
AND AUXILIARY FORCES ACT**

Construction
Cap 322

46. This Sub Part shall be read as one with the Police Force and Auxiliary Police Act, hereinafter referred to as ‘the principal Act’.

Section 43
repealed and
replaced

“Mikutano na
maandamano
ya hadhara

47. The principal Act is amended by repealing the whole of section 43 and substituting for it the following new section:
“Assemblies and processions in public places
43 (1) Any person who is desirous of convening, collecting, forming or organising any assembly or procession in any public place at any time before the assembly or procession is scheduled to take place, may in his discretion submit a written notification of his impending assembly or procession to the police officer in charge of the area specifying-

- (a) the place and time at which the meeting is to take place;
- (b) the purpose in general of the meeting; and
- (c) such other particulars as may be

convenient for the protection and safe holding of such assembly or procession.

- (2) A Police officer to whom a notification has been submitted pursuant to subsection (1), shall provide protection or escort as the case may be, and shall not give a stop order in relation to the notification unless he is satisfied upon reasonable grounds that the assembly or procession is likely to cause a breach or to prejudice the public safety or the maintenance of public order or to be used for any unlawful purpose.

Section 44
repealed and
replaced

Power to
disperse
assemblies

- 48.** The principal Act is amended by repealing the whole of section 44 and substituting for it the following new section:

44 (1) It shall not be lawful for the Police to stop or prevent the holding or continuance of any assembly or procession in any place whatsoever unless in the opinion of the officer in charge of the local Police station based on a reasonable assessment of the situation the holding or continuance, as the case may be, of such assembly or procession is likely to cause an imminent breach of the peace or to prejudice the public safety or the maintenance of peace and order.

- (2) Where a breach of the peace is imminent or has actually arisen in respect of an assembly or procession in terms of subsection (1), the officer may, for the purpose of preserving the peace, give or issue such orders as he may consider necessary or expedient, including orders

for the dispersal of any such assembly or procession as aforesaid.

- (3) For the avoidance of doubt no police officer shall have power to stop or prevent an assembly or procession in a public place merely because the convener or other person has not sent a notification of such assembly or procession.

Section 45
repealed and
replaced

- 49.** The principal Act is amended by repealing the whole of section 45 and substituting the following new section:

When
assembly or
procession is
unlawful

45. Any assembly or procession in which three or more persons attend or take part shall only be deemed unlawful within the meaning of section 74 of the Penal Code where such assembly or procession actually leads to a foreseeable or deliberate breach of the peace, or where the police have issued a valid order for dispersal under the provisions of subsection (2) of section 43 or section 44.

Section 46
repealed and
replaced

- 50.** The principal Act is amended by repealing the whole of section 46 and substituting for it the following new section:

“Adhabu

“46.(1) Any person who contravenes the provisions of subsection (2) of section 43 or section 44 shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding TSHS Five hundred thousand or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

- (2) Where any assembly or procession in a public place has been convened or collected, formed or organised otherwise than in accordance with subsection (2) of section 43-
- (a) every person taking part in convening, collecting, forming or organising such assembly or procession shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding SHS Five hundred thousand or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.
 - (b) every person attending such assembly or taking part in such
 - (c) procession, who knows or has reason to believe that assembly or procession has been convened, collected, formed or organised otherwise than in accordance with the provisions of subsection (1) of section 43, shall be guilty...”

(c) *Sub Part III*

***AMENDMENT OF THE PETROLEUM
(EXPLORATION AND PRODUCTION) ACT***

Construction
Cap 328

51. This Sub Part shall be read as one with the Petroleum (Exploration and Production) Act, herein referred to as ‘the principal Act’.

Section 10
repealed and
replaced

52. The principal Act is amended by repealing the whole of section 10 and substituting for it the following:

10. (1) No person shall disclose any information obtained by him in or in connection with, the administration of this Act, unless the disclosure is made-

- (a) for or in connection with the administration of this Act;
 - (b) to any agency of the United Republic of information obtained in respect of operations under any licence in any case where, under that licence, the agency has a right to acquire an interest in any venture;
 - (c) for or in connection with the preparation of official statistics;
 - (d) with the consent of the person from whom the information was obtained;
 - (e) for the purpose of any legal proceedings;
 - (f) for the purpose of any investigation or inquiry conducted under this Act; or
 - (g) for or in connection with any purpose which may be prescribed.
- (2) Where an area has been, but no longer is, subject to a licence, nothing in subsection (1) shall operate to prevent the disclosure by or on behalf of the Government of any geological informal or matter concerning that area.
- (3) Any person who contravenes subsection

(1) shall be guilty of an offence and liable on conviction to a fine not exceeding (three million shillings) or to imprisonment for a term not exceeding two years, or to both.

- (4) In proceeding or prosecution for an offence under this section, it shall be a sufficient defence if the accused person proves that the information disclosed and to which the prosecution relates, was without that disclosure generally known.

Section 57
amended

53. Section 57 of the principal Act is amended-

- (a) by inserting immediately after subsection (1) the following new subsection (2):

“(2) All information supplied as prescribed in the First Schedule (which relates to records, reports and accounts of registered licencees under this Act) shall be laid before the National Assembly by the Minister at the next sitting of the National Assembly or as soon as possible thereafter”;

- (b) by renumbering the existing subsection (2) as subsection (3).

(d) *Sub Part IV*

AMENDMENT OF THE MINING ACT

Construction
Cap 123

54. This Sub Part shall be read as one with the Mining Act, referred to herein as ‘the principal Act’.

Repeal and replacement of section 21

55. The principal Act is amended by repealing the whole of section 21 and substituting for it the following new section:

21. (1) Subject to subsection (2), no information furnished, or information in a report submitted, pursuant to section 98 by the holder of a Mineral Right shall, for so long as that Mineral Right or another mineral right granted to the holder has effect over the land to which the information relates, be disclosed, except with the consent of the holder of the Mineral Right.

(2) Nothing in subsection (1) shall operate to prevent the disclosure of information where the disclosure is made –

- (a) for, or in connection with, the administration of this Act;
 - (b) for the purpose of any legal proceedings;
 - (c) for the purpose of any investigation or inquiry conducted under this Act;
 - (d) to any person being a consultant to the Government or public officer who is authorised to receive such information; or
 - (e) for, or in connection with, the preparation by or on behalf of the Government of statistics in respect of prospecting or mining.
- (3) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction–
- (a) in the case of an individual, to a fine not exceeding two hundred

thousand shillings or to imprisonment for a period not exceeding twelve months, or to both;

(b) in the case of a body corporate, to a fine not exceeding one million shillings.

Amendment of section 99 **56.** Section 99 of the principal Act is amended in subsection (1) by deleting the full stop at the end of the sentence and adding the phrase “and such information shall be laid by the Minister before the National Assembly at its next sitting or as soon as possible thereafter.

(e) *Sub Part V*

**AMENDMENT OF THE TANZANIA
REVENUE AUTHORITY ACT**

Construction Cap 399 **57.** This Sub Part shall be read as one with the Tanzania Revenue Authority Act, herein referred to as ‘the principal Act’.

Repeal of section 8 **58.** The principal Act is amended by repealing the whole of section 8.

(f) *Sub Part VI*

AMENDMENT OF THE PRISONS ACT

Construction Cap 58 **59.** This Sub Part shall be read as one with the Prisons Act, herein referred to as ‘the principal Act’

Amendment of section 93 **60.** The principal Act is amended in section 93 by renumbering the existing section as

subsection (1) and by inserting immediately thereafter the following new subsection:
“(2) the Commissioner shall not unreasonably withhold information relating to conditions of prisons and prisoners, experience in prisons and administration of any prison to any person”

(g) *Sub Part VII*
**AMENDMENT OF THE REGIONAL
ADMINISTRATION ACT**

- Construction
Cap 97
- 61.** The principal Act is amended by repealing the whole of section 7.
- Repeal of
section 7
- 62.** The principal Act is amended by repealing the whole of section 7.
- Repeal of
section 15
- 63.** The principal Act is amended by repealing the whole of section 15.

(h) *Sub Part VIII*
**AMENDMENT OF THE TANZANIA
COMMUNICATIONS REGULATORY
AUTHORITY ACT**

- Construction
Cap 172
- 64.** This Sub Part shall be read as one with the Tanzania Communications Regulatory Authority Act, herein referred to as the ‘principal Act’.
- Amendment
of section 25
- 65.** Section 25 of the principal Act is amended by deleting the definition “Charter” occurring in the first line of the section.

- Amendment of section 27 **66.** Section 27 is amended in subsection (1) by deleting the whole of paragraph (d).
- Part V repealed **67.** The principal Act is amended by repealing the whole of Part V.
(i) *Sub Part IX*
AMENDMENT OF THE PREVENTION OF TERRORISM ACT
- Construction Act No 21 of 2002 **68.** This Sub Part shall be read as one with the Prevention of Terrorism Act, 2002 herein referred to as ‘the principal Act’.
- Repeal of section 9 **69.** The principal Act is amended by repealing the whole of section 9.
- Repeal of sections 30 and 31 **70.** The principal Act is amended-
(a) by repealing the whole of sections 30 and 31; and
(b) by renumbering the existing section 32 to section 54 as section 30 to section 52 respectively.

(j) *Sub Part X*
AMENDMENT OF THE NATIONAL SECURITY ACT
- Construction Cap 47 R.E 2002 **71.** This Sub part shall be read as one with the National Security Act herein referred to as ‘the principal Act’.
- Section 2 amended **72.** The definition “specified authority” in section 2 of the principal Act is amended by deleting the whole of paragraph (b), (c) and (d) of the definition and substituting the following new

paragraphs:

- “(b) the Government of the United Republic of Tanzania;
- (c) the Revolutionary Government of Zanzibar”.

Revocation of GN No,133 of 1970

73. The whole of the National Security (Classified Matters) Notice, 1970 is hereby revoked.

(k) *Sub Part XI*

AMENDMENT OF THE STATISTICS ACT

Construction Cap 351

74. This Part shall be read as one with the Statistics Act, herein referred to as ‘the principal Act’.

Amendment of section 18

75. Section 18 of the principal Act is amended-
(a) by deleting the whole of subsection (1);
(b) by renumbering subsection (2) and subsection (3) as subsection (1) and (2) respectively.

Amendment of section 21

76. Section 21 of the principal Act is amended by deleting the words “*the Bureau shall take such steps ...*” occurring in the last and one but last lines and substituting the words- “*the Bureau may take the steps necessary to ensure the security and confidentiality of the statistical information consistent with the provisions of this Act and the Right to Information Act, 2011*”. The amendment removes the power of the Bureau to deny access to information, the Bureau must comply with the liberty of access laid down in the proposed Right to Information Act.

(l) *Sub Part XII*

AMENDMENT OF THE INCOME TAX ACT

- Construction
Cap 332
- 77.** This Sub Part shall be read one with the Income Tax Act, hereinafter referred to as ‘the principal Act’.
- Section 140
repealed
- 78.** The principal Act is amended by repealing the whole of section 140.

(m) Sub Part XIII

AMENDMENT OF THE RECORDS AND ARCHIVES MANAGEMENT ACT

- Construction
Cap 309
- 79.** This Sub Part shall be read as one with the Records and Archives Management Act, hereinafter referred to as ‘the principal Act’.
- Section 9
amended
- 80.** Section 9 of the principal Act is amended in subsection (1)-
- (a) by deleting whole of paragraph (d);
 - (b) by renumbering the existing paragraphs (e) as paragraph (d).
- Repeal of
section 16
- 81.** The principal Act is amended by repealing the whole of section 16.

OBJECTS AND REASONS

This Bill is intended to translate and enact into law the liberties prescribed by the Constitution of the United Republic through an amendment in Article 18 of the said Constitution. This Bill, if passed into a law will address the freedoms as well as the responsibilities and conduct of the media. The Bill is divided into six Parts.

Part I contains the preliminary matters of short title, territorial application and definitions of certain basic words and expressions used in the Bill.

Part II provides for the freedom to establish media, whether for citizens of the United Republic, citizens of the East African Community or foreigners on differential terms. There will be public service media owned by the public through independent governing boards accountable to Parliament. The state will no longer own any commercial media but will maintain state information services which will provide free services to the public if this Bill is passed into law. Media practitioners will operate freely, but will be regulated by a professional code of ethics which will be enforced through the Media Council. No person will print or distribute a newspaper or operate an electronic broadcasting facility without first acquiring an appropriate licence by TCRA. The publisher of every newspaper printed in the United Republic will be obliged to file two copies of every issue with the Information Registry established under the Right to Information Act,

2010. There will be an obligation for a publisher or broadcaster to publish on the request of any person aggrieved a recant of any false account of facts which has been published about him.

Part III sets out the conditions and manner journalists and other media practitioners will acquire their accreditation, including employed and freelance media professionals.

Part IV spells out the accountability of the media practitioners to the public. The Arbitration Committee established under section 33 of the Bill will entertain complaints from the public arising out of any offensive publication or broadcast which is alleged to offend the complainant. The Committee will have power to summon any media outlet or practitioner to show cause why disciplinary measures should not be taken in the light of a complaint from any person. The stakeholders' media council will act as the secretariat to the Committee which will have power to inflict punishment by way of damages, award of costs, suspension from practice or any other suitable punishment. While the media practitioners will be entitled as of right to hide their sources of information, the High Court will have power to order disclosure after hearing the parties in camera to meet the ends of justice in any suitable case.

Part V of the Bill sets out the power of TCRA to make regulations to complement the provisions of the proposed Act, including the conditions and manner and particulars for application for

registration of media outlets, as well as the practitioners, the form of licences and other matters. This Part repeals four laws which cannot subsist or co-exist under the letter and spirit or philosophy of the proposed law if this Bill is passed.

Part VI will amend thirteen laws in order to accommodate the concept of the freedom of access to information available to all citizens including the media. Article 18 of the Constitution of the United Republic as amended by the Fifth Constitutional Amendment (Act No.15 of 1984) has entrenched the freedom to seek, access and disseminate information. Most of these laws impose an unduly extensive cover of secrecy and confidentiality on information held by public officers and others, and the scope can be and has been extended indefinitely, unaccountably or even whimsically by the simple act of declaring (by stamping or marking) a document or information as ‘classified’ under G.N. 133 of 1970 issued under the National Security Act of 1970.

Dar es Salaam

Date:

Minister for Information, Culture and Sports