

THE REGISTRATION OF NEWS AGENTS, NEWSPAPERS
AND BOOKS ACT, 1988

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ACT NO. 5 OF 1988

I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

30th October..... 1988.

AN ACT TO REPEAL THE NEWSPAPER DECREE
AND TO PROVIDE FOR THE REGISTRATION
AND DEPOSIT OF NEWSPAPERS, FOR PRINTING
OF NEWSPAPERS AND BOOKS, FOR EXECUTION
OF BONDS CONTROL OF CINEMATOGRAH PICTURES,
AND FOR MATTERS CONNECTED THEREWITH.

ENACTED BY THE HOUSE OF REPRESENTATIVES
ZANZIBAR.

PART I

PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the Registration
of News Agents, Newspapers and Books Act, 1988
and shall come into operation on such date as the
Minister by notice in the Gazette appoint.

Interpretation.

2. In this Act, except where the context
otherwise requires :-

"Amateur" means a person who makes cinematograph
picture for his own entertainment and
without expectation or hope of reward for
the making of the same;

"book" includes any volume, encyclopaedia,
magazine, review, gazette, pamphlet, leaflet,
sheet or letterpress, map, plan and chart,
which is seperately published, and any part or

division thereof, but does not include a newspaper, visiting or business card, bill-head, letter-heading, price list, annual report, trade circular, trade advertisement or other legal or trade or business document;

"Censorship Board" means the Censorship Board appointed under section 22 of Act No.6 of 1983 for granting film permits;

"Cinematographic exhibition" means the projection of a cinematograph picture in the presence of eight or more persons including the person operating the projecting instrument, and includes the production of any music, speech, noise or other sound whatsoever which accompanies the said projection;

"Cinematography permit" means a permit to make the film of a cinematograph picture;

"Cinematograph picture" means any picture whether with or without sound effects made by means of apparatus used for film making or recording pictures and shall include any picture made by a device used for taking or recording pictures for viewing with the aid of video equipment;

"Constitution" means the Constitution of Zanzibar 1984;

"Director" means Director responsible for Information Services;

"Government" means the Revolutionary Government of Zanzibar;

"Government Policy" means Government policy governing collection, distribution and dissemination of news;

"Guide Lines" means Party Guide Lines;

"imprisonment" means confinement in an institution for the rehabilitation of offenders;

"Minister" means the Minister for the time being responsible for information, and the Ministry shall be construed accordingly;

"News Agent" means any person who undertakes to collect, distribute and disseminate news or news material for public information services, newspapers, members of the public or to any other person whether in an individual capacity or in a representative capacity and includes a reporter or any person who in any other way is involved with the activities which may be associated with collection, distribution and dissemination of news and news material;

"newspaper" includes any printed matter containing news, or intelligence, or reports of occurrences, of interest to the public or any section thereof, or any views, comments or observations thereon, printed for sale or distribution and published periodically or in parts or numbers and intervals not exceeding three months, but does not include a visiting or business card, bill-head, letter-heading, price list, annual report, trade circular, trade advertisement or other legal or trade or business document;

"Party" means Chama cha Mapinduzi;

"picture permit" means a permit to use cinematograph picture for a cinematographic exhibition;

"print" means produce or reproduce words or pictures in visible form by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or any other mode of representing the same in visible form, but does not include the representation of words or pictures by means of cinematography or television;

"register" means a register required to be kept by section 4 of this Act;

"Registrar" means the person appointed to be Registrar of News Agents, Books, and Newspapers under section 3 of this Act; and includes a person appointed under that section to be a Deputy or Assistant Registrar.

Reference in this Act to film making includes the making of cinematograph picture, photographing, recording, performing or otherwise taking part in any scenes or episodes, including sound effects for the purpose of cinematograph pictures.

Appointment
of Registrar
etc.

3. The Minister shall, by notice in the Gazette, appoint a Registrar of Books and Newspapers to perform the duties and exercise the powers imposed and conferred upon the Registrar by this Act and any rules made thereunder, and may appoint a Deputy Registrar who shall be subject to the directions of the Registrar.

Establishment
of Advisory
Board.

4. There is hereby established a board to be known as the Advisory Board which shall consist of a Chairman who shall be appointed by the President and other members not more than five who shall be appointed by the Minister.

Functions
of the
Board.

5. The Board shall have the following functions :-

- (a) to consider applications made under this Act and advise the Minister;
- (b) to advise the Minister on the implementation of this Act;

- (c) to perform any other work in relation to this Act assigned to the Board by the Minister.

Registers.

6. The Registrar shall keep separate registers in the prescribed forms in which he shall register the list of news agents and the returns of books and newspapers made to him under sections 11 and 12 and bonds delivered to him under section 15 of this Act, and shall enter therein such particulars and matters as may be prescribed.

PART II

REGISTRATION OF NEWSPAPERS

Application of this Part and exclusions.

7.(1) This Part shall not apply to or in respect of the printing or publication of any newspaper by or on behalf of the Party or the Government.

(2) The Minister may, by notice in the Gazette, exclude any specified person or class of persons or institution from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

Affidavit required from the proprietor, printer and publisher of a newspaper.

8. No person shall print or publish or cause to be printed or published in Zanzibar any newspaper, unless the proprietor, printer and publisher, shall each have previously made, signed and sworn before a magistrate and registered in the office of the Registrar in the prescribed manner and delivered by him to the Registrar, an affidavit containing the following information:-

- (a) the correct title or name of the newspaper;
- (b) a true description of the house or building wherein such newspaper is intended to be printed; and

- (c) the real and true names and places of residence of the persons intended to be proprietor, printer and publisher of the newspaper.

New
affidavit
when
required.

9. Whenever any of the proprietors, printers or publishers named in an affidavit registered under section 8 are changed or change their printing house, place of residence or office and as often as the title or name of the newspaper is changed, then and in every such case the proprietors, printers and publishers shall make, sign, swear and register in the office of the Registrar in the prescribed manner a new affidavit which shall contain all the information required by section 8 to be contained in an affidavit.

Affidavit
by
Company.

10. When a company is the proprietor, printer or publisher of a newspaper the affidavit required by section 8 shall be made, signed and sworn by the Secretary or one of the directors of the Company.

Publication
of
registration
of
newspapers.

11.(1) The Registrar shall cause to be published in the Gazette, as soon as may be practicable after registration, all the information required by section 8 to be contained in an affidavit.

(2) The Registrar shall cause to be published in the Gazette, as soon as conveniently may be after January in each year, a list containing particulars of all registered newspapers remaining on the register at the close of the previous year.

PART III

DEPOSIT OF BOOKS AND NEWSPAPERS.

Application
of this
Part and
exclusions.

12.(1) This Part shall not apply to or in respect of any book or newspaper printed or published by or on behalf of the Party or the Government.

(2) The Minister may, by notice in the Gazette, exclude any book or newspaper or any class thereof from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

Copies of books to be delivered to the Registrar and returns to be made.

13.(1) The Publisher of every book printed and published in Zanzibar shall -

- (a) before or within fourteen days after publication of the book, at his own expense deliver to the Registrar such number of copies thereof, not exceeding three in number, as may be prescribed, together with a return in respect thereof in the prescribed form, containing the prescribed particulars and signed by him;
- (b) if so required by the Registrar by notice in writing not later than one year after publication of the book, deliver to the Registrar, at his own expense and within one month after receipt of such notice, so many additional copies thereof, not exceeding three in number, as may be specified in the notice.

(2) In the case of an encyclopaedia, magazine, review, gazette or other book (not being a newspaper) published periodically or in a series of numbers, a notice under paragraph (b) of subsection (1) of this section may relate to any or all issues, numbers or parts thereof which may be subsequently published in Zanzibar by the publisher to whom the notice is addressed.

(3) All copies of a book delivered under subsection (1) of this section shall be copies of the whole book, with all maps, prints or

other illustrations belonging thereto finished and coloured in the same manner as in the best copies of the same published in Zanzibar, and shall be bound, sewed or stitched together, and of the best paper on which the book is printed.

(4) Nothing in this section shall apply to any second or subsequent edition of a book the required number of copies of the first or any preceding edition of which have been delivered to the Registrar under this section, unless the second or subsequent edition contains any addition or alteration, whether in the letter press or in the maps, prints or other illustrations belonging thereto.

(5) Upon receipt of a copy of a book delivered under this section the Registrar shall issue a written receipt therefor.

(6)(a) The copies of books delivered to the Registrar under paragraph (a) of subsection (1) of this section shall be kept 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 may be prescribed;

(b) the copies of books delivered to the Registrar under paragraph (b) of the said subsection shall be sent by the Registrar to such persons or institutions as the Minister may from time to time direct.

Copies of newspapers to be delivered to the Registrar.

14.(1) The publisher of newspaper printed in Zanzibar shall, on each day upon which the newspaper is published, at his own expense deliver, or send by registered post, to the Registrar two copies of the newspaper and two copies of every supplement thereto, if any.

(2) Such copies shall be of the paper on which the largest number of copies of the newspaper are printed and published, and shall be in the like condition, as the copies prepared for sale or distribution.

(3) The copies delivered to the Registrar under this section shall be kept 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 may be prescribed.

Returns of
newspapers
to be
made to the
Registrar.

15.(1) The publisher for the time being of every newspaper printed in Zanzibar shall, within fourteen days after the date on which it is first published, and in the month of January in every year thereafter, make, sign and deliver to the Registrar a return in the prescribed form in respect thereof.

(2) If, after any such return has been so delivered and before the next succeeding return in respect of the same newspaper is so delivered, any change occurs in any of the particulars returned, other than a change in circulation, the publisher for the time being of the newspaper shall, within one month of the change occurring, make sign and deliver to the Registrar a return thereof in the prescribed form.

Penalties.

16.(1) Any person who -

- (a) publishes any book printed in Zanzibar and fails to comply with any provisions of section 8 of this Act;
- (b) publishes any newspaper printed in Zanzibar and fails to comply with any of the provisions of section 9 or section 10 of this Act; or
- (c) makes any return under section 8 or section 10 of this Act which he knows to be false or does not believe to be true in any particular,

shall be guilty of an offence and liable to a fine of not less than five thousand shillings but not more than twenty thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(2) Upon conviction of a person for failure to comply with any provision of section 8, section 9 or section 10 of this Act, the Court may, in addition to or instead of imposing a penalty under subsection (1) of this section, order such person to deliver the return or the copies of the book or newspaper, as the case may be, to the Registrar not later than a specified date, or, in the case of failure to deliver copies of a book of the required number of standard, order him to pay to the Registrar the retail price of such copies.

(3) Where the retail price of copies is ordered to be paid to the Registrar as aforesaid, and is so paid, the same shall be applied by him to the purchase of such copies.

PART IV

BONDS

Application
of this
Part and
exclusions.

17.(1) This Part shall not apply to or in respect of the printing or publication of any newspaper by or on behalf of the Party or the Government.

(2) The Minister may, by notice in the Gazette, exclude any specified person or class of persons from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

Bond to be
executed.

18.(1) Subject to subsection (5) of this section, no person shall print any newspaper in Zanzibar, and no person shall publish any

newspaper printed in Zanzibar, unless there is in force, duly executed, registered and delivered by him to the Registrar in the manner hereinafter provided, a bond in the prescribed form in such sum as may be specified in the notice with one or more sureties as may be required and approved by the Minister.

(2) Every bond required under subsection (1) shall be conditioned to serve as security for or towards the payment of any monetary penalty which may at any time be imposed upon or adjudged against him or any person acting for him in his absence upon conviction for an offence under this Act or any other written law, committed after the execution of the bond, and relating to the printing or publication of such newspaper or of any matter therein, and also for the payment of any damages and costs awarded against him in respect of any libel printed or published in the newspaper after the execution of the bond.

(3) Where the person required to execute a bond under this section is a Company, the bond shall be executed under its title of incorporation and under the bond of the Secretary and any two directors and under the Common or Corporate Seal of such Company, and by such sureties as the Minister may require and approve.

(4) Every bond required by this Act shall be executed in the presence of a magistrate, and of one witness not being a party thereto, each of whom shall subscribe his name, with the addition of his place of residence or business, and his office, profession or occupation.

(5) A bond entered into under this section may be enforced before any magistrate in the same manner as a bail bond under the Criminal Procedure Decree.

Cap.99.

(6) Every bond shall be registered under the Registration of Documents Decree by or on behalf of the person executing it and shall then be delivered to the Registrar for custody.

New bond
in
certain
cases.

19. Whenever -

(a) Surety -

(i) gives notice of his desire to withdraw from a bond under the provisions of section 20; or

(ii) dies; or

(iii) leaves Zanzibar without leaving property therein sufficient and available to satisfy the full sum for which he is bound as a surety; or

(iv) has been declared bankrupt or has made a composition with his creditors; or

(v) pays the whole or any part of the sum for which he is bound as a surety; or

(b) a bond under this Part is against a printer or publisher liable thereunder as a principal,

the printer or publisher, as the case may be, shall within thirty days thereafter, execute and register in the Office of the Registrar in the manner provided by section 17, a new bond for the same purpose and in the same sum, and upon the completion of such execution and registration the old bond shall thereby be discharged:

Provided that all persons, whether as principals or sureties, under the old bond shall continue to be liable thereunder in respect of any penalties and costs imposed or

- (b) sells any newspaper which he knows or has reason to believe has been printed and published in contravention of the provisions of section 17 or, as the case may be, section 18,

shall be guilty of an offence and shall be liable upon conviction to a fine of not less than five thousand shillings but not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

PART V

GENERAL PROVISIONS RELATING TO NEWSPAPERS

Evidential
value of
copies and
extracts
and of
certificates.

23.(1) Every copy of an entry in, and every extract from, a register kept under this Act, certified under the hand of the Registrar to be a true copy or extract, shall in all legal proceedings be conclusive evidence of the contents of the register in so far as the same appear in such copy or extract, and prima facie evidence of the facts appearing therein.

(2) A Certificate under the hand of the Registrar stating that he has or has not received any notice or return under this Act or any regulations made thereunder, or that he received such a notice or return on, or did not receive such a notice or return by or before, a specified date, shall in all legal proceedings be prima facie evidence of the facts stated therein.

(3) A certificate under subsection (1) or subsection (2), purporting to be signed by the Registrar shall be presumed, until the contrary is proved, to have been signed by him.

(4) No process for compelling the production of any newspaper, register or document kept by, or in the possession or custody of, the Registrar shall issue from any Court except

with the leave of that Court, and any such process issued with such leave shall bear a statement that is so issued.

When proof
of
purchase of
newspaper
unnecessary.

24. After production in evidence of any affidavit, or a certified copy thereof, against the person who signed and made such affidavit or the person named in such affidavit, and after the newspaper has been produced in evidence having the same title or name as that contained in the affidavit, or copy thereof, and in which the name of the printer or publisher and the place of printing is the same as the name of the printer and publisher and the place of printing mentioned in the affidavit, or copy thereof, it shall not be necessary for the informant or prosecutor to prove that the newspaper to which the trial relates was purchased at any house, shop or office belonging to or occupied by the offender, or by his agent or servant, or where such printer or publisher usually carries on the business of printing and publishing such newspaper, or where the same is usually sold.

Name and
address
of printer,
etc. to be
printed on
newspaper.

25.(1) Each copy of every newspaper and each copy of every supplement printed within Zanzibar shall have printed legibly on the first or last printed page the true and real name and address of the printer and of its publisher and the true and real description of the place of printing and of publication.

(2) Any person who prints, publishes sells, distributes or assists in selling or distributing any newspaper which does not comply with the requirements of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine of not less than five thousand shillings but not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such

fine and imprisonment, and in addition the court before whom such person is convicted may order all copies of the newspaper in respect of which the offence was committed in the custody of the Court or in possession of the offender to be forfeited or destroyed.

Printer to keep copy of newspaper and produce the same on demand.

26.(1) Every person who prints a newspaper shall for a period of six months after the date of the printing thereof keep one copy of the newspaper on which he shall write or print the name and the business, residential or postal address of the person by whom he was engaged to print it, and shall forthwith produce the same to the Registrar or to any Court, judge or magistrate if he is required, by notice in writing, so to do.

(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine of not less than two thousand shillings but not more than ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Power to seize certain newspapers and search premises.

27.(1) Any police officer may seize any newspaper, wherever found, which has been printed or published, or which he reasonably suspects to have been printed or published, in contravention of this Act.

(2) Any magistrate may by warrant authorize any police officer of or above the rank of Inspector, with or without assistance, to enter and search any place where it is reasonably suspected that any newspaper printed or published in contravention of this Act is being kept or that any offence under this Act or any regulations made hereunder has been, is being or is about to be committed and to seize any

newspaper found therein which he reasonably suspects to have been so printed or published, together with any other evidence of the Commission of an offence under this Act or any regulations hereunder which may be found.

(3) If any police officer of or above the rank of Inspector has reasonable cause to believe that the delay which would occur in obtaining a search warrant under subsection (2) would, or would tend to, defeat the purpose of this Act, he may, without warrant, exercise the powers described in that subsection as if he had obtained a search warrant under that subsection.

(4) Any newspaper or other thing seized under this section shall be brought as soon as practicable before a magistrate, who may, if he is satisfied that the newspaper was printed or published in contravention of this Act or any regulations hereunder, or that such other thing has been used in the Commission of an offence under this Act or any regulations hereunder order the same to be forfeited or destroyed.

Cancellation of
affidavits
registered.

28.(1) The Minister shall from time to time cause a review to be made of all affidavits registered for the purpose of section 8 and if on such review it shall appear to him that any affidavit so registered relate to a newspaper of which no issue has been published or for a period of three years immediately proceeding the date of such review the Minister may cause to be published in two consecutive issues of the Gazette notice of his intention to cancel the registration of such affidavits unless within a time to be stated in the notice the proprietor, printer and publisher of the newspaper notify him in writing of their intention to resume publication of such newspaper.

18/....

(2) If after the publication in the Gazette of a notice under subsection (1) -

- (a) notification of the nature mentioned in subsection (1) is not received by the Minister within the time stated in such notice;
- (b) notification of the nature in subsection (1) is received by the Minister within the time stated in such notice, but no issue of the newspaper is in fact published within a period of three months after receipt of such notification, the Minister may, by a further notice in the Gazette, declare that the affidavits registered in respect of such newspaper have been cancelled.

(3) As from the date of publication of any notice under subsection (2) cancelling any affidavits -

- (a) such affidavits shall be deemed not to have been registered for the purposes of section 8; and
- (b) any bond registered or any guarantee given under this Act by or on behalf of the publisher of any newspaper to which such affidavits relate shall be deemed to be void.

Inspection of registers, etc. and provision of copies of extracts from registers.

29.(1) Any person may, during the usual hours of business and on payment of the prescribed fee, inspect a register, or require to be supplied with a copy of or an extract from any subsisting entry a register, certified by the Registrar to be a true copy or extract.

(2) Any person may, during the usual hours of business and on payment of the prescribed fee, and subject to such conditions as may be prescribed, inspect any newspaper kept by the Registrar under this Act for the purpose of record.

Minister may
suspend
publication
of
newspaper.

30.(1) Where the Minister is of the opinion that it is in the public interest or in the interest of peace and good order so to do, he may by order direct the suspension of the publication of the Newspaper named in the order, and such newspaper shall cease publication as from the date (hereinafter referred to as effective date) specified in the order.

(2) An order made pursuant to subsection (1) shall be notified to the Advisory Board within seven days which shall, as soon as practicable, advise the Minister on whether to prohibit the publication of the Newspaper named in the order or to allow its publication with or without any instructions.

Minister
may prohibit
publication
of
newspaper.

31. Where the Minister with the advice of the Board is of the opinion that prohibiting the publication of the Newspaper suspended in accordance with the provisions of section 30 would be in the interest of the public, or would be for the interest of peace and good order, he may, by order published in the Gazette, direct the Newspaper named in the order shall cease publication as from the date (hereinafter referred to as "the effective date") as specified in the order.

Contents
of the
order.

32. Every order made under sections 30 and 31 shall specify -

- (a) the title or name of the newspaper in respect of which it is made;
- (b) the names of the proprietor, printer and publisher of such newspaper:

Provided that no such orders shall be invalid by reason of non-description or misdescription of the proprietor, printer or publisher or any of them.

Offences
under
sections
30 and 31.

33.(1) Where an order under section 30 or 31 is made in respect of any newspaper -

- (a) any person who, on or after the effective date, prints or publishes or causes to be printed or published the newspaper named in the order shall be guilty of an offence and shall be liable upon conviction to a fine of not less than five thousand shillings but not exceeding forty thousand shillings or to imprisonment for a term not exceeding four years or to both such fine and imprisonment;
- (b) any person who, on or after the effective date, sells or offers for sale or exposes for sale, distributes or exhibits, or causes to be exhibited in any public place any copy or part of a copy of the newspaper named in the order, whether or not such copy or part of it was printed or published prior to the effective date, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than two thousand shillings but not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) For the purpose of this section "public place" or "public premises" includes any public way and building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting, or assembly or as an open court.

Power to
prohibit
importation
of
publication.

34.(1) If the President is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by order, prohibit importation of such publication, and in the case of a periodical publication may, by the same or a subsequent order, prohibit the importation of any part or future issue thereof.

(2) If the President is of the opinion that the importation of the publications of any special person would be contrary to the public interest, he may, in his absolute discretion, by order, prohibit, either absolutely, or subject to specified conditions, the importation of the future publications of such person.

Offences in
relation to
publications,
importation
of which
is
prohibited.

35.(1) Any person who imports, publishes, sells, offers for sale, distributes or produces any publication, the importation of which has been prohibited under section 34 or any extract therefrom, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than two thousand shillings but not exceeding forty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment and such publication or extract therefrom shall be forfeited to the Government.

(2) Any person who, without lawful excuse, has in his possession any publication the importation of which has been prohibited under section 34 or any extract therefrom, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than two thousand shillings but not exceeding ten thousand shillings or to imprisonment not exceeding two years or to both such fine and imprisonment and such publication or extract therefrom shall be forfeited to the Government.

Delivery of
prohibited
publication
to
administrative
officer
or to police
station.

36.(1) Any person to whom any publication, the importation of which has been prohibited under section 34 or any extract therefrom, is sent without his knowledge or privity or in response to request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall, forthwith, if or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such publication or extract therefrom to the nearest administrative officer or to the officer in charge of the nearest police station, and in default thereof shall be guilty of an offence and shall be liable upon conviction to a fine of not less than two thousand shillings but not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) Any person who complies with the provisions of subsection (1) or who is convicted of an offence under that subsection, shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

Power to
examine
packages.

37.(1) Any of the following officers, that is to say -

- (a) any officer of the Tanzania Posts and Telecommunications Corporation not below the rank of Postmaster;

- (b) any officer of the Customs Department not below the rank of Supervisor;
- (c) any police officer not below the rank of Inspector;
- (d) any officer authorized in that behalf by the Minister,

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 35 of this Act to import, publish, sell, offer for sale, distribute, reproduce or possess and, during such examination, may detain any person importing, distributing or posting such package or article in whose possession such package or article is found.

(2) If any such publication or extract is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the Commission of an offence under section 35 and section 36 as the case may be.

Interpretation.

38. For the purpose of sections 34, 35, 36 and 37 the words "publication", "periodical publication" and "import" shall carry the meanings provided in section 46 of this Act.

PART VI

REGULATION OF COLLECTION AND DISTRIBUTION OF NEWS AND NEWS MATERIAL

Restriction on collection and distribution of news and news material.

39.(1) No persons other than the holders of written authorizations issued by the Director in that behalf shall -

- (a) collect or cause to be collected in Zanzibar any news or news material for the purpose of dissemination; or

- (b) distribute or cause to be distributed, whether within or outside Zanzibar any news or news material intended for dissemination collected within Zanzibar;

Provided that no person shall be entitled to a written authorization unless he is -

- (i) a local news reporter;
- (ii) a freelance reporter;
- (iii) a foreign news agent.

(2) The Director may, on receipt of an application made in that behalf and upon payment by the applicant of the prescribed fee (if any), issue to any person described in subsection (1) of this section in writing upon such conditions as it may consider fit in the authorization:

Provided that the Director may, without assigning reasons therefor refuse to issue any authorization under this subsection or suspend or revoke any authorization issued by him.

(3) Any person aggrieved by any refusal by the Director to issue an authorization, or the suspension or revocation of an authorization, or any condition specified in the authorization under subsection (2), may appeal against the refusal, suspension, revocation or condition as the case may be, to the Minister within such time and in such manner as the Minister, may by regulations, prescribe.

(4) Every decision of the Minister on any appeal under subsection (3) shall be final and conclusive and shall not be subject to review by any court.

Power of
the Minister
to revoke
any
authorization
issued
by the
Director.

40. The Minister may revoke any authorization issued by the Director under section 39 of this Act if in his opinion such revocation would be in the interest of the public or would be in the interest of peace and good order.

News report
to be
accurate
and
truthful.

41. Subject to section 39 of this Act and any other law, any news agent shall be free to collect news or news material from any sources for the purposes of dissemination within or outside Zanzibar provided that such news or news material shall be truthful and accurate.

News Agent
to be
bound
by the
Government
policy.

42. In the course of collecting, distributing or disseminating news or news material pursuant to the provisions of this Act any news agent shall be bound by the Government policy and in particular shall have regard to :-

- (a) the need to promote national policies and aspirations of the people of Zanzibar, Tanzania and the Government;
- (b) the need to promote and maintain harmony in the Society.

Powers of
authorized
officers.

43.(1) In this Part, "authorized officer", means any police officer of or above the rank of Sub-Inspector.

(2) An authorized officer may -

- (a) enter any place, premises, vehicle or aircraft within which he has reason to believe that any news material intended for dissemination is being or about to be prepared, conveyed or otherwise dealt with for the purpose of collection or distribution with a view to ascertaining whether or not the provisions of this Act or of any order, direction or regulation made or issued under this Act have been complied with;

- (b) inspect any process or operation which is or appears likely to be carried on in any place or premises in connection with the collection or distribution of any news or news material intended for dissemination;
- (c) require from any person the production of any book, record, newspaper or other publication or document which is in the possession or custody or under the control of that person or any other person on his behalf;
- (d) examine and copy any part of any book, record, newspaper or other publication or document which appears to him to have relevance to his inquiry, and require any person to give an explanation of any entry in the book, record, newspaper or other publication or document and take possession of all or any one of those documents if he believes that the documents or document so taken may afford evidence of an offence under this Act;
- (e) require information relevant to his inquiry from any person whom he reasonably believes to be or to have been employed at the place or premises or to have in his custody any book, record, newspaper or other publication or document.

Obstruction of
authorized
officers
and other
offences.

44.(1) Any person who resists, hinders or obstructs an authorized officer acting pursuant to subsection (2) of section 43 or wilfully fails to comply with any requirement made by him under that subsection shall be guilty of an offence.

(2) Any person who -

- (a) collects or distributes or causes to be collected or distributed any news or

news material intended for dissemination in contravention of any of the provisions of subsection (1) of section 39; or

- (b) is the holder of an authorization issued by the Director under subsection (2) of section 39 and who wilfully fails to comply with any condition specified in the authorization shall be guilty of an offence.

Burden of proof.

45. In proceedings for an offence under this Act or any regulations made thereunder the burden to prove that -

- (a) at the relevant time he had a valid authorization in respect of the business, transaction or other matter specified in the charge;
- (b) he is exempt from the requirement of taking out an authorization or complying with any other requirement in respect of the business, transaction or other matter,

shall be on the accused.

PART VII

OFFENCES AGAINST THE STATE

Interpretation for the purpose of this Part.

46. For the purposes of this Part -

"import" includes -

- (a) to bring or cause to be brought into Zanzibar; and
- (b) to bring within the inland waters of Zanzibar whether or not the publication is brought ashore and whether or not there is an intention to bring the same ashore.

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

"publication" includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape or wire, cinematograph picture 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 or every copy or reproduction of any publication;

"seditious publication" means a publication having a seditious intention.

Seditious
intention.

47.(1) A "seditious intention" is an
intention -

- (a) to bring into hatred or contempt or to excite disaffection against the lawful authority of Zanzibar or the Government thereof; or
- (b) to excite any of the inhabitants of Zanzibar to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Zanzibar as by law established; or
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Zanzibar; or
- (d) to raise discontent or disaffection amongst any of the inhabitants of Zanzibar; or
- (e) to promote feelings of ill-will and hostility between different categories of the population of Zanzibar.

(2) An act, speech or publication is not seditious by reason only that it intends -

- (a) to show that the Government has been misled or mistaken in any of its measures; or
- (b) to point out errors or defects in the Government or Constitution of Zanzibar as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade any inhabitants of Zanzibar to attempt to procure by lawful means the alteration of any matter in Zanzibar as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different categories of the population of Zanzibar.

(3) In determining whether the intention within which any act was done, any words were spoken or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

Seditious
offences.

48.(1) Any person who -

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
- (b) utters any words with a seditious intention;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
- (d) imports any seditious publication, unless he has no reason to believe that it is seditious,

shall be guilty of an offence and shall be liable upon conviction to a fine of not less than five thousand shillings but not exceeding fifty thousand shillings or imprisonment not exceeding five years or to both such fine and imprisonment and such publication shall be forfeited to the Government.

(2) Any person who, without lawful excuse, has in his possession any seditious publication shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine of not less than three thousand shillings but not exceeding fifteen thousand shillings or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(3) It shall be a defence to a charge under subsection (2), if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver the publication to the nearest administrative officer or to the officer in charge of the nearest police station.

(4) A printing machine which has been, or is reasonably suspected of being, used for or in connection with the printing or reproduction of a seditious publication may be seized or otherwise secured by a police officer pending the trial and conviction or discharge or acquittal of any person accused of printing or reproducing any seditious publication; and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be forfeited to the Government, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine.

(5) A printing machine forfeited under subsection (4) shall be sold, and the proceeds less expenses shall be paid into the Treasury.

(6) When the proprietor, publisher or editor of a newspaper is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other penalty it may impose, and whether or not it has made any order under subsection (4) make an order prohibiting any further publication of a newspaper.

(7) A Court before ordering the forfeiture of a printing machine under this section shall be satisfied that the printing machine was the printing machine upon notice the seditious publication was printed or reproduced.

(8) In any case in which a printing machine has been forfeited under this section, the court may order :-

- (a) the printing machine to be removed; or
- (b) any part of the machine to be sealed so as to prevent its use.

(9) Any person who without lawful excuse uses or attempts to use a printing machine which is forfeited to the Government under subsection (4) shall be guilty of an offence and shall be liable upon conviction to a fine of not less than five thousand shillings but not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(10) Any person who prints or publishes a newspaper in contravention of an order made under subsection (6) shall be guilty of an offence and shall be liable upon conviction to a fine of not less than five thousand shillings but not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(11) In this section the expression "printing machine" includes a printing press, copying press, typesetting machine, photographic, duplicating or engraving apparatus, or other machine or apparatus used for or in connection with printing or reproducing publications, and type, appurtenances and equipment thereof.

Commencement
of the
legal
proceedings.

49.(1) No prosecution for an offence under section 48 shall be begun except within six months after the offence was committed:

Provided that where a person -

(a) commits such an offence outside Zanzibar; or
(b) leaves Zanzibar within a period of six months after committing such an offence, the prosecution for such an offence shall be begun within six months from the date when such person first arrives in, or returns to Zanzibar after -

(i) committing such an offence; or
(ii) leaving Zanzibar,
as the case may be.

(2) A person shall not be prosecuted for an offence under section 48 without the written consent of the Attorney-General.

Evidence.

50. No person shall be convicted of an offence under section 48 on the uncorroborated testimony of one witness.

Definition
of an
overt act.

51. In the case of any of the offences defined in this Part, when the manifestation by an overt act of the intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

Publication
of false
news likely
to cause
fear and
alarm to
the public.

52(1) Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace shall be guilty of an offence and shall be liable upon conviction to a fine of not less than three thousand shillings but not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) It shall be a defence to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

PART VIII

DEFAMATION

Definition
of libel.

53. Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds unlawfully publishes any defamatory matter concerning another person, with intent to defame that person, shall be guilty of the offence termed "libel".

Definition of
defamatory
matter.

54. Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade and by injury to his reputation, and it is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead:

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the written consent of the Attorney-General.

Definition
of
publication.

55.(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which defamatory matter is conveyed, to be dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that the defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances or partly from the one and partly from the other means.

Definition of
unlawful
publication.

56. Any publication of defamatory matter concerning a person is unlawful within the meaning of this Part, unless -

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it is privileged on one of the grounds hereafter mentioned in this Part.

Cases in
which
publication
of
defamatory
matter is
completely
privileged.

57.(1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Act in respect thereof, in any of the following cases, namely -

- (a) if the matter is published by the President, the Government, the House of Representatives, or the National Assembly of the United Republic by any official document or proceeding; or
- (b) if the matter is published in the House of Representatives, the National Assembly of the United Republic, by the President,

the Government or by any member of the House of Representatives, the National Assembly of the United Republic or Speaker; or

- (c) if the matter is published by order of the President or the Government; or
- (d) if the matter is published concerning a person subject to military or ~~KMKM~~ discipline, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct; or
- (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge or magistrate or Commissioner or advocate or assessor or witness or party thereto; or
- (f) if the matter published is in fact a fair report of anything said, done or published in the House of Representatives or the National Assembly of the United Republic; or if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Part whether the matter be true or false, and whether it be known or not be known or believed to be false, and whether it be or not published in good faith:

Provided that nothing in this section shall exempt any person from any liability to punishment under any other Part of the Act or under any other written law in force in Zanzibar.

Cases in which publication of defamatory matter is conditionally privileged.

58. A publication of defamatory matter is privileged on condition that it was published in good faith, if the relation between the parties by or to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely -

- (a) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged; or

- (b) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under section 57 of this Act; or
- (c) if the matter is an expression of opinion in good faith as to the conduct of any person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or
- (d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question on matter, or as to his personal character so far as it appears in such conduct; or

- (e) if the matter is an expression of opinion in good faith as to the conduct of any person disclosed by evidence given in a public legal proceeding, whether civil or criminal, as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or
- (f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or
- (g) if the matter is a censure passed by a person in good faith on the conduct of another person in any person in respect of which he has authority, by contract or otherwise, over the person, or on the character of the other person, so far as it appears in such conduct; or
- (h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (i) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

Explanation
as to
good faith.

59. A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of section 58, if it is made to appear either -

- (a) that the matter was untrue, and that he did not believe it to be true; or
- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

Presumption
as to
good faith.

60. If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on the part of the prosecution.

Defamation
of
foreign
dignitary.

61. Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, published anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign sovereign ruler, ambassador or other foreign dignitary with intent to disturb peace and friendship between Tanzania and foreign country to which such ruler or dignitary belongs, shall be guilty of the offence of libel.

Penalty for
libel.

62. Any person convicted of the offence of libel under this Act shall be liable to a fine of not less than three thousand shillings but not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

PART IX

CINEMATOGRAPHY PERMITS

Permit for
making
picture.

63.(1) No person shall direct, or take part or assist in, the making of film for a cinematograph picture, whether intended for exhibition in Zanzibar or elsewhere, unless a cinematography permit in respect of the making of such film shall have been first granted by the Minister:

Provided that a cinematography permit shall not be necessary for the making of a film for a cinematograph picture when such film is made by an amateur for private exhibition to his family and his friends:

Provided further that the Minister may in writing and subject to such conditions, if any, as he may consider expedient, exempt from the provisions of this part of this Act any person directing or taking part in assisting in the making of any film for a cinematograph picture.

(2) An application for a cinematography permit shall be made in the prescribed manner to the Minister by the person responsible for the making of the picture.

(3) An application for a cinematography permit shall be accompanied by a full description of the scenes and a synopsis of spoken parts (if any) at least thirty days before the picture or any

part of it is intended to be made, and, if the picture is to include any scenes likely to endanger the safety of any person or property or in which animals are to be photographed, the applicant shall state in his application the precautions proposed to be taken to preserve the safety of any such person or property, or to prevent cruelty or suffering to animals.

(4) Where an application of a cinematography permit relates to a picture, the titles, sub-titles, text, description, synopsis or other part of which are to be in a language other than Kiswahili or English, or translation thereof into either Kiswahili or English language certified to the satisfaction of the Minister shall accompany the application:

Provided always that the Minister may dispense with such translation and may submit the original text, description or synopsis for examination and report of such person or persons as he may appoint for the purpose.

(5) The Minister may refuse to grant a cinematography permit or may grant it subject to the observance of any rules made under this Act or to such special conditions and restrictions to be specified in such permit as he may deem fit.

(6) In addition to the general powers conferred upon the Minister by subsection (5), the Minister in granting a cinematography permit may require the applicant to enter into a bond with or without sureties in any sum not exceeding one hundred thousand shillings as the Minister shall determine upon the condition that the picture will be made in accordance with the detailed description supplied to the Minister and subject to any special conditions made by the Minister under subsection (5).

(7) The Minister may also require as a condition of the grant of a cinematography permit that a public officer duly authorized in that behalf by the Minister shall be present at the making of such scene or scenes of the picture as may be specified by the Minister, and further that any such officer may, in the exercise of his discretion having regard to any special or general directions issued to him, intervene to stop the making of any scene which in his opinion is objectionable to be witnessed by viewers in Zanzibar or Tanzania on grounds of offending Zanzibar's or Tanzania's national culture or otherwise or endangers the safety of any person not performing in the scene or of any property not being in the possession or disposition of the maker of the picture or which is cruel or causes suffering to any animal and, in the event of any such intervention, every such officer is hereby authorized to use such reasonable force, as in the circumstances may be necessary, to stop the making of any such scene.

(8) The Minister may in his discretion at any time cancel any exemption granted by him under subsection (1) of this section.

Prohibition of
cinematograph
exhibition
without
film permit.

64. No person shall, direct, or assist or take part in, or permit in any premises under his control or management, a cinematograph exhibition unless a film permit shall have been granted by a Censorship Board duly authorized in that behalf, in respect of the cinematograph picture exhibited:

Provided that a film permit shall not be necessary for the exhibition of any cinematograph picture -

- (a) owned by or issued or shown on behalf of the Government;
- (b) made by an amateur and exhibited privately to his family and friends;

- (c) solely for the purpose of censorship;
- (d) during and for the purposes of manufacture;

Provided further that the Censorship Board may at its discretion require cinematograph picture of the description contained in paragraph (b) or (d) to be produced before it for censoring and such cinematograph picture shall not be exhibited after being so required unless and until a film permit shall have been granted in respect of that cinematograph picture.

Restriction on
importing,
exporting,
selling or
hiring
cinematograph
pictures.

65. No person shall by way of trade import, export or carry out any business of selling or hiring cinematograph pictures unless he has first obtained a permit issued by the Ministry for that purpose:

Provided that no permit shall be issued for importing, exporting, selling or hiring any cinematograph picture if such cinematograph picture does not conform with any party or Government policy, or it contains any thing which is objectionable to be witnessed by any viewers in Zanzibar on the grounds of offending Zanzibar or Tanzania's national culture, or if it is capable of inciting or promoting disharmony, violence, hatred or contempt against the Government or amongst the people.

Application
for permit
for
importing,
exporting,
etc.
cinematograph
pictures.

66. Where an application for the permit is made pursuant to section 65, such application shall include the title, description and synopsis of the cinematograph picture required to be imported, exported, sold or hired.

Offences for
making,
importing,
exporting
etc. of
cinematograph
pictures.

67. Any person who makes, imports, exports, sells or hires any cinematograph picture in contravention of the provisions of this Act shall be guilty of an offence and shall be liable upon conviction to a fine of not less than two

thousand shillings but not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Meaning of
film.

68. For the purpose of this Part the word "film" includes video tape used for recording and reproducing moving pictures with the help of video equipment.

PART X

MISCELLANEOUS PROVISIONS, REPEALS AND AMENDMENTS

Liability of
officers
where
offence is
committed by
corporation,
society, etc.

69. Where any offence under this Act or any subsidiary legislation made hereunder is committed by a company or other body corporate, or by a society, association or body of persons, then, as well as the persons, every person who, at the time of the Commission of the offence, was concerned, as a director or an officer, with the management of the affairs or activities of such company or other body corporate, or society, association or body of persons, shall be guilty of the offence and be liable to be proceeded against and punished accordingly, unless he proves to the satisfaction of the Court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

Liability
by
employer
or
principal.

70. Where an offence under this Act or any subsidiary legislation made hereunder is committed by a person as an agent or employee, then, as well as the agent or employee, the principal or employer shall be guilty of the offence and be proceeded against and punished accordingly, unless he proves to the satisfaction of the Court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

Service of
process
and
notices.

71. Service by process or notice under this Act or any subsidiary legislation made hereunder shall be good, valid and effectual if it is served either personally on the person to whom it is addressed or by registered post; and, where the person to be served is a company or other body corporate, or a society, association or other body of persons, service of any such process or notice may be effected by serving the same personally on any secretary, director or other officer thereof, or by leaving it or sending it by registered post addressed to the Company, body corporate, society, association or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

Public
officers
indemnified.

72. No suit shall lie against any public officer in respect of any thing done or omitted to be done by him in good faith in the exercise or purported exercise of any function conferred upon him by this Act.

General
penalty.

73. Any person convicted of an offence under this Act or any regulations made hereunder for which no specific penalty is provided shall be liable to a fine of not less than two thousand shillings but not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Non-
publication
of matters
required
to be
gazetted.

74. Where any matter is expressly required under this Act to be published in the Gazette by the Minister or any other person, any matter so expressed shall be valid and have effect notwithstanding that it has not been published in the Gazette if the Minister or any other person, as the case may be, has taken reasonable measures to bring the contents thereof to the notice of persons who are or likely to be affected thereby.

Power of
the
Minister
to
authorize the
establishment
of
Journalist
Association.

75. The Minister may, upon receipt of an application in that behalf, authorize the establishment of All-Zanzibar Journalists Association whose membership shall be confined to -

- (a) persons who are holders of valid authorization issued under section 39 of this Act; and
- (b) persons who, in one way or the other, are connected with collection, distribution and dissemination of news, who are ordinarily resident in Zanzibar.

Mode of
application
and
registration
of the
Journalists
Association.

76. The Minister shall, by regulations, direct the manner in which -

- (a) the application for the establishment of the Association mentioned in section 75 shall be made; and
- (b) the manner in which such an Association shall be registered.

Regulations.

77. The Minister may make regulations for the better carrying into effect the purposes and provisions of this Act, and without prejudice to the generality of the foregoing may make regulations -

- (a) prescribing the forms of registers, returns, applications, notices and bonds and other forms to be used under this Act;
- (b) prescribing the particulars and other matters to be entered in the registers;
- (c) prescribing the place and manner of keeping copies of newspapers and books delivered to the Registrar under this Act, or the manner in which and the purposes for which any such copies shall, consistently with the purposes and provisions of this Act, be dealt with or disposed of;

- (d) prescribing the information to be furnished to the Registrar by way of periodical return or otherwise;
- (e) prescribing the particulars and matters to be published by the Registrar and the manner of such publication;
- (f) prescribing fees which may be levied under this Act;
- (g) prescribing forms for and the manner of making applications for authorization under this Act;
- (h) prescribe for anything which under this Act is to be or may be prescribed.

Cap. 156
Repealed.

78. The Newspaper Decree, Chapter 156 is hereby repealed.

Amendments
to the
Penal Decree.
Cap.13.

79. The Penal Decree, Chapter 13, is amended as follows :-

- (a) in Part VII (which relates to treason and other offences against Sovereign Authority) by repealing sections 41, 42, 43, 44, 45 and 46;
- (b) in Part XVIII (which relates to defamation) by deleting the whole of Part XVIII;
- (c) in Part VIII (which relates to offences affecting relations with foreign states and external Tranquility) by repealing section 57.

Transitional.

80.(1) Where, at the commencement of this Act, any proceedings or appeal is pending before a Court or High Court in accordance with the law applicable immediately before the commencement of this Act, the same may be continued and concluded by the Court or High Court, as the case may be, as if this Act had not been enacted.

(2) Every order, decision, determination or judgment of a court or High Court in any proceedings commenced before the commencement of

this Act, may be enforced, and, such order, decision, determination or judgment, any decision on such appeal may be enforced, in the manner provided by the law in force immediately before the commencement of this Act.

Passed in the House of Representatives
on the 21st day of September, 1988.

Abdul Rahman Ali Saleh
ABDUL-RAHMAN ALI SALEH

CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.

SHERIA NAM. 5 YA 1988

NAKUBALI

Idris Abdul Sahil

IDRIS ABDUL WAKIL
RAIS WA ZANZIBAR
NA

MWENYEKITI WA BARAZA LA MAPINDUZI.

30 OKTOBA, 1988.

SHERIA YA KUFUTA SHERIA YA MAGAZETI NA KUWEKA MASHARTI
BORA ZAIDI KUHUSIANA NA MAGAZETI, UANDHISHI WA VITABU
PAMOJA NA MAMBO WANAYOHUSIANA NA HAYO.

IMETUNGWA na Baraza la Wawakilishi la Zanzibar.

SEHEMU YA KWANZA
UTANGULIZI.

Sehemu hii ina vifungu sita, ambavyo vinahusiana na jina fupi, tarehe ya kuanza kutumika, ufafanuzi wa baadhi ya maneno yaliyotumika, uteuzi wa msajili wa magazeti, uanzishwa ji wa Bodi ya ushauri pamoja na kuainisha kazi zake.

SEHEMU YA PILI
USAJILI WA MAGAZETI

Sehemu hii ina vifungu vitano vinavyohusiana na usajili wa magazeti yanayochapishwa nchini, Muandishi, Mchapishaji na mtoaji wa magazeti au majarida yoyote ataapa mbele ya hakimu na kutia sahihi kiapo chake na atawajibika kusajili gazeti au jarida hilo kwa Msajili wa magazeti kabla ya kulichapisha au kutoa gazeti au jarida lolote. Magazeti ya Chama na Serikali hayatohusika na masharti ya sehemu hii.

SEHEMU YA TATU
UWEKAJI WA KUMBUKUMBU ZA VITABU NA MAGAZETI.

Sehemu hii ina vifungu vitano, inahusiana na vitabu pamoja na magazeti yanayochapishwa na kutolewa Zanzibar kwa Mrajis, pia inatoa adhabu kwa ukiukaji wa masharti ya sehemu hii. Watoaji na wachapishaji wa vitabu na magazeti

yanayochapishwa kwa niaba ya Chama na Serikali hawahusiki na utekelezaji wa masharti ya sehemu hii.

SEHEMU YA NNE
UDHAMINI

Sehemu hii ina vifungu sita, inahusiana na udhamini kabla ya gazeti, jarida au kitabu chochote kuchapishwa. Kila mchapishaji wa gazeti, jarida au kitabu chochote atalazimika kuweka dhamana kulingana na sheria hii na yeyote atakaechapisha gazeti, jarida au kitabu bila ya kuweka dhamana hiyo atakuwa ni mkosa kinyume na vifungu vya sheria hii na ataadhibiwa kisheria.

SEHEMU YA TANO

MASHARTI MBALI MBALI YANAYOHUSU MAGAZETI.

Sehemu hii ina vifungu kumi na sita, inahusiana na masharti yanayohusu magazeti kama vile tathmini ya ushahidi wa nakala na shahada. Jina na anwani kuweka katika gazeti na kuwekwa nakala ya makala yatakayochapishwa katika magazeti hayo.

Pia inatoa na kumpa uwezo polisi kuzuia gazeti au makala yoyote yaliyochapishwa katika gazeti hilo kama gazeti au makala hayo yamechapishwa au kutolewa kinyume na masharti ya sheria hii. Vile vile sheria hii inampa uwezo Waziri wa kuzuia uchapishaji wa gazeti au makala yoyote katika gazeti ambalo kwa maoni yake anahisi kuchapishwa kwa gazeti, au jarida hilo si kwa maslahi ya Umma na Usalama wa Taifa. Sehemu hii pia imetaja kosa na adhabu kuhusiana na uingisaji nchini wa makala yaliyokatazwa chini ya sheria hii kifungu cha 30 na 31 vinahusika.

SEHEMU YA SITA

UMILIKAJI, UKUSANYAJI NA UTOAJI WA HABARI.

Sehemu hii ina vifungu sita ambavyo vinahusiana na umilikaji, ukusanyaji na utoaji wa habari nchini pia inazuia ukusanyaji na utoaji wa habari nchini bila ya idhini ya vyombo au makala yanayohusika. Waziri anaweza kuzuia ruhusa yoyote iliotolewa na Mkurugenzi ikiwa kwa maoni yake anahisi uzuiaji huo ni kwa maslahi ya Umma na Usalama wa Taifa.

Vile vile Waandishi, na Wachapishaji wa Habari nchini wanawajibika kuzingatia usalama na amani katika kuchapisha na kuripoti habari mbali mbali.

SEHEMU YA SABA
MAKOSA DHIDI YA SERIKALI

Sehemu hii ina vifungu saba, inahusiana na makosa dhidi ya Serikali, kama vile uchapishaji wa makala yenye kushawishi, na uchapishaji wa habari za uongo ambao unaweza kusababisha hofu fujo katika jamii. Pia sehemu hii inaelezea mwenendo na utaratibu wa uendesaji mashtaka na utoaji wa adhabu kwa wale wote watakaobainika na makosa chini ya sehemu hii.

SEHEMU YA NANE
UCHAPISHAJI WA MANENO YA KASHFA.

Sehemu hii inavifungu kumi, inahusiana na uchapishaji wa maneno ya kashfa kwa mtu, kikundi cha wa tu au kwa jamii fulani na kwa madhumuni ya kuwakashifu watu hao. Pia sheria hii inakataza kuchapisha makala ya kashifu au yenye kukashifu.

SEHEMU YA TISA
RUHUSA YA UCHUKUWAJI WA FILAMU ZA SINEMA.

Sehemu hii ina vifungu sita, katika sehemu hii ruhusa au kibali cha uchukuaaji wa filamu za sinema kutatolewa na mamlaka yanayohusika. Ruhusa au kibali hicho lazima kipatikane kabla ya mchukuani wa filamu za sinema kuchukua filamu hizo. Pia sheria hii inadhibiti uingizaji na utoaji wa filamu za sinema nchini na kuweka utaratibu wa uombaji wa ruhusa ya uingizaji na au utoaji wa filamu za sinema.

SEHEMU YA KUMI
KUFUTA NA KUREKEBISHA BAADHI YA VIFUNGU.

Sheria hii ina vifungu kumi na mbili, inampa uwezo Waziri wa kuweka kanuni kwa ajili ya utekelezaji bora wa

sheria hii. Pia inafuta sheria ya magazeti na kurekebisha baadhi ya vifungu vya sheria ya Adhabu, Sura ya 13 ya Sheria za Zanzibar.

Imepitishwa na Baraza la Wawakilishi tarehe
21 Septemba, 1988.

Abdulrahman Ali Saleh
ABDULRAHMAN ALI SALEH

KATIBU WA BARAZA LA WAWAKILISHI LA
ZANZIBAR.

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