



THE ZANZIBAR BROADCASTING CORPORATION ACT, 2013

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SCHEDULE



ACT NO. 4 OF 2013

I ASSENT

(DR. ALI MOHAMED SHEIN)
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

19th April, 2013

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
ZANZIBAR BROADCASTING CORPORATION ITS FUNCTIONS,
POWERS AND ITS ADMINISTRATION AND OTHER MATTERS
CONNECTED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY PROVISIONS

Short title and
commencement

1. This Act may be cited as the Zanzibar Broadcasting Corporation Act, 2013 and shall come into operation on such date as the Minister may, by notice published in the Official Gazette appoint.

Interpretation.

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

"Board" means the Board of Directors established under section 8;

"Broadcasting" means any communication or transmission of any message or signal to the public by means of electronic apparatus;

"Broadcasting Commission" means the broadcasting regulatory body established under the Zanzibar Broadcasting Commission Act of 1997;

"Director General" means the Director General of the Corporation appointed under the provisions of section 11 of this Act;

"Corporation" means the Zanzibar Broadcasting Corporation, established under the provisions of section 3;



"Financial year" means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June;

"Minister" means the Minister responsible for information and broadcasting;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Public interest " means the general welfare of the public that warrants recognition and protection;

"Relevant broadcasting facilities" means transmitting stations, studios, satellite uplink stations, satellite down link stations, outside broadcasting facilities studio to transmitter links, field measuring, reception and monitoring facilities and any other facility for broadcasting;

PART II ESTABLISHMENT, FUNCTIONS AND POWERS OF THE CORPORATION

Establishment of
the Corporation.

3.(1) There is hereby established a public corporation to be known as the Zanzibar Broadcasting Corporation and in its abbreviation known as ZBC.

(2) The Corporation is the successor of the state media known as "Television Zanzibar" and "Radio Sauti ya Tanzania Zanzibar".

(3) Subject to the Public Investment Act, the Corporation shall be a body corporate with perpetual succession and a common seal, and shall have power to sue or being sued, acquire movable and immovable property enter into contract and transaction with other institution, borrow such sum as it may require for the purpose of the Corporation after being approved by the Minister of Finance.

Seal of the
Corporation.

4.(1) There shall be a common seal of the Corporation, in a shape and manner as may be determined by the Board.

(2) The common seal of the Board shall be dully affixed if witnessed under the hand by the Director General or any other person duly authorized on that behalf.

Objectives of the
Corporation.

5. The objectives of the Corporation shall be to:-

- (a) provide information, education and entertainment to the public;
- (b) provide radio, television broadcasting and other related services and program that contribute to social, economic, political and cultural development, with emphasis on national unit in cultural diversity;



- (c) to run the corporation into business and commercial activities;
- (d) reflect the public vision regarding the objective, composition and overall management of the broadcasting services;
- (e) provide electronic media and consultancy services that educate and guide the public;

Functions of the Corporation.

6. The functions of the Corporation shall be to:-

- (a) establish a sustainable system of gathering, analyzing, storage and dissemination of information to the public;
- (b) produce quality local programming and to adapt foreign programs to suit the needs of the society of Zanzibar;
- (c) establish systems of accountability and enhance profitability in running public broadcasting services;
- (d) maintain a responsible editorial independence and set national broadcasting standards through exemplary performance;
- (e) protect public interest in rendering broadcasting services;
- (f) operate an efficient and self sustaining Corporation;
- (g) provide accurate, timely and reliable reporting of events and presentation of programs;
- (h) carryout any other activity that may be carried out by a public broadcaster;
- (i) conduct research and develop program in pursuit of its general objectives which it may operate both within the Corporation and in collaboration with relevant institutions.

General Powers of the Corporation.

7. Subject to the applicable laws, the Corporation may do all such things which cause to facilitate or are incidental or conducive to the better carrying out of its functions under this Act and, without prejudice to the generality the Corporation shall have the following powers:

- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, or otherwise dispose off the property, subject to prior approval of the Board;
- (b) establish and maintain offices and install any relevant broadcasting facilities in any place in Zanzibar for purposes of its broadcasting functions;



- (c) enter into any contract, and any commercial or other arrangements which will facilitate the attainment of its objectives and profitability;
- (d) charge fee for any service provided by the Corporation;
- (e) enter into joint venture or partnership with private, government or any organization performing functions related to broadcasting.

PART III ESTABLISHMENT OF THE BOARD OF DIRECTORS, POWERS AND FUNCTIONS

Board of Directors.

8.(1) There is hereby established a Board of Directors of the Corporation which shall have the following members:-

- (a) The Chairperson who shall be appointed by the President;
- (b) The Director General ex-official;
- (c) One member appointed by the Minister from Zanzibar Chamber of Commerce;
- (d) A State Attorney from Attorney Generals Chambers;
- (e) A member from the Ministry responsible for finance;
- (f) not more than three members from prominent Zanzibaris of proven integrity by virtue of their qualifications, expertise and experience in the fields of broadcasting, technology, administration, media law, business management, finance, and journalism appointed by the Minister.

(2) The members mentioned under sub sections (d) and (e) of this section shall be appointed by the Minister upon consultation with the Head of the respective Institutions.

(3) A person shall not be eligible to be appointed as Chairperson unless he holds relevant knowledge and experience in any of the fields of broadcasting, information technology, administration, media law, business management, mass communications or other related field.

(4) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, cessation of membership, proceedings of meeting of the Board and other matters relating to the Board.

Secretary of the
Board.

9.(1) The Board shall appoint a legal officer with at least first degree in law and experience of not less than two years to be a Secretary to the Board.



(2) In addition to any other functions that may be conferred upon him or her, the Secretary shall be responsible for:-

- (a) taking minutes of the meetings of the Board; and
- (b) keeping records of all transactions of the Corporation.

(3) Where the Secretary is absent or incapacitated by illness or due to any other cause is unable to perform his or her functions, or where a vacancy occurs in the office of the Secretary, the Board shall appoint any other employee of the Corporation with relevant qualifications to perform the functions of the Secretary for the duration of the absence or incapacity or until the vacancy in the office of the Secretary is filled.

Functions of the Board.

10.(1) Functions of the Board shall be:-

- (a) advisory to the Corporation in broadcasting services;
- (b) to formulate and review the policy of the Corporation having regard to the Corporation's objectives set out in this Act;
- (c) to approve the action plan for the Corporation and endorse the annual budget;
- (d) to establish and supervise Staff Regulations, Financial Regulations and salary structures of the employees and other benefits;
- (e) to exercise supervision over the management team of the Corporation;
- (f) subject to the relevant applicable laws, to determine from time to time the Corporation's structure, staff levels and terms and conditions of service;
- (g) to perform such other functions are incidental to the functions of the Board.

(2) The Board may delegate to any member, the powers and authority to carry out on behalf of the Board such functions as the Board may determine, except powers given under sub-section (1) (c), (d) and (e) of this Section.

(3) The Board shall advise the Minister concerning policy issues of the Corporation

**PART IV
MANAGEMENT AND STAFFS OF THE CORPORATION**

Director General.

11.(1) There shall be the Director General of the Corporation who shall be appointed by the President.



(2) A person shall be qualified for appointment as a Director General if he:-

- (a) is a graduate of at least second degree or it's equivalent from a recognized university or institutions;
- (b) posses at least five years of relevant experience in one or more of the field of mass communication, business administration and management, information technology, public service administration;
- (c) has sufficient knowledge, skills and experience in broadcasting sector; and
- (d) any other qualifications as may be determined by the President.

(3) The Director General shall be the Chief Executive Officer of the corporation and shall be responsible to the Board for the day to day functions and activities of the Corporation.

Establishment of
the Department.

12.(1) The Corporation shall have such departments, units or sections as may be determined by the Board.

(2) Subject to the provision of the Public Services Act, the Heads of departments shall be appointed by the Board and each head of department shall be a person with relevant knowledge and sufficient experience to perform the functions in the respective department.

Powers of the
Minister.

13. The Minister may:-

- (a) give the Board of Directors general or specific directions as to the performance of the functions and the exercise of the powers of the Corporation and the Board shall give effect to such directions.
- (b) in consultation with the Minister responsible for Finance approve any major alterations in the tariffs, rates, fares and other charges made for the services provided by the Corporation;
- (c) give particular directions to the Board concerning any matter involving agreement with any country or interest of the country.

Other staff.

14.(1) There shall be such other employees as the Board may from time to time recruit; and the Board shall determine the terms and conditions of service of such employees.

(2) Nothing done by an officer or employee of the Corporation shall, if done for the purpose of carrying his duty under the provisions of this Act into effect, subject that officer to any civil liability.

PART V FINANCIAL PROVISIONS

Funds and
resources of the
Corporation.

15.(1) The funds and resources of the Corporation shall consist of:-

- (a) funds from the Government;
- (b) money derived from its commercial activities;
- (c) money raised by way of loans, donations or grants from within and or outside Zanzibar;
- (d) such sums of money or property which may become payable to or vested in the Corporation under this Act or any other written law or in respect of any matter incidental to the carrying out of its functions.

(2) All funds of the Corporation shall be deposited into the bank account of the Corporation in a bank approved by the Board, and shall only be withdrawn in accordance with the manner prescribed by the Board.

Estimates.

16.(1) There shall be paid out of the fund all such sums of money required to defray the expenditure incurred by the Corporation in the exercise, discharge and performance of its functions and duties under this Act.

(2) The Director General shall, not later than three months before the end of each financial year, prepare and submit to the Board for its approval, estimates of its income and expenditure for the next ensuing year, which, upon approval, shall be forwarded to the Minister.

(3) The Director General may at any time submit to the Board a supplementary estimate for its consideration and upon approval, shall notify the Minister.

Accounts.

17.(1) The Corporation shall cause to be kept and maintained proper books of accounts in respect of:-

- (a) sum of money received and expended by the Corporation and matters in respect of which the receipt and expenditure took place;
- (b) the assets and liabilities of the Corporation; and
- (c) the income and expenditure statement of the Corporation.



(2). The auditing of the financial reports and books of accounts of the Corporation shall be made by the Controller and Auditor General or a person authorized by him.

(3) The Corporation shall, not later than six months after the end of financial year, submit to the Board for consideration a copy of the audited accounts and annual report on the activities of the Corporation in respect of that year and the Board shall submit the copies to the Minister.

Procurement.

18. All procurement processes in the Corporation shall be in accordance with the provisions of the Public Procurement and Disposal of Public Assets Act.

PART VI MISCELLANEOUS PROVISIONS

Editorial policy of the Board.

19. In the carrying out of its functions under this Act, the Corporation shall have its editorial policy which conforms with the code of conduct as prescribed under the information policy and Broadcasting Commission Act No. 2 of 1997.

Regulations.

20. The Minister shall, with advice of the Board, make Regulations generally for better carrying into effect the provisions of this Act.

Repeal and saving of Legal Notice No. 11/2011.

21.(1) Legal notice No. 111 of 2011 is hereby repealed by this Act.

(2) All acts legally made by the repealed legal notice no. 111/2011 shall be taken to be made under this Act.

SCHEDULE TENURE OF OFFICE AND PROCEEDINGS OF THE BOARD [Made under section 8(4)]

Tenure of appointment.

1. A member of the Board, other than an ex-officio member shall, unless dies, resigns, prevented by an infirmity of the body or mind or his appointment is sooner terminated or ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term only.

Absence from three consecutive meetings.

2. Where any member absents himself from three consecutive meetings of the Board without reasonable excuse, the Board shall report to the Minister of the fact and the Minister shall terminate the appointment of the member and appoint another member in his place and the person so appointed shall hold office for the remaining term of office of his predecessor.



Meetings of the Board.

3.(1) The Board shall hold its meetings not more than four times in each financial year, but in the occurrence of any emergency, the Board may meet any time.

(2) Any ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the provisional agenda, explanatory memorandum, the place, date and time shall be sent to each member at his usual place of business or residence not less than seven days after the date of receipt of such a request.

(3) The Chairman shall convene a special meeting upon receipt of a request in writing in that behalf signed by not less than four members of the Board within fourteen days before the date of such meeting.

(4) In the absence of the Chairman, the members present at a meeting of the Board shall select one of the members to act as Chairman for the meeting and the member who is so elected shall be responsible for reporting the proceedings of such meeting to the Chairman.

(5) The Board may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.

Conflict of interest.

4. Any Member who has any personal interest in any transaction of the Board or any matter before the Board shall disclose the nature of his or her interest to the Board, and shall be disqualified from taking part in the deliberations of the Board with respect to that transaction or matter; and failure to make the disclosure required by this section may constitute a sufficient reason for removal of that member from the Board.

Quorum.

5. Four members shall form a quorum for a meeting of the Board.

Decisions of the Board.

6.(1) Matters proposed at the meeting of the Board shall be decided by consensus, but if the members fail to meet on consensus, the decision shall be made by vote, and in case there is equality of votes, the Chairman shall have a decisive vote.

(2) A decision may be made by the Board without a meeting, by circulation of the relevant documents among the members and the expression of the views of the majority of the members in writing shall be honored.

(3) Minutes of each meeting of the Board shall be recorded by the Secretary in a proper form and shall be confirmed by the Board and signed by the Chairman and Secretary at the next following meeting of the Board.

Proceedings of the Board.

7. Subject to the provisions of this Schedule, the Board shall regulate its own proceedings.



Remuneration of
the Board.

8. The members of the Board shall be paid such allowances as the responsible Minister determines.

Board Committee.

9. The Board may, on such terms and conditions as may determine appoint such committees as it may consider necessary to perform such functions or advice the Board on such matters as the Board may direct.

Annual meeting of
Board and
the Ministry.

10. There shall be an annual general meeting between the Board and the Ministry to determine the overall performance of the Corporation.

Service of
Documents.

11. Any notice or document required to be served upon the Corporation may be served by leaving a copy at the registered office or by sending it by registered post to the Director General.

Passed by the House of Representatives on the 23rd day of January, 2013.

YAHYA KHAMIS HAMAD
CLERK OF THE HOUSE OF REPRESENTATIVES.
ZANZIBAR.