CHAPTER 104

THE ELECTRONIC MEDIA ACT.

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CHAPTER 104

THE ELECTRONIC MEDIA ACT.

Commencement: 21 June, 1996.

An Act to provide for the setting up of a broadcasting council to license and regulate radio and television stations, to provide for the licensing of television sets, to amend and consolidate the law relating to electronic media and to provide for other related matters.

PART I ---- INTERPRETATION.

1. Interpretation.

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

(a) "broadcasting" means any communication or transmission of any message or sign to the public by means of any electronic apparatus;
(b) "chairperson" means chairperson of the council;
(c) "Cinematograph theatre" means any building, structure, tent or other erection of whatever nature or any place or land in or on which a cinematograph or video exhibition is presented to the public either gratuitously or for reward;
(d) "Council" means the Broadcasting Council established under section 9 and includes its duly authorized officers or agents;
(e) "Electronic Media" means communication of any message to the public by means of any electronic apparatus;
(f) "Exhibition" means an exhibition of art, film or videotape, with or without sound effects, to the public by means of any electronic apparatus;
(g) "Minister" means the Minister responsible for information;
(h) "
(i) Operator" means a person who is issues a broadcasting licence under this Act:
(j) "Producer" includes a person who is at any given time in charge of programme production and transmission to the public by means of any electronic apparatus;
(k) "Proprietor" has the meaning assigned to it under common law.

PART II--- INSTALLATION OF TELEVISION AND RADIO STATIONS, ETC

2. Installation of television and radio stations.

(1) A person shall not install or operate a television station, radio station or any broadcasting apparatus without a licence in that respect issued by the council.

(2) The council shall, before issuing a licence under this section, take into account the following----

(a) that the applicant---

(i) In the case of an individual, is a resident of Uganda;

(ii) is a locally registered partnership or company;

(iii) is a public corporation set up by an Act of Parliament;

(b) proof of existence of adequate technical facilities;

(c) location of station and geographical area to which broadcast is to be made; and

(d) Social, cultural and economic values.

(3) Sections 45, 46, 47, and 48 of the Uganda Posts and Telecommunications Corporation Act shall not apply to a television station, radio station or broadcasting apparatus installed or operated for the purpose of communicating messages to the public.

(4) A person may be granted a license under this section upon an application made in writing to the council and upon payment of the prescribed fee.

(5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less that ten million shillings and not more that thirty million shillings or to imprisonment for a period of not less than two years and not more than five years or both; and in the case of a corporate body, the persons who shall be held liable for purposes of this subsection are the persons who are authorized to sign any document of that body.

3. Registration of television and radio stations, etc.

(1) A proprietor of a television station, radio station or broadcasting apparatus shall, upon satisfying the requirements of section 2, register his or her station or apparatus with the Media council established under section 8 of the Press and Journalist Act.

(2) The Media Council shall not register any station or apparatus under subsection (1) unless the proprietor of the station has supplied the Media council with the following particulars relating to the person who is to be the producer in charge of the station or apparatus ---

(a) his or her name and address;
(b) certified copies of the relevant testimonials as proof of his or her qualifications and experience;
(c) the name and address of the station or apparatus; and
(d) such other particulars as may be prescribed by the Media Council.

(3) The proprietor shall notify the Media Council of any change in any of the particulars referred to in subsection (2).

(4) A person who contravenes any provisions of subsection (1) and (3) commits an offence and is liable on conviction to a fine of not more than three hundred thousand shillings.

4. Functions of a proprietor and a producer.

A proprietor or a producer of a broadcasting station or disseminating apparatus shall—

(a) ensure that what s broadcast is not contrary to public morality;
(b) retain a record of all that is broadcast for not less that thirty days.

5. Disqualification of a producer.

A person shall not be appointed a producer of a station if ----

(a) he or she is less that eighteen years of age;
(b) he or she is of unsound mind;
(c) he or she is not ordinarily resident in Uganda;
(d) he or she does not possess the requisite qualifications prescribed by the Media Council.

6. Broadcasting licenses.

(1) No person shall broadcast without a broadcasting license issued by the council.
(2) The council may grant the licence referred to under subsection (1) upon ----
(a) an application in writing ma de to it;
(b) such conditions as it may deem fit ; and

(c) Payment of the prescribed fee.

(3) The licence referred to in this section shall be renewable every year by the council upon payment of such fee as may be prescribed by the council.

(4) A person who contravenes subsection(1) commits an offence and is liable on conviction to a fine of not more than five hundred thousand shillings or to imprisonment for a period of not more than three months o both.

7. Right to broadcast.

(1) No person or authority shall ,on ground f the content of a programme Take any action not authorized under this Act or other law to prevent The broadcasting of programme.

(a) Prohibiting the broadcasting of pornographic matters and Obscene publications insofar as they tend t offend or corrupt Public morals.

(b) Prohibiting any broadcasting which infringes upon the privacy Of any individual or which contains false information.

8. Minimum broadcasting standards.

A person shall not carry out any broadcasting or operate a cinematograph theatre unless what is to be broadcast or exhibited is in compliance with provisions of the First Schedule to this Act.

9 Establishment of the Broadcasting Council.

(1) There is established a council to be known as the Broadcasting Council which shall consist of-

(a) a chairperson who shall be appointed by the Minister in consultation with the council.

(b) two representatives of operators of television and radio stations;

(c) one representative from the video and cinema operators;

(d) two members of the public who shall be persons of proven Integrity and good repute;

(e) one distinguished lawyer;

(f) the director of broadcasting or a senior officer from the ministry responsible for information, who shall be the secretary to the council;

(g) a senior officer from the Ministry responsible for culture;

(h) a senior officer from the Ministry responsible for communications;

(i) a senior officer from the Ministry responsible for education; and

(j) a senior officer from the Uganda Revenue Authority.

2 The persons referred to in paragraphs (b),(c),(d) and (e) shall be Appointed by the Minister in consultation with the relevant bodies

3. A member of the council shall hold office for a period of three years upon such terms and conditions as may be specified in the instrument of appointment and may be reappointed.

4. A member of the council referred to in paragraph (b) to (e) may `resign his or her office in writing addressed to the chairperson, and in the case of the chairperson to the Minister.

5 The Minister may give directions of a policy nature to the council Regarding the performance of its functions and the council shall Comply with the directions.

10. Functions of the council.

(1) The functions of the council are-

(a) to coordinate and exercise control over and to supervise broadcasting activities;

(b) to be responsible for the standardisation, planning and management of the frequency spectrum dedicated to broadcasting and to allocate those spectrum resources in such manner as to ensure the widest possible variety of programming and optimal utilisation of those spectrum resources.

(c) to coordinate communication on electronics media with the relevant national and international organizations.

(d) to receive and consider applications made to it under this Act;

(e) to set ethical broadcasting standards;

(f) to arbitrate in consultation with the Media Council on disputes between-

(i) operators of broadcasting stations; and;

(ii) the public and operators of broadcasting stations;

(g) to advise Government of all matters relating to broadcasting Policy; and

(h) to carry out any other functions that is incidental to any of the foregoing functions.

(2) In carrying out its functions under subsection (1)(e), (f),(g) And (h), the Council shall work in conjunction with the Media Council.

11. Removal of member from office.

The office of the member of the council shall fall vacant-

(a) due to the member's inability to perform the functions of his or her office

(b) due to misbehavior or other sufficient cause;

(c) if the member is declared or becomes bankrupt or insolvent;

(d) if the member is convicted of a criminal offence in respect of which a maximum penalty exceeding six month's imprisonment may be imposed.

12. Meetings of the Council, etc.

(1) The second schedule to this act shall apply to meetings and other matters of the council specified in that schedule.

(2) The Minister may ,by statutory instrument and after consultation with the council, amend the Second Schedule of this Act.

13. Remuneration of member of the council.

Members of the council may be paid such remuneration or allowances as may be approved by the Minister.

14. Annual report.

The council shall within the three months after the end of each year, submit to the Minister an annual report on all activities of the council, and the Minster shall lay the report before the Parliament within three months after receiving it.

15. Staff of the council.

(1) The council shall have such officers and supporting staff as are necessary to enable the council to discharge its functions under this Act.

(2) The staff referred to under this section shall be seconded from the public service after the Minister has consulted the Minister responsible for public service.

(3) The council may, with the approval of the Minister, engage on contracts such persons as are necessary for the purposes of carrying out specialized work of the council.

(4) The staff of the council may be paid such allowances as the Minster may determine.

PART 1V – FINANCIAL PROVISIONS.

16. Funds of the council.

(1) The funds of the council shall consist of **-**
(a) grants from the Government**;**
(b) monies paid for services rendered by the council ;
(c) a percentage of the permit and licence fees payable to the council under this Act, which percentage is to be determined by the Minister in consultation with the Minister responsible for finance; and
(d) grants, gifts, or donations from sources acceptable to the council.

(2) The council shall operate a bank account in a bank determined by the council, and the account shall be operated in a manner decided by the council.

17. Investment by the council.

The council may invest monies of the council in securities issued or guaranteed by the Government or in any project approved by the Government.

18. Financial year.

The financial year of the council shall be twelve months beginning from the 1st day of July and ending on the 30th day of June each year.

19. Accounts and audit.

(1**)** The council shall keep proper records and proper books of accounts and prepare annual financial statements of account for the preceding financial year not later that the 40th day of September in the following year.

(2) The books and accounts of the council shall be submitted within three months after the end of each financial year to the Auditor General to be audited by him or her or by any auditor appointed by him or her.

(3) The Auditor General shall audit the accounts of the council and repot to the Minister the results of his or her examination and his or her opinion on the accounts so examined within three months from the date of receipt of the accounts from the council.
(4) The Minster shall within three months after receipt of the report referred to in subsection (3), lay the report before Parliament.

PART V- REGULATION OF VIDEO AND CINEMAS OPERATORS ETC

20. Theatre licenses.

(1**)** A person shall not operate a cinematograph theater or a library for hiring out videotapes or cinema films without a licence in respect of that theatre or library.

(2) The licence referred to under this section shall, without prejudice to subsection (4), be issued by the council upon such terms and conditions as the council may deem fit.

(3) A person may be granted a licence under this section upon an application made in writing to the council.

(4) The council shall, before issuing a licence in respect of a cinematograph theatre under this section, take into account the following-

(a) whether there is in the place or premises adequate provision for the safety, health or convenience of person who are to attend any video or cinematograph exhibition; and

(b) whether the structure, equipment and lighting conform with the rules made under this Act.

(5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than five hundred thousand shilling or to imprisonment for a period of four months or both.

21. Registration of Video and cinematograph operators.

(1) A person who is a video or cinematograph operator shall, before being issued a licence referred to under section 20, register with the council.

(2) The council may require the person referred to in this section to give it such particular as it may deem fit.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than three hundred thousand shillings or to imprisonment for a period of three months or both.

PART VI – LICENSING OF TELEVISION SETS

22. Viewers licence, etc.

(1) A person shall not use, sell or transfer possession of his or her television set unless he or she is in possession of a valid viewers licence issued by the council in respect to that set.

(2) A person who contravenes his section commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding thirty days or both.

23. Dealers licence, etc.

(1) A person shall not carry on the business of dealers or repairer in television sets without a dealers or repairers licence issued by the council.

(2) A person may transfer a dealers or repairers licence upon payment of the specific fee.

(3) The licence referred to under this section may be granted upon an application in writing made to the council and upon such conditions as the council may deem fit.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings or to imprisonment for a period not exceeding six months or both.

PART VII--- MISCELLANEOUS

24. Exemption from personal liability

A servant or agent of the council shall not, in his or her personal capacity, be liable in civil or criminal proceedings in respect of any act or omission done in good faith in the performance of his or her functions under this Act.

25. Power of entry and inspection.

(1) The council or its duly authorized officer may, at any time, enter and inspect any public place or premises where an exhibition is being shown to ensure that the provisions of the Act have been complied with.

(2) The council or its duly authorized officer may confiscate any electronic apparatus which is used in contravention of this Act.

(3) Upon the confiscation of any electronic apparatus pursuant to subsection (2), the council or its duly authorized officer shall issue a seizure note indicating the apparatus which is confiscated and leave the note with the person from whom the apparatus is seized.

(4) A person who prevents the council or its duly authorized officer to enter in the places referred to under subsection (1) commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding three months or both.

26. Ethical broadcasting standards.

Subject to section 10(1) (e), the ethical broadcasting standards that shall apply to broadcasters shall be the professional code of ethics specified in the Fourth Schedule to the Press and Journalist Act and shall be applicable with such modifications as are necessary to bring it in line with the provisions of this Act.

27. Duplicate licence.

A person may, where the original licence is lost or defaced, be granted a duplicate licence upon application to the council and upon payment of the specified fee.

28. Rules

(1) The Minister may, in consultation with the council, make rules-
(a) prescribing fees to be paid for any licence or permit under this Act;
(b) prescribing the manner in which television sets are to be licensed; and
(c) generally for carrying into effect the provisions of this Act.

(2) The Minister may, in consultation with relevant authorities, make rules-
(a) Prescribing conditions to be observed in reference to the erection, alteration and equipment of any cinematograph theatre;

(b) Prescribing conditions to be observed in reference to the safety from fire or otherwise of any cinematograph theatre or for the safety and control of persons attending such theatre.

SCHEDULES

First Schedule. s.8.

Minimum broadcasting standards.

A broadcaster or video operator shall ensure that-

(a) any programme which is broadcast-

(i) is not contrary to public morality;

(ii) does not promote the culture, especially the children and the youth;

(iii) in the case of a news broadcast, is free from distortion of facts;

(iv) is not likely to create public insecurity or violence;

(v) is in compliance with the existing law;

(b) programs that are broadcast are balanced to ensure harmony in such programmes;

(c) adult-oriented programmes are appropriately scheduled;

(d) where a programme that is in respect to a contender for a public office, then each contender is given equal opportunity on such a programme.

Second Schedule.

Meetings, committees and seal of the council.

1. **Meetings of the council**.

(1) The council shall meet, for the discharge of its duties, at least every two months or upon a request in writing to the chairperson by at least one third of the members and shall meet at such time and place as the chairperson may appoint.

(2) A meeting of the council shall be convened by a notice issued under the signature of the secretary to the council at least fourteen days before the meeting except that in the case of an emergency a shorter notice of at least twenty-four hours may be given.

(3) The chairperson shall preside at all meetings of the council, and in his or her absence a person elected by the members present shall preside.

(4) Seven members shall form a quorum at a meeting of the council.

(5) Any decision at a meeting of the council may be determined by simple majority of the members present.

(6) A member of the council shall have one vote ;and in the event of equality of votes, the chairperson or person presiding at the meeting shall have a casting vote.

(7) The council may invite any person to any of its meeting , but that person shall not have a voting right.

(8) Subject to this schedule ,the council may regulate its own procedure.

2. **Minutes.**

(1) The secretary to the council shall cause to be recorded and kept minutes of all meetings of the council of in a form approved by the council.

(2) The minutes recorded under this paragraph shall be submitted to the

council for confirmation at its next meeting following that to which the secretary in the presence of the other members present to the latter meeting.

3. Validity of proceedings not affected by any vacancy.

The validity of any proceedings of the council shall not be affected by any vacancy among its members or by reason only of the fact that any person not entitled to vote at any meeting attended or voted.

4. **Disclose of interest**

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

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

5. Committees of the council.

The council may establish committees as may be required for the efficient discharge of its functions.

6. Common seal.

(1) The council shall have a common seal which shall be authenticated by the signature of the chairperson and secretary to the council.

(2) In the absence of the chairperson of a member of the council designated by the chairperson shall sign a document in the place of the chairperson; and in the absence of the secretary, a person performing the functions of the secretary shall sigh a document in the place of the secretary.

7. **Documents to be received in evidence**

A document purporting to be an instrument issued by the council and to be sealed with the seal of the council authenticated in the manner provided by paragraph 6 shall, unless the contrary is proved, be deemed to be such an instrument and shall be received in evidence without further proof.

History: statute 17/ 1996.

Cross References

Press and journalist Act, cap. 105
Uganda Posts and Telecommunications Corporation Act, Cap.107