

---

**THE INDEPENDENT BROADCASTING AUTHORITY  
ACT, 2025**

---

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Non-Application of Act

PART II

THE INDEPENDENT BROADCASTING AUTHORITY

4. Continuation of Authority
5. Functions of Authority
6. Constitution of Board
7. Functions of the Board
8. Director-General, Secretary and other staff

PART III

LICENSING OF BROADCASTING SERVICES

9. Non-application of Part
10. Licence and classes of licence
11. Prohibition of providing broadcasting service without broadcast licence or broadcast-related licence
12. Procedure for determination of broadcast needs
13. Application for broadcast licence or broadcast-related licence
14. Qualification to apply for broadcast licence or broadcast-related licence

15. Prohibition of providing online broadcasting service without online broadcast licence
16. Application for online broadcast licence
17. Validity
18. Renewal of licence
19. Variation of licence
20. Prohibition of transfer, sell, etc of licence
21. Suspension or cancellation of licence
22. Duplicate licence
23. Display of licence
24. Register of licences
25. Publication of copies of register

#### PART IV

##### STANDARDS RELATING TO BROADCASTING SERVICES

26. Broadcast Charter
27. Quality of service
28. Editorial policy
29. Programme standards
30. Editorial guidelines

#### PART VI

##### INSPECTORATE

31. Inspectors
32. Power of entry, search and inspection

#### PART VII

##### GENERAL PROVISIONS

33. Technical standards, spectrum management and network licensing
34. Change or alteration in shareholding
35. Free-to-air channels
36. Carriage of channels by holder of broadcast licence that provides subscription broadcasting service

37. Request for information
  38. Compliance order
  39. Appeals
  40. Administrative penalty
  41. Guidelines
  42. Regulations
  43. Repeal of Cap. 171 and savings and transitional provisions
- SCHEDULES



GOVERNMENT OF ZAMBIA

**ACT**

**No. 25 of 2025**

Date of Assent: 23rd December, 2025

**An Act to continue the existence of the Independent Broadcasting Authority and re-define its functions; reconstitute the Board of the Independent Broadcasting Authority and re-define its functions; to regulate the broadcasting industry in the Republic; provide for pluralism and diversity in the broadcasting industry; to repeal and replace the Independent Broadcasting Authority Act, Cap. 171 and to provide for matters connected with, or incidental to, the foregoing.**

[30th December, 2025

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Independent Broadcasting Authority Act, 2025, and shall come into operation on the date appointed by the Minister, by statutory instrument.

Short title  
and  
commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“active politics” has the meaning assigned to the words in the Benefits of Former Presidents Act;

Cap. 15

“Authority” means the Independent Broadcasting Authority continued under section 4;

“associate” has the meaning assigned to the word in the Anti-Corruption Act;

Cap. 91

- “broadcast content” means audio or audio-visual material with, or without, text or data transmitted by the Corporation, state-owned broadcaster or a holder of a licence issued under this Act;
- “Broadcast Charter” means the Broadcast Charter issued by the Authority under section 26;
- “broadcasting” means the transmission of audio or audio-visual content intended for receipt by the public;
- “broadcasting service” means a service that delivers broadcast content to a person having equipment appropriate for receiving that service, irrespective of the means of transmission, but does not include a service, or a class of service as maybe prescribed;
- “Chairperson” means the person elected as Chairperson of the Board under section 6;
- Cap. 1 “citizen” has the meaning assigned to the word in the Constitution;
- “commercial broadcasting” means a broadcasting service operated for profit;
- “community broadcasting” means a broadcasting service which—
- (a) is fully controlled by a non-profit organisation and operated for non-profit; and
  - (b) serves a specific community;
- Act No. 26 of 2025 “Corporation” means the Zambia National Broadcasting Corporation continued in existence under the Zambia National Broadcasting Corporation Act, 2025;
- “Director-General” means a person appointed as Director-General under section 8;
- “editorial policy” means a set of guidelines and principles that the Corporation, a state-owned broadcaster or a holder of a licence shall apply when creating broadcast content and submit to the Authority in accordance with section 28;

- “Emoluments Commission” means the Emoluments Commission established under the Constitution; Cap. 1
- “Engineering Institution of Zambia” means the Engineering Institution of Zambia continued in existence under the Engineering Institution of Zambia Act; Cap. 432
- “free-to-air” means a broadcasting channel which can be accessed by anyone without the need to pay a subscription fee;
- “higher education institution” has the meaning assigned to the words in the Higher Education Act; Cap. 136
- “Information and Communications Technology Association of Zambia” means the Information and Communications Technology Association established under the Information and Communications Technology Association of Zambia Act; Cap. 473
- “licence” means a broadcast, broadcast-related or online broadcast licence issued by the Authority under this Act;
- “local authority” has the meaning assigned to the words in the Constitution; Cap. 1
- “local content” means programming that is produced under the creative control of a citizen and includes—
- (a) a production where the producer, director or scriptwriter is a citizen;
  - (b) a production where at least half of the leading actors, including voice actors, or on-screen presenters appearing in the production are citizens;
  - (c) a production produced and post-produced in the Republic;
  - (d) a production where the language used is one or more of the local languages in the Republic; or

(e) in the case of an animated production, where the production satisfies at least three of the following requirements:

- (i) the production designer is a citizen;
- (ii) the character designer is a citizen;
- (iii) the supervising layout artist is a citizen;
- (iv) the supervising story board artist is a citizen; or
- (v) the key background artist is a citizen;

“online broadcasting service” means a broadcasting service delivered over internet protocol based networks such as internet radio, internet television or internet protocol television, video on demand, web-television, but does not include—

- (a) corporate audio or audio-visual communication;
- (b) a broadcasting service that primarily provides data or text, whether with, or without, audio or video clips such as an online newspaper, blog, weblog, audio or audio-visual clips;
- (c) personal audio or audio visual streaming on social media or any other similar broadcasting service; or
- (d) a broadcasting service or class of broadcasting service as the Authority may determine;

“radio” means the conveyance of audio content or suitably encoded textual information;

Cap. 91

“relative” has the meaning assigned to the word in the Anti-Corruption Act;

Cap. 171

“repealed Act” means the Independent Broadcasting Authority Act, repealed under section 43;

“signal distributor” means a licensed operator providing cable, terrestrial, internet protocol -based or satellite broadcasting network and multiplexing services done by way of direct to home or direct to device service;

“state-owned broadcaster” has the meaning assigned to the words in the Zambia National Broadcasting Corporation Act, 2025; Act No. 26 of 2025

“subscriber” means a person who lawfully accesses, uses or receives a broadcasting service;

“subscription broadcasting service” means a broadcasting service provided to a subscriber on payment of a fee;

“subscriber management service” means the provision of customer care and administrative services in respect of a broadcasting service, including subscription fee collection, operation of a call centre, operation of walk-in centre, sales and marketing services, technical and installation support;

“Vice-Chairperson” means the person elected as Vice-Chairperson of the Board under section 6;

“Zambia Information and Communication Technology Authority” means the Zambia Information and Communications Technology Authority established under the Information and Communication Technologies Act; and Cap. 169

“Zambia Institute of Chartered Accountants” means the Zambia Institute of Chartered Accountants established under the Accountants Act. Cap. 390

3. This Act shall not apply to print media. Non-application of Act

## PART II

### THE INDEPENDENT BROADCASTING AUTHORITY

4. (1) The Independent Broadcasting Authority established under the repealed Act is continued as if established under this Act as a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and has power subject to this Act, to do all acts and things that a body corporate may, by law, do or perform. Continuation of Authority

- (2) The First Schedule applies to the Authority.

5. (1) The functions of the Authority are to— Functions of Authority
- (a) regulate the broadcasting industry;
  - (b) promote a pluralistic and diverse broadcasting industry in the Republic;

- (c) monitor the performance of the broadcasting industry;
- (d) collaborate with the Zambia Information and Communications Technology Authority, in safeguarding rational and efficient use of frequencies allocated to a holder of a broadcast licence;
- (e) set and enforce broadcasting service standards relating to the broadcasting industry in the Republic which may include the following:
  - (i) election broadcasting;
  - (ii) community broadcasting;
  - (iii) commercial broadcasting;
  - (iv) educational broadcasting; and
  - (v) religious broadcasting;
- (f) develop programme standards relating to broadcasting in the Republic and enforce compliance with those standards;
- (g) ensure that a provider of a broadcasting service develops programming that reflects the diversity, culture, norms and beliefs of the Republic;
- (h) ensure that a provider of a broadcasting service covers matters of public interest and local significance in a balanced, fair and accurate manner;
- (i) ensure that a provider of a broadcasting service places a high priority on the protection of children from exposure to programmes that may be harmful;
- (j) receive, investigate and resolve complaints relating to the broadcasting industry;
- (k) collaborate with relevant authorities on matters relating to competition and advertising in the broadcasting industry;
- (l) conduct research into matters relating to the broadcasting industry; and
- (m) advise the Minister on matters relating to the broadcasting industry.

(2) Except as otherwise provided in this Act, the Authority shall not be subject to the direction of a person or an authority in the performance of its functions.

6. (1) There is constituted the Board of the Authority which consists of the following part-time members appointed by the Minister:

Constitution  
of Board

- (a) a representative of the Ministry responsible for broadcasting;
- (b) a representative of the Attorney-General;
- (c) a representative of a higher education institution that offers media studies;
- (d) a representative of a recognised professional media body;
- (e) a representative of a christian religious body;
- (f) a representative of the Information and Communications Technology Association of Zambia;
- (g) a representative of the Engineering Institution of Zambia;
- (h) a representative of the Zambia Institute of Chartered Accountants; and
- (i) one person from the private sector with relevant knowledge and experience in matters relating to this Act.

(2) The members referred to under subsection (1)(a) to (h) shall be nominated by their respective ministries, institutions or organisations for appointment by the Minister.

(3) The members shall elect the Chairperson and Vice-Chairperson of the Board from among themselves.

(4) Despite subsection (3), the members referred to under subsection (1)(a) and (b) are not eligible for election as a Chairperson or Vice-Chairperson.

(5) A person shall not be nominated or appointed as a member of the Board if that person—

- (a) is not a citizen;
- (b) is a member of Parliament or local authority;
- (c) is an office bearer or employee of a political party;
- (d) is an undischarged bankrupt;

- 
- (e) has been convicted of an offence involving fraud or dishonesty;
- (f) has been convicted of an offence under any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine; and
- (g) is a member of a board, employee or shareholder of an institution in the broadcasting industry.
- (6) The First Schedule applies to the Board.
- Functions of Board 7. (1) Subject to the other provisions of this Act, the Board shall provide strategic policy direction to the Authority.
- (2) Despite the generality of subsection (1), the functions of the Board are to—
- (a) approve the policies, programmes and strategies of the Authority;
- (b) approve the annual budget estimates and financial statements of the Authority;
- (c) approve the annual work plans, action plans and activity reports of the Authority;
- (d) monitor and evaluate the performance of the Authority against budgets and plans; and
- (e) promote the effective corporate governance of the Authority.
- (3) The Board may, by direction in writing and on conditions that the Board considers necessary, delegate to the Director-General any of the Board's functions under this Act.
- (4) A delegation made under subsection (3) shall not prevent the Board from performing the function so delegated.
- Director-General, Secretary and other staff 8. (1) The Board shall appoint a Director-General who shall be—
- (a) the chief executive officer of the Authority; and
- (b) responsible for the day-to-day administration of the Authority under the direction of the Board.
- (2) The Director-General shall attend meetings of the Board or a committee of the Board and may address those meetings, but shall have no vote.

(3) The Board shall appoint a Secretary who shall perform corporate secretarial duties for the Board and other functions that the Board may determine, under the direction of the Board and the Director-General.

(4) The Board shall appoint other staff of the Authority that the Board considers necessary for the performance of the Authority's functions.

(5) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Director-General, Secretary and other staff of the Authority.

(6) The Board shall determine the terms and conditions of service, other than emoluments, of the Director-General, Secretary and other staff of the Authority.

### PART III

#### LICENSING OF BROADCASTING SERVICES

**9.** This Part shall not apply to the Corporation or a state-owned broadcaster.

Non-application of Part

**10.** (1) The following licences shall be issued under this Act:

Licence and classes of licence

- (a) a broadcast licence;
- (b) a broadcast-related licence; and
- (c) an online broadcast licence.

(2) A broadcast licence referred to under subsection (1)(a) shall have the following classes:

- (a) radio;
- (b) television;
- (c) subscription broadcasting service; or
- (d) any other class as may be prescribed.

(3) A broadcast-related licence referred to under subsection (1)(b) shall have the following classes:

- (a) subscriber management service;
- (b) landing rights; or
- (c) any other class as may be prescribed.

Prohibition of providing broadcasting service without broadcast licence or broadcast-related licence

**11.** (1) Subject to subsection 12, a person shall not provide a broadcasting service in the Republic without a broadcast licence or broadcast-related licence issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Procedure for determination of broadcast needs

**12.** (1) The Authority shall, where the Authority determines that there is need to provide a broadcasting service in an area, invite applications for a broadcast licence or a broadcast-related licence.

(2) The Authority shall, in determining the need to provide a broadcasting service in an area under subsection (1)—

(a) inquire and determine whether the broadcasting service is necessary in that area; and

(b) prepare a report setting out the findings of the inquiry and determination under paragraph (a).

(3) The Authority shall, where the Authority finds that there is need for a broadcasting service in an area, publish a notice in a daily newspaper of general circulation in the Republic and in the *Gazette* or any other electronic media that the Authority may determine, inviting applications from members of the public to apply for a broadcast licence or broadcast-related licence.

(4) The Authority shall, where the Authority finds that there is no need to provide a broadcasting service in an area, take no further action.

Application for broadcast licence or broadcast-related licence

**13.** (1) Subject to section 12, a person who intends to provide a broadcasting service in the Republic shall apply to the Authority for a broadcast licence or broadcast-related licence in the prescribed manner and form on payment of a prescribed fee.

(2) The Authority shall, within ninety days of receipt of the application under subsection (1), grant or reject the application.

(3) The Authority shall, where the Authority grants an application under subsection (2), issue the applicant with a broadcast licence or a broadcast-related licence in a prescribed manner and form on terms and conditions that the Authority may determine.

(4) A person granted a broadcast licence or broadcast-related licence under subsection (3) may use an online platform to provide a broadcasting service.

(5) The Authority shall, where the Authority rejects an application under subsection (2), inform the applicant, in writing, stating the reasons for the rejection.

**14.** A person shall qualify to apply for a broadcast licence under this Act if that person—

Qualification to apply for broadcast licence or broadcast-related licence

(a) is a body corporate where sixty percent of the shareholders are citizens; and

(b) complies with requirements as prescribed.

(2) A person shall qualify to apply for a broadcast-related licence under this Act if that person—

(a) is a body corporate;

(b) has a valid broadcast licence, or an equivalent licence, issued by a relevant authority in a foreign country; and

(c) complies with requirements as prescribed.

**15.** (1) Subject to section 13 (4), a person shall not provide an online broadcasting service without an online broadcast licence issued in accordance with this Act.

Prohibition of providing online broadcasting service without online broadcast licence

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

**16.** (1) Subject to section 13(4), a person that intends to provide an online broadcasting service shall apply to the Authority for an online broadcast licence in a prescribed manner and form on payment of a prescribed fee.

Application for online broadcast licence

(2) A person shall qualify to apply for an online broadcast licence under this Act if that person complies with requirements as prescribed.

(3) The Authority shall, within ninety days of receipt of the application under subsection (1), grant or reject the application.

(4) The Authority shall, where the Authority grants an application under subsection (3), issue the applicant with an online broadcast licence in a prescribed manner and form on terms and conditions that the Authority may determine.

---

	<p>(5) The Authority shall, where the Authority rejects an application under subsection (3), inform the applicant, in writing, stating the reasons for the rejection.</p>
Validity	<p><b>17.</b> A licence issued under this Act shall be valid for a period as prescribed.</p>
Renewal of licence	<p><b>18.</b> (1) A holder of a licence that intends to renew a licence shall, not less than six months before expiry of the licence, apply to the Authority for renewal of the licence in the prescribed manner and form on payment of a prescribed fee.</p> <p>(2) The Authority shall renew the licence if the applicant complies with the terms and conditions of the licence issued under this Act.</p> <p>(3) A licence that is not renewed in accordance with this section is void.</p>
Variation of licence	<p><b>19.</b> A holder of a licence may, at any time during the validity of the licence, apply to the Authority for a variation of the licence in a prescribed manner and form on payment of a prescribed fee.</p>
Prohibition of transfer, sell, etc. of licence	<p><b>20.</b> (1) A licence granted under this Act shall not be transferred, sold, assigned, leased, mortgaged or charged to a third party.</p> <p>(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding six hundred thousand penalty units or to imprisonment for a term not exceeding six years, or to both.</p>
Suspension or cancellation of licence	<p><b>21.</b> (1) Subject to this Act, the Authority shall suspend or cancel a licence issued under this Act where the holder of the licence—</p> <ul style="list-style-type: none"><li>(a) informs the Authority, in writing, that the holder of a licence does not intend to continue providing broadcasting services for which the licence was granted and surrenders the licence to the Authority;</li><li>(b) obtained the licence through fraud, misrepresentation or concealment of a material fact;</li><li>(c) has not commenced the business for which the licence was granted within the period specified in the terms and conditions of the licence;</li><li>(d) provides a broadcasting service that the holder of a licence is not licensed to provide;</li></ul>

- (e) has ceased to provide the broadcasting service, for which the licence was obtained, for more than ninety days without justification;
- (f) fails to pay fees as determined by the Authority;
- (g) fails to comply with a compliance order issued under this Act; or
- (h) contravenes any provision of this Act or terms and conditions of a licence.

(2) The Authority shall, before suspending or cancelling the licence in accordance with subsection (1), notify the holder of the licence of the Authority's intention to suspend or cancel the licence and shall—

- (a) give reasons for the intended suspension or cancellation; and
- (b) require the holder to show cause, within a period of not more than thirty days, why the licence should not be suspended or cancelled.

(3) The Authority shall not suspend or cancel a licence under this section if the holder takes remedial measures to the satisfaction of the Authority within the period specified under subsection (2).

(4) The Authority shall, in making the Authority's final determination on the suspension or cancellation of a licence consider the submissions made by the holder of a licence under subsection (2).

(5) The Authority may suspend or cancel a licence if the holder after being notified under subsection (2) fails to show cause or does not take any remedial measures, to the satisfaction of the Authority, within the time specified in that subsection.

(6) The holder of a licence shall, where a licence is cancelled in accordance with subsection (5), surrender the licence to the Authority.

**22.** (1) A holder of a licence whose licence is destroyed or lost may apply to the Authority for a duplicate licence in a prescribed manner and form on payment of a prescribed fee.

Duplicate  
licence

(2) The Authority may, within fourteen days of receipt of an application under subsection (1), issue a duplicate licence to the applicant.

Display of licence	<b>23.</b> A holder of a licence shall display the licence in a conspicuous place at the place of business.
Register of licences	<p><b>24.</b> (1) The Authority shall keep and maintain a register of licences containing the following information:</p> <ul style="list-style-type: none"> <li>(a) the licences issued under this Act;</li> <li>(b) the names of holders of a licence issued under this Act;</li> <li>(c) class of licence; and</li> <li>(d) any other information that the Authority may determine.</li> </ul> <p>(2) The register referred to in subsection (1), shall be kept at the office of the Authority and shall be open for inspection by members of the public during normal office hours on payment of a fee determined by the Authority.</p> <p>(3) The Authority shall, on an application by a person, issue to the person a certified extract from the register or a copy of a licence issued to a holder of a licence in accordance with this Act on payment of a prescribed fee.</p>
Publication of copies of register	<p><b>25.</b> (1) The Director-General shall, on the direction of the Board, cause copies of any of the registers including alterations of, or additions to those registers, to be printed and published in a manner and form that the Board may direct.</p> <p>(2) Subject to this Act, a copy of the last published and printed register shall be <i>prima facie</i> evidence in legal proceedings of what is contained in that register and the absence of a licence from that copy, is <i>prima facie</i> evidence that the licence is not issued.</p>

## PART IV

STANDARDS RELATING TO BROADCASTING  
SERVICES

Broadcast Charter	<b>26.</b> The Minister shall, in consultation with the Authority, by statutory instrument, develop a Broadcast Charter which shall regulate the broadcast content and broadcasting services of the Corporation and a state-owned broadcaster.
Quality of service	<p><b>27.</b> The Corporation, a state-owned broadcaster and a holder of a licence shall, in the provision of broadcasting services—</p> <ul style="list-style-type: none"> <li>(a) deal with consumers in accordance with the guidelines issued by the Authority under this Act; and</li> <li>(b) address consumer complaints in accordance with the guidelines issued by the Authority under this Act.</li> </ul>

- 28.** The Corporation, a state-owned broadcaster and a holder of a licence shall develop and submit an editorial policy to the Authority which shall comply with this Part. Editorial policy
- 29.** (1) The Corporation, a state-owned broadcaster and a holder of a broadcast licence or an online broadcast licence shall comply with the programme standards as prescribed. Programme standards
- (2) Despite subsection (1), the Corporation, a state-owned broadcaster and a holder of a broadcast licence or an online broadcast licence shall comply with following programme standards:
- (a) tolerance of divergent opinions and beliefs;
  - (b) comprehensive, unbiased and independent news broadcast;
  - (c) current affairs programmes with commentary shall be clearly distinguished from news;
  - (d) observance of procedures for correcting factual errors and redressing unfairness;
  - (e) observance of the principle of the right to reply;
  - (f) protection of the integrity of children by avoiding broadcast content that might impair the mental or moral development of children;
  - (g) decent broadcast content used in programmes; and
  - (h) clear separation of advertisements from other programme outputs.
- 30.** The Corporation, a state-owned broadcaster and a holder of a licence shall develop and submit editorial guidelines to the Authority as the Authority may determine. Editorial guidelines

## PART VI

### INSPECTORATE

- 31.** (1) The Authority shall appoint suitably qualified persons as inspectors to ensure compliance with this Act. Inspectors
- (2) The Authority shall issue an inspector with an identification card which shall be *prima facie* evidence of the inspector's appointment as inspector.
- (3) An inspector shall, in performing an inspector's functions under this Act—

- (a) be in possession of the identification card referred to under subsection (2); and
- (b) show the identification card to a person who requests to inspect the identification card, or is the subject of an investigation under this Act.

Power of  
entry, search  
and  
inspection

**32.** (1) An inspector may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises that the inspector has reasonable grounds to believe is used for the commission of an offence or contrary to the provisions of this Act, and—

- (a) search the premises;
- (b) inspect broadcast equipment;
- (c) take extracts from, or make copies of, any books, documents or record that is on the premises and that has a bearing on an inspection or investigation;
- (d) demand the production of, and inspect, relevant licences; and
- (e) make inquiries that may be necessary to ascertain whether this Act or any other law on which an inspection or investigation is based, have been complied with.

(2) An inspector who removes anything from any premises shall—

- (a) issue a receipt for anything removed to the owner or the person in control of the premises; and
- (b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.

(3) An inspector shall furnish the Authority with a written report and any other information relating to an inspection.

(4) A person commits an offence if that person—

- (a) delays or obstructs an inspector in the performance of the inspector's functions under this Act;
- (b) refuses to give an inspector reasonable assistance as the inspector may require for the purpose of performing the inspector's functions;
- (c) impersonates an inspector or presents oneself to be an inspector; or
- (d) wilfully gives an inspector false or misleading information in answer to an inquiry made by the inspector.

(5) A person convicted of an offence under subsection (4) is liable to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

## PART VII

### GENERAL PROVISIONS

**33.** The Authority shall—

(a) collaborate with a relevant authority in the establishment, publication and enforcement of technical standards relating to broadcast equipment;

Technical standards, spectrum management and network licensing

(b) make recommendations to the Zambia Information and Communications Technology Authority on—

(i) spectrum management for broadcasting services; and

(ii) the regulation of network licensing for signal distributors.

**34.** (1) Subject to any other written law, a holder of a licence shall not alter or change the shareholding of the holder of a licence without the approval of the Authority.

Change or alteration in shareholding

(2) A holder of a licence that intends to change or alter the shareholding shall apply to the Authority for approval for an alteration or a change in shareholding in a prescribed manner and form on payment of a prescribed fee.

(3) The Authority shall, within ninety days of receipt of the application under subsection (2), approve or reject the application.

(4) The Authority shall, where the Authority approves an application under subsection (2), issue a letter of approval to the holder of a licence subject to terms and conditions that the Authority may determine.

(5) The Authority shall, where the Authority rejects an application under subsection (2), inform the applicant in writing, stating the reasons for the rejection.

(6) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding four hundred thousand penalty units or to imprisonment for a term not exceeding four years, or to both.

- Free-to-air channels
- 35.** (1) The Minister may prescribe a channel to be carried as free-to-air by a holder of a broadcast licence that provides a subscription broadcasting service.
- (2) The channel to be carried as free-to-air referred to under subsection (1) shall be selected from channels provided by the Corporation or a state-owned broadcaster.
- (3) Subject to subsection (1), a holder of a broadcast licence that provides a subscription broadcasting service shall carry the free-to-air channels in a manner as prescribed.
- Carriage of channels by holder of broadcast licence that provides subscription broadcasting service
- 36.** A holder of a broadcast licence that provides a subscription broadcasting service may carry a channel of a holder of a broadcast licence on terms that the parties may agree relating to the following:
- (a) subscription;
- (b) free-to-air; and
- (c) any other category that the Authority determine.
- Request for information
- 37.** (1) The Authority may request the Corporation, a state-owned broadcaster or a holder of a licence to furnish the Authority with a document or information that the Authority may require for purposes of carrying out its functions under this Act.
- (2) The Corporation, state-owned broadcaster or a holder of a licence shall, on receipt of the request under subsection (1), furnish the document or information in a manner and form determined by the Authority.
- (3) The Corporation, state-owned broadcaster or a holder of a licence that fails to furnish a document or information under subsection (2) without reasonable cause is liable to pay an administrative penalty.
- Compliance order
- 38.** The Authority may, where the Authority has reasonable grounds to believe that a person has breached a provision of this Act or condition of a licence issued under this Act, serve a compliance order on the person, in a prescribed manner and form, requiring that person to remedy the breach within a period stipulated in the compliance order.
- Appeals
- 39.** (1) A person who is aggrieved with a decision of the Authority may, within thirty days of receipt of the decision appeal, in writing, to the Minister.

(2) The Minister shall, within thirty days of receipt of an appeal under subsection (1), hear and determine the appeal and inform the appellant, in writing, of the Minister's decision stating the reasons for the decision.

(3) A person who is aggrieved with a decision of the Minister under subsection (2) may appeal to the High Court.

**40.** (1) The Authority may impose an administrative penalty on a person for failure to comply with this Act which is not an offence.

Administrative  
penalty

(2) An administrative penalty shall not exceed the amount prescribed by the Minister, by statutory instrument, for each day during which the failure continues.

(3) An administrative penalty shall be paid to the Authority within the period prescribed by the Minister.

(4) The Authority may, where a person fails to pay an administrative penalty within the stipulated time under subsection (3), by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the Authority.

**41.** (1) The Authority may, in the performance of its functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.

Guidelines

(2) Despite subsection (1), the Authority may issue guidelines relating to the procedures for—

- (a) the handling of consumer complaints and disputes;
- (b) the protection of consumer information;
- (c) meeting consumer needs and requirements; and
- (d) any other matter relating to consumer complaints under this Act.

(3) The Authority shall publish the guidelines issued under this Act in the *Gazette* and any electronic media that the Authority may determine and the guidelines shall take effect on the date of publication.

(4) The guidelines issued under this Act shall bind all persons on matters relating to this Act.

42. (1) The Minister may, on the recommendation of the Authority, make Regulations for the better carrying out of the provisions of this Act.

(2) Despite the generality of subsection (1), Regulations made under that subsection may provide for—

- (a) categorisation and classes of licences;
- (b) programming and content standards;
- (c) broadcast content sponsorship;
- (d) the provision of broadcasting services on an online broadcasting platform;
- (e) the manner and form relating to the keeping of broadcast records;
- (f) technical standards relating to broadcast equipment;
- (g) the manner and form in which applications for licences are to be made and the fees payable under the Act;
- (h) the form of licences and the periods for which a licence shall be valid; and
- (i) any other matter under this Act which requires to be prescribed.

Repeal of  
Cap. 171  
and savings  
and  
transitional  
provisions

43. (1) The Independent Broadcasting Authority Act, is repealed.

(2) Despite subsection (1), the Second Schedule applies to savings and transitional provisions.

FIRST SCHEDULE  
(Sections 4(2) and 6(6))

THE INDEPENDENT BROADCASTING AUTHORITY

PART I

ADMINISTRATION OF THE AUTHORITY

1. (1) The seal of the Authority shall be a device that may be determined by the Board and shall be kept by the Secretary of the Board.

Seal of  
Authority

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Director-General, or any other person authorised in that behalf by a resolution of the Board.

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

(4) A document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be considered to be so executed or issued, without further proof, unless the contrary is proved.

2. (1) Subject to the other provisions of this Act, a member of the Board shall hold office for a term of three years and may be re-appointed for a further and final term of three years.

Tenure and  
vacancy of  
office of  
member

(2) A member shall, on the expiration of the period for which a member is appointed, continue to hold office until another member is appointed, but in no case shall the further period exceed three months.

(3) The office of a member becomes vacant if the member

(a) dies;

(b) is adjudged bankrupt under any written law;

(c) is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member has had notice, without the prior approval of the Board;

- (d) resigns, by giving one month's notice in writing, to the Minister;
- (e) is legally disqualified from performing the functions of a member;
- (f) is engaged in active politics;
- (g) ceases to be an employee or a member of the ministry, institution or organisation that nominated the member; or
- (h) is convicted to an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(4) Where the office of a member becomes vacant before the expiry of the term of office, the Minister shall appoint another person to replace that member, but that member shall only hold office for the remainder of the term.

Proceedings  
of Board

3. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of business at least once every three months at a place and time that the Board may determine.

(3) The Chairperson shall, on giving notice of not less than fourteen days, or where one third or more of the members so request, in writing, call for a meeting of the Board, except that if the urgency of a particular matter does not permit the giving of a notice, a special meeting may be called on giving a shorter notice.

(4) Five members of the Board shall form a quorum at any meeting of the Board.

(5) There shall preside at a meeting of the Board—

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; or
- (c) in the absence of the Chairperson and the Vice-Chairperson, a member as the members present may elect for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(7) A member may, where the member is for any reason unable to attend a meeting of the Board, nominate another person, in writing, from the same ministry, institution or organisation to attend a meeting of the Board in that member's stead and that person shall be deemed to be a member for the purpose of that meeting.

(8) The Board may invite any person whose presence is, in its opinion, desirable to attend and to participate in the deliberations of a meeting of the Board but that person shall have no vote.

(9) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

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

4. (1) The Board may, for the purpose of performing its functions under this Act, constitute a committee and delegate any of its functions to the committee as it considers necessary.

Committee  
of Board

(2) The Board may appoint, members of a committee persons who are, or are not, members of the Board, except that at least one member of the Committee shall be a member of the Board.

(3) A member of a committee shall hold office for a period that the Board may determine, except that the term of a committee shall not exceed the term of office of the Board.

(4) Subject to any specific or general directions of the Board, a committee may regulate its own procedure.

5. A member of the Board or a committee of the Board shall be paid allowances that the Emoluments Commission may, on recommendation of the Minister, determine.

Allowances  
of members

Declaration  
of interest

6. (1) A person who is present at a meeting of the Board or a committee of the Board at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall, as soon as practicable after the commencement of the meeting, declare interest and shall not take part in any consideration or discussion of, or vote on, any question relating to that matter.

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

Prohibition  
of  
publication  
or  
disclosure of  
information  
to  
unauthorised  
person

7. (1) A person shall not, without the consent in writing given by or on behalf of the Board or as otherwise permitted by any written law, publish or disclose to any person, otherwise than in the course of that person's duties, the contents of any document, communication or information, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act.

(2) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates that information to any other person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Immunity of  
members of  
Board,  
committees  
and staff of  
Authority

8. An action or other proceeding shall not lie or be instituted against a member of the Board or a committee of the Board or a member of staff of the Authority, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, of any of the powers, functions or duties conferred under this Act.

## PART II

## FINANCIAL PROVISIONS

9. (1) The funds of the Authority consist of monies that may— Funds of Authority
- (a) be appropriated to the Authority by Parliament;
  - (b) be paid to the Authority by way of fees, grants or donations; and
  - (c) vest in, or accrue to, the Authority.
- (2) Subject to the Public Finance Management Act, the Authority may, with the approval of the Minister, accept monies by way of grants or donations from any source within or outside the Republic. Cap. 347
- (3) The loans for the Authority shall be raised in accordance with the Public Debt Management Act, 2022. Act No. 1 of 2022
- (4) There shall be paid from the funds of the Authority—
- (a) the salaries, allowances, loans, gratuities and pensions of the staff of the Authority and other payments for the recruitment and retention of staff;
  - (b) reasonable traveling expenses and other allowances for members of the Board or members of a committee of the Board when engaged in the business of the Authority at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and
  - (c) any other expenses incurred by the Authority in the performance of the Authority's functions under this Act.
- (5) Subject to the Public Finance Management Act, the Board may, with the approval of the Minister, invest in a manner that the Board considers necessary any of the Authority's funds that the Authority does not immediately require for the performance of the Authority's functions. Cap. 347
10. The financial year of the Authority shall be a period of twelve months ending on 31st December in each year. Financial year
11. (1) The Board shall cause to be kept proper books of accounts and other records relating to the Authority's accounts. Accounts and audit
- (2) The accounts of the Authority shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Authority.

Annual  
report

**12.** (1) The Board shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning the activities of the Authority during the financial year.

(2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Authority and there shall be appended to the report—

(a) an audited statement of financial position;

(b) an audited statement of comprehensive income and expenditure; and

(c) any other information that the Minister may require.

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

---

SECOND SCHEDULE

(Section 43)

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule “former Authority” means the Zambia Independent Broadcasting Authority established under the repealed Act. Interpretation

2. A person who immediately before the commencement of this Act held office as a member of the Board of the former Authority shall continue to hold office as a member for a period of three months after which the Minister shall appoint the members of the Board in accordance with this Act. Member of former Board

3. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the former Authority, shall continue to be an officer or employee of the Authority, as if appointed or employed under this Act. Staff of Authority

(2) The service of the persons referred to, in subparagraph(1) shall be treated as continuous service.

(3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Authority before the commencement of this Act.

4. A licence issued under the repealed Act shall continue to be valid as if issued under this Act until expiry, cancellation or surrender of the licence. Licences issued under repealed Act

5. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Authority by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Authority. Transfer of assets

(2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Authority was a party immediately before the commencement of this Act whether or not of a nature that rights, liabilities and obligations could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—

- (a) the Authority had been party to it;
- (b) for reference to the former Authority there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Authority; or
- (c) for any reference to any officer of the former Authority, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to that officer of the Authority, that it shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Authority are deemed to be transferred to the Authority in respect of which transfer a written law provided for registration, the Authority shall make an application in writing to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (3), shall make entries in the appropriate register that shall give effect to the transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal  
proceedings

**6.** (1) Any legal proceedings or application of the former Authority pending immediately before the commencement of this Act by or against the former Authority may be continued by or against the Authority.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Authority, may be instituted by, or against, the Authority.

---