

**THE ZAMBIA NATIONAL BROADCASTING
CORPORATION (AMENDMENT) BILL, 2010**

MEMORANDUM

The object of this Bill is to amend the Zambia National Broadcasting Corporation Act, so as to—

- (a) provide for the payment of a television levy;
- (b) authorise dealers as levy collection agents in respect of television tuners, receivers and like devices; and
- (c) provide for matters connected with, or incidental to, the foregoing.

A. J. SHONGA, JNR,
Solicitor-General

A BILL

ENTITLED

An Act to amend the Zambia National Broadcasting Corporation Act.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia National Broadcasting Corporation (Amendment) Act, 2010, and shall be read as one with the Zambia National Broadcasting Corporation Act, in this
5 Act referred to as the principal Act.

Short title

Cap. 154

2. Section *two* of the principal Act is amended—

Amendment

(a) by the deletion of the definitions “appointments committee” and “Telecommunications Corporation”;

of section

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- 10 (b) by the insertion in the appropriate places of the following new definitions:

“accommodation establishment” has the meaning assigned to it in the Tourism and Hospitality Act, 2010;

Act No. of

2010

- 15 “household” means a domestic social unit consisting of a family who live together as a unit; and

“television tuner” means a device capable of allowing television signals to be received by an electronic device.; and

Act No. 15

of 2009

- 20 (c) in the definition of “receiver” by the deletion of the words “Radiocommunications Act” and the substitution therefor of the words “Information and Communication Technologies Act, 2009”;

N.A.B. 6, 2010

- Amendment of section 4 3. Section *four* of the principal Act is amended in subsection (2) by the deletion, immediately after the word “Minister”, of the words “on the recommendation of the appointments committee.”
- Repeal of section 4A 4. The principal Act is amended by the repeal of section *four* 5 A.
- Repeal and replacement of Part IV 5. The principal Act is amended by the repeal of Part IV and the substitution therefor of the following new Part:

PART IV

TELEVISION LEVY AND INSPECTORS

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- Television levy Act No. 15 of 2009 25. (1) Notwithstanding the provisions of the Information and Communication Technologies Act, 2009, and subject to the provisions of this Act, a person shall not have in the person’s possession a television receiver or tuner for which a levy has not been paid: 15

Provided that in a private household where there is more than one television receiver or tuner, a levy shall be paid in respect of only one television receiver or tuner.

(2) For purposes of subsection (1), a proprietor of an accommodation establishment or such other commercial enterprise 20 as the Minister may, by statutory instrument, determine shall pay a levy in respect of each television receiver on the premises concerned.

(3) The Minister may, on the recommendation of the Corporation, by statutory instrument, prescribe the levy to be paid 25 under subsection (1).

(4) Subsection (1) shall not apply to a person—

(a) who is a *bona fide* tourist residing outside Zambia and whose television receiver or tuner is temporarily in Zambia; or 30

(b) whose television receiver or tuner is capable of use solely in connection with a diffusion service.

(5) A person who owns or operates a television receiver or tuner for which a levy has not been paid under this Act commits an offence and is liable, upon conviction, to a fine not exceeding one 35 thousand penalty units.

(6) The levy referred to under this section shall be paid into the general fund of the Corporation for the use of the Corporation.

(7) The Director-General may appoint, in writing, an agent for the purpose of collection of the levy.

(8) The Minister may exempt a person, organisation or institution from the provisions of subsection (1).

5 (9) A levy payable under this section shall be a debt due to the Corporation and shall be summarily recoverable as a civil debt.

26. (1) A dealer shall, on the sale of a television receiver or television tuner, collect from the purchaser of the television receiver or television tuner such information on the purchaser as may be prescribed and a television levy for one year, on behalf of the Corporation. Obligation of dealer

(2) A dealer shall remit the levy collected pursuant to subsection (1), to the Corporation together with information relating to the purchaser of any television receiver or television tuner by 15 the tenth day of the month following the month in which the information and levy are collected.

(3) A dealer who sells a television receiver or television tuner to any person without collection of the levy or the information required under subsection (1), or who fails to remit the information and levy to the Corporation in accordance with subsection (2), commits an offence and is liable, upon conviction—

(a) to a fine not exceeding ten thousand penalty units; and

(b) to a fine not exceeding one thousand penalty units in respect of each television receiver or television tuner sold.

25 (4) A dealer shall maintain records of information relating to the purchaser of any television receiver or television tuner, in the prescribed manner and form.

27. (1) The Corporation shall establish an inspectorate unit and may appoint such number of inspectors as are necessary to 30 enforce the provisions of this Act. Inspectors

(2) An inspector appointed under this section shall be issued with a certificate of appointment which shall be *prima facie* evidence of the inspector's appointment as such.

(3) An inspector carrying out any function under this Act shall, 35 on demand by a person affected by the exercise of the inspector's power under this Act, produce for inspection the certificate referred to in subsection (2).

28. (1) An inspector may demand the production of, and inspect or make copies of, information maintained pursuant to section 40 *twenty six*. Powers of inspectors

(2) An inspector or police officer may upon probable cause shown on oath to a subordinate court obtain a warrant to enter upon and search or examine the premises prescribed in the warrant in order to ascertain whether any offence under this Act is being committed on the premises.

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(3) Where an inspector or police officer has reasonable grounds to believe that a person has not paid a television levy under this Act, the inspector or police officer shall serve on that person a notice in the prescribed form.

(4) A person who fails to comply with a notice issued under subsection (3) commits an offence and is liable, upon conviction, to a fine not exceeding one thousand penalty units.

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Obstruction
of inspectors

29. (1) A person commits an offence if that person—

(a) willfully delays or obstructs an inspector in carrying out the inspector's duties under this Act; or

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(b) knowingly or negligently gives an inspector false or misleading information orally, in writing or otherwise.

(2) Any person who commits an offence under subsection (1) is liable, upon conviction, to a fine not exceeding one thousand five hundred penalty units.

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Restriction
on use of
name of
Corporation
Cap. 388

30. A person shall not assume for the purposes of business or be registered under the Companies Act, under —

(a) the name "Zambia National Broadcasting Corporation"; or

(b) a name which includes the word "broadcast" or "broadcasting" or "diffusion" or "rediffusion" with the word "National", "Zambia", "Zambian", "State" or "Corporation".

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Regulations

31. (1) The Minister may, on the recommendation of the Corporation, by statutory instrument, make regulations to prescribe matters which are necessary for the better carrying out of the purposes of this Act.

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(2) Without prejudice to the generality of subsection (1), the regulations made under that subsection may prescribe—

(a) the registration of dealers with the Corporation and the information to be supplied to the Corporation;

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(b) the keeping of books, records and documents, the furnishing of returns and the supply of information to the Corporation relating to the dealings in television receivers and television tuners;

- (c) the fees to be paid under the provisions of this Act;
 - (d) the form of notices required to be served under this Act;
 - (e) the methods of payment and collection of fees payable
under this Act; and
 - 5 (f) any other matters required to be prescribed under this Act.
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