

**THE ZANZIBAR BROADCASTING COMMISSION
ACT, NO. 7 OF 1997**

**ZANZIBAR BROADCASTING REGULATIONS, 2017
[Made under section 26]**

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**THE ZANZIBAR BROADCASTING COMMISSION
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[Made under section 26]**

IN EXERCISE of the powers conferred upon me under section 26 of the Zanzibar Broadcasting Commission Act, No. 7 of 1997 **I, RASHID ALI JUMA**, Minister for Information, Tourism, Culture and Sports do hereby make the following Regulations-

L.N.39 of
2017

**PART ONE
PRELIMINARY PROVISINS**

1. These Regulations may be cited as Zanzibar Broadcasting Regulations, 2017 and shall come into operation after being signed and published in the Gazette.

Short title
and Comme-
ncement.

2. These Regulations shall apply to the licensing of provision of broadcasting and broadcasting services on-

Application.

- (a) network facilities services licenses;
- (b) network services licenses;
- (c) application services licenses; and
- (d) Content service licenses.

3. In these Regulations, unless the context otherwise requires:

Interpretation.

“Act” means the Zanzibar Broadcasting Commission Act, No. 7 of 1997;

“analogue broadcasting” means the transmission of sound, text and images whether still or moving in a continuously variable signal in the form of electromagnetic or radio waves;

“application services” means the provision of electronic communication services to end users using licensed network services but does not include content services;

“application services license” means a license entitling the holder to provide one or more application services;

“Appropriate percentage” means in relation to any year or any relevant year the percentage which corresponds to the percentage increase between-

(a) the retail prices index for the month of November in the year preceding the first complete calendar year falling within the license period; and

(b) the retail prices index for the months of November in the year preceding the relevant year, and for this purpose;

“Body” means a body of persons whether incorporated or not, and includes a partnership;

“Broadcasting business” means-

(a) offering for sale, selling, letting on hire or dealing otherwise in broadcasting apparatus;

(b) ownership and operation of broadcasting service; and

(c) ownership and operation of satellite dishes, boosters, and other equipment of that nature;

“Code of Advertising and Sponsorship” means the code governing standard and practice in advertising and in the sponsorship of programmes in the provision of the licensed services and drawn up and from time to time revised by the Commission in accordance with section 15 of the Act;

“Commission” means the Zanzibar Broadcasting Commission established under section 5 of the Act;

“Conditional access” means to restrict television programme access to certain groups of users either because of concerns of privacy or the desire to collect revenue for the services that requires secure encryption of the programme content and secure decryption in digital television receivers;

“consumer” means any person who uses broadcasting services for purposes which are outside his trade, business or profession and includes a subscriber;

“construction permit” a permit issued by the Commission to enable a successful applicant to construct broadcasting network within the specified time frame and in accordance with prescribed specifications;

“content service” means services offered for speech or other sound, data, text or images whether still or moving, except where transmitted in private communications;

“content services license” means an broadcasting license entitling the holder to provide one or more content applications services;

“content services licensee” means a holder of a content services license;

“digital broadcasting” means the practice of using advanced digital compression techniques to encode and transmit audio, text, images and video signals resulting in more efficient bandwidth usage;

“digital TV channel” means a radio frequency Channel assigned for broadcasting of digital television.

“dual illumination (simulcast)” means transmission of the same broadcast content in both analogue and digital technologies during transition period;

“effective Radiated Power (ERP)” means the product of the power supplied to the antenna and its gain relative to a half wave dipole antenna in a given direction;

“electronic Programme Guide (EPG)” means on-screen guide to scheduled television or sound broadcasting programmes;

“electronic Programme Information (EPI)” means a basic initiated call to display a banner over the video indicating at a minimum, the current and upcoming programme title;

“existing content services provider” means a content service licensee providing content services before licensing of multiplex operators;

“FM” means a broadcasting network which applies uses Frequency Modulation scheme;

“frequency assignment” means the authorization to use frequencies by the multiplex operator;

“High Definition Television (HDTV)” means high quality digital television transmission system providing image resolution of 1920 by 1080 pixels;

“initial License Period” means the initial license period of five/ ten years from the commencement date or; if shorter period from the commencement date until such date as the license is revoked or renewed in accordance with these conditions;

“interest” of particular percentage (or more from a particular percentage) in a body corporate is a reference to a person or group of persons who-

(a) holds or is beneficially entitled to that percentage (or more than that percentage) of the share is in the body; or

(b) possesses that percentage (or more that percentage) of the voting power in that body;

“licensed apparatus” means broadcasting apparatus licensed by the Commission under section 11 of the Act;

“Minister” means the minister responsible for information and broadcasting;

“Motion Picture Expert Group” (MPEG)” means, a working group of experts that was formed by the International Standards Organization (ISO) for setting standards for audio and video compression and transmission;

“multiplex” means a digital transmission channel which combines program material and other data in a digital form for transmission via a frequency channel;

“Multiplex operator” means that entity that complies, operates content offering on a digital multiplex that decides on the conditional access and Subscriber Management System (SMS) to be used and provides signal transition to the end user;

“network facilities” means any element or combination of elements, of physical infrastructure used principally for or in the connection with, the provision of one or more network services or multiplex operation, but not including customer equipment;

“programme code” means the code giving guidance as to the rules to be observed with respect to programmes included in the licensed services and as to other matters concerning standard and practice for such programmes as drawn up and from time to time revised by the commission in accordance with section 15 of the Act;

“Public services broadcasting” means content service provided by a licensee at a cost borne out of expenditure appropriated by Parliament or other public finances collected through other means of revenue collection;

“Radio broadcasting station” means a transmission of audio content over radio waves intended to reach a wide audience.

“Registrar” means a person appointed under section 9 (2) of the Act;

“relevant date” means the date which the Commission determines to be by which it would need to publish a notice under section 14 of the Act if it were to grant as from the date on which the license would expire if not renewed, a fresh license to provide the license service at the end of the license period;

“relevant period” means the period beginning with the date on which the license was awarded and ending on the first anniversary of the commencement date;

“schools programmes” means programmes which are intended for use in schools;

“service area” means the geographical area within which a licensee is authorized to cover;

“Standard Definition Television (SDTV)” means digital television transmission system with 720 x 576 resolutions either interlaced or progressive scanned formats;

“subsequent license period” means any period of five or three years from the date on which the license is renewed in accordance with the conditions prescribed in paragraph 16 or, is shorter; the period from the date on which the license is renewed until such date as it is revoked or renewed again in accordance with these conditions;

“Technical Performance Code” means the code governing technical standards and practice in-

- (a) programme production and acquisition;
- (b) broadcasting for general reception; and
- (c) distribution in the provision of licensed services as drawn up and from time to time revised by the Commission.

“Television broadcasting station” mean a broadcasting service that broadcasts both audio and video over the air

“value added services” means additional or advanced services provided under digital terrestrial broadcasting platform.

PART TWO REGISTRATION

4. A person who intends to operate broadcasting business shall require to applying the registration to the Commission by filling a registration form provided by the Commission as specified under the First Schedule of these Regulations. Application for registration.

5.-(1) A person who applied the registration to the Commission required to accompany his application form the following requirements- Requirements of the registration.

- (a) prescribed the full and official business name, logo or symbol either in part or full or abbreviated form of the person intending to provide a broadcasting service, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) prescribed the name of the contact person (if different from the applicant) and the following contact details-
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number;
 - (iv) facsimile numbers; and
 - (v) electronic mail address.

- (c) receipt which proved that he already paid the registration fee to the Commission; and
- (d) any other requirement might be relevant to the Commission in considering the registration application of the applicant.

(2) Where the application for registration being made in the prescribed manner, the Commission shall, subject to the provisions of the Act or these Regulations, register the applicant by entering his particulars and the date of the entry in the register.

(3) Without prejudice the provisions of sub regulation (2) of this regulation, the Commission shall issue, to the accepted applicant, a certificate which shall be conclusive evidence of his registration.

Refusal or
cancellation
of the
registration.

6.-(1) The Commission may refuse or cancel the registration, if it's considered that-

- (a) the registration is likely to threaten the security and integrity of the State;
- (b) the registration is likely to threaten peace and harmony or public order in the whole or a part of the country in Zanzibar;
- (c) the name, logo or symbol of the broadcasting service, either in part or full or abbreviated form, is-
 - (i) obscene or vulgar;
 - (ii) same or similar to that of a terrorist or terrorist organization, either in full or in abbreviated form;
 - (iii) same or similar to any name or brand or symbol of a product;
 - (iv) a company making such a product, that is prohibited from being promoted or advertised, directly or indirectly, by any law for the time being in force; or

- (d) same or similar to that of any other registered business in Zanzibar or any well known business outside Zanzibar, whether registered in Zanzibar or not, except where valid permission is obtained from the owner of the original name, symbol or logo, as the case may be, provided that any such permission shall not be treated as valid if the said owner does not have more than 26% equity in the applicant company, or contributes or agrees to contribute from the original channel with the same or similar name, logo or symbol, as the case may be, more than 50% of the content of the proposed channel of the applicant company.

(2) The order of refusal or cancellation of registration shall not be issued without giving a reasonable opportunity to the applicant of being heard.

PART THREE LICENSE

7.-(1) Subject to the provisions of the section 12 of the Act, a person intending to provide broadcasting service as contemplated in the Act shall submit, in writing to the Commission his application form provided by the Commission as specified in the Second Schedule of these Regulations. Application
for a
License.

(2) The application form referred to under sub regulation (1) shall-

- (a) prescribed the full and official name of the person intending to provide a broadcasting service (applicant), and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) prescribed the name of the contact person (if different from the applicant) and the following contact details-
- (i) physical address;

- (ii) postal address;
- (iii) telephone number;
- (iv) facsimile numbers; and
- (v) electronic mail address;
- (vi) prescribed full details of all ownership interests in the applicant, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
- (vii) prescribed full details regarding foreign ownership interests in the applicant;
- (viii) if the applicant is a juristic person, prescribed full names, nationalities and identity numbers of the members of the Board of Directors or other governing body;
- (ix) identify the category of broadcasting service license as contemplated in the Regulations Setting out Broadcasting and Broadcasting Service License Categories;
- (x) in respect of the commercial, community, and public broadcasting service categories, indicate whether the applicant intends to provide its own signal distribution service or whether it intends to contract with a signal distribution service licensee for such service;
- (xi) in respect of the commercial, community, and public broadcasting service categories, indicate whether the applicant intends to use spectrum in the provision of the broadcasting service;
- (xii) prescribed a complete, accurate and concise statement of the broadcasting services intended to be provided;
- (xiii) in respect of commercial, community, and public broadcasting service categories, prescribed a proposed

programme schedule detailing the daily transmission time allocated to different programme types;

- (xiv) include a statement of accounts setting out the financial resources available to the applicant in relation to the broadcasting service license applied for;
- (xv) include a concise statement of expertise and experience of the applicant;
- (xvi) indicate full details of any ownership interests held in existing broadcasting services license and other broadcasting services license applications, by the applicant and if the applicant is a juristic persons, by persons who hold ownership interests in the applicant; and
- (xvii) include any other information the applicant believes might be relevant to the Commission in considering the application.

(3) The broadcasting service license application shall be accompanied by the relevant application fee as specified in the Third Schedule of these Regulations.

(4) In respect of commercial, community, and public broadcasting service categories, the broadcasting service license application shall be accompanied by a spectrum use license application if the applicant intends to use radio spectrum in the provision of the broadcasting service.

(5) In respect of commercial, community, and public broadcasting service categories, the broadcasting service license application shall be accompanied by a signal distribution license application if the applicant intends to provide its own signal distribution service and the applicant is not already a signal distribution service licensee.

(6) The Commission may request further information or documentation, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

(7) The Commissions shall from time to time issue licensing guidelines prescribing-

- (a) eligibility of applicants;
- (b) license categories;
- (c) manner of applications;
- (d) application forms for each license type;
- (e) information to accompany an application for each license type;
- (f) licensing procedures; or
- (g) any other matter related to licensing.

(8) The Commission may receive applications for a broadcasting license at any time without waiting for a public invitation or tendering process.

Spectrum
use
license
applications.

8.-(1) Any person intending to use spectrum, where the Commission is sole discretion on determines that spectrum uses, the license application shall be made to the Commission by submitting his application in the form made available by the Commission as specified in the Fourth Schedule of these Regulations.

(2) The application shall –

- (a) prescribed the full and official name of the person intending to use spectrum (applicant) and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) prescribed the name of the contact person (if different from the applicant) and the following contact details-

- (i) physical address;
 - (ii) postal address;
 - (iii) telephone number;
 - (iv) facsimile numbers; and
 - (v) electronic mail address;
- (c) prescribed full details of all ownership interests in the applicant, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
- (d) prescribed a complete list of radio frequencies or groups of radio frequencies being applied for;
- (e) prescribed a complete, accurate and concise statement of the services intended to be provided using the spectrum being applied for;
- (f) include the completed technical portion of the application form made available by the Commission; and
- (g) include any other information the applicant believes might be relevant to the Commission in considering the application.

(3) The spectrum use license application shall be accompanied by the relevant application fee as determined by the Commission from time to time.

(4) The Commission may request further information or documentation, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

9.-(1) The Commission shall issue license in the different classes and duration as specified in the Fifth Schedule of these Regulations.

Classification
and Duration
of the
License.

(2) A licensee shall be required to pay to the Commission fees as provided for in the Third Schedule of these Regulations.

(3) The fees specified under sub regulation (2) of this regulation, may be paid in Tanzanian shs equivalent to the prevailing market exchange rate

Initial fee. **10.**-(1) The Commission shall issue an invoice to the successful applicant to pay the initial license fees before the grant of license.

(2) The initial license fees mentioned under sub regulation (1) of this regulation shall be specified by the Third Schedule of these Regulations.

(3) Where, within one month from the date of issuance of the invoice the applicant fails to pay the initial fee, the Commission may reject that application.

(4) The Commission may extend the period for one month upon request by the applicant, and upon showing good cause for such extension, save that, the Commission shall not have power to grant further extension.

Failure to submit relevant documents or comply with conditions.

11.-(1) Where an applicant fails to-

- (a) submit documents or information as required in section 12 (2) of the Act and these Regulations;
- (b) appear on a date scheduled by the Commission to make for representation regarding its application; or
- (c) comply with any condition provided by the Act or these Regulations; the Commission shall not consider his application and inform the applicant in writing within fourteen days from the submission date as requested by the Commission or the date scheduled for representation of the application.

(2) Failure to consider an application pursuant to sub-regulation (1) of this regulation shall not prevent the applicant from resubmitting another application with the required information except where a tender process is involved.

(3) Resubmission of the license application under sub-regulation (2) of this regulation, shall be treated as a new application.

(4) An application under this regulation shall be accompanied by applicable non-refundable application fee as provided in the Third Schedule to these Regulations.

(5) The Commissions may, at any time after the filing of an application for a license or an application for modification or renewal of a license or during the term of any license, require from an applicant or licensee to provide further written statements of fact to enable it determine whether the application for a license or application for modification or renewal should be granted, denied, or revoked.

12.-(1) The Commission shall evaluate any application submitted by the applicant within sixty (60) days from the date of application and shall notify successful applicants and other unsuccessful applicants the results of the evaluation and where necessary publish the results. Grant of license.

(2) The Commission shall invite successful applicant for negotiations before finalizing the procedures for the granting of the license.

(3) Where spectrum requirements are involved the licensee shall make a separate application for a radio frequency license.

(4) The Commission shall issue a license under these Regulations subject to:

- (a) payment of applicable initial license fees; and
- (b) Publication in the Gazette.

Transfer of
license and
control of
license.

13.-(1) A licensee may request the Commission to authorize the transfer of its license or the transfer of control of its license by submitting in writing to the Commission, an application to transfer a license or transfer control of a license, in the form made available by the Commission.

(2) The changing of the name and transfers of ownership interests not resulting in a transfer of control do not require prior approval from the Commission.

(3) The Commission shall be notified of the impending change at least fourteen (14) days prior to the effective date.

(4) The application shall-

- (a) prescribed details of the license, including the license number and include a copy of the license;
- (b) prescribed full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (c) prescribed the name of the contact person (if different from the licensee) and the following contact details –
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number;
 - (iv) facsimile numbers; and
 - (v) electronic mail address;
- (d) in respect of broadcasting service license, prescribed the details of the proposed new licensee;
- (e) in respect of spectrum use license, prescribed the details of the proposed new licensee;

- (f) prescribed a complete, accurate and concise statement of the reasons for the proposed transfer or transfer of control; and
- (g) include any other information the applicant believes might be relevant to the Commission in considering the application.

(5) The transfer application shall be accompanied by the relevant application fee as determined by the Commission from time to time.

(6) If any amendment to the license is sought, the license transfer application shall be accompanied by a license amendment application.

(7) The Commission may request further information or documentation, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

14.-(1) A licensee may request the Commission to amend its license by submitting in writing to the Commission, an application to amend a license in the form made available by the Commission. Amendment of license.

(2) Changes to the licensee's name and name and details of contact persons do not require prior approval from the Commission, but the Commission shall be notified of the impending change at least fourteen (14) days prior to the effective date.

(3) The application shall-

- (a) prescribed details of the license, including the license number and include a copy of the license;
- (b) prescribed full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

- (c) prescribed the name of the contact person (if different from the licensee) and the following contact details-
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number;
 - (iv) facsimile numbers; and
 - (v) electronic mail address;
- (d) prescribed a complete, accurate and concise statement of the proposed amendment;
- (e) prescribed a complete, accurate and concise statement of the reasons for the proposed amendment; and
- (f) include any other information the applicant believes might be relevant to the Commission in considering the application.

(4) The amendment application shall be accompanied by the relevant application fee as determined by the Commission from time to time.

(5) The Commission may request further information or documentation, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

Renewal
of license.

15.- (1) Without prejudice the provisions of the section 14 of the Act, a licensee may request the Commission to renew its license by submitting in writing to the Commission, an application to renew a license in the form made available by the Commission.

(2) The application shall –

- (a) prescribed details of the license, including the license number and include a copy of the license;

- (b) prescribed full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (c) prescribed the name of the contact person (if different from the licensee) and the following contact details –
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number;
 - (iv) facsimile number; and
 - (v) electronic mail address;
- (d) prescribed a complete and accurate statement detailing any action taken by the Commission or other entity with competent jurisdiction in relation to any breach or alleged breach by the licensee of the Act, Regulations or the licensee's license; and
- (e) include any other information the applicant believes might be relevant to the Commission in considering the application.

(3) The Commission shall, before renewing a license applied under this regulation, have regard to whether the-

- (a) licensee performed in accordance with the obligations of its license;
- (b) licensee continues to meet the eligibility requirements under the Act;
- (c) licensee continues to be financially and technically capable of meeting its obligations under the Act and any other related laws;
- (d) renewal of license would be in the public interest; and
- (e) licensee has not, during the validity period of its license, contravened the provisions of the Act, the conditions of the

license, the rules issued by the Commission or any other relevant laws and Regulations.

(4) Unless otherwise provided in the license, a licensee shall apply for renewal of its license at least twelve months before the expiry date of its license.

(5) The Commission shall renew a license issued under these Regulations subject to payment of applicable renewal fees as specified under the Third Schedule of these Regulations.

(6) The Commission may request further information or documentation in renewing the license, which shall be provided to the Commission in the time and manner prescribed by the Commission.

Withdrawal
of license.

16.-(1) If a licensee cannot provide service in accordance with its license for a period greater than twenty-four (24) hours, it shall notify the Commission of that occurrence within twenty four (24) hours of the occurrence, or if the licensee was unaware of the interruption of service, as soon as the licensee becomes aware of the occurrence.

(2) If a licensee intends to permanently discontinue providing service in accordance with its license, it shall request the Commission to withdraw its license by submitting in writing to the Commission, an application to withdraw a license in the form made available by the Commission.

(3) The application shall-

- (a) prescribed full details of the license, including the license number and include a copy of the license;
- (b) prescribed full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

- (c) prescribed the name of the contact person (if different from the licensee) and the following contact details –
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number;
 - (iv) facsimile numbers; and
 - (v) electronic mail address;
- (d) prescribed complete, accurate and concise statement of the reasons for the proposed withdrawal;
- (e) prescribed the date the licensee intends to permanently discontinue providing service, which shall be at least sixty (60) days after the date the application is submitted;
- (f) indicate whether the licensee has paid all fees payable to the Commission in relation to the license; and
- (g) include any other information the applicant believes might be relevant to the Commission in considering the application.

(4) The Commission may request further information or documentation, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

17.-(1) After considering any application for the broadcasting license and any further information submitted by the applicant, the Commission shall either deny the application or grant the application, in whole or in part, and-

Application procedures.

- (a) issue the appropriate license in respect of class broadcasting service license applications, broadcasting services license applications and spectrum use license applications;

- (b) issue the appropriate license to the transferee in respect of license transfer applications;
- (c) issue an amended license in respect of license amendment applications; or
- (d) issue a renewal license in respect of license renewal applications.

(2) In the event the Commission is unable to render a decision within thirty (30) days of the last written or oral submission, the Commission shall inform the applicant or licensee of its inability and the reasons for such inability and what measures are being taken to address the matter urgently, which matter shall then be addressed within a further maximum period of fourteen (14) days, unless the Commission has identified extraordinary circumstances, beyond its reasonable control that makes it impossible to render its decision within the further maximum period of fourteen (14) days.

Grounds for
modification
of license.

18.-(1) The Commission may modify or amend the license due to the following grounds-

- (a) if it is necessary in the interest of the efficient management of the broadcasting sector and provided that the amendment shall not cause substantial prejudice to the licensee;
- (b) if it is necessary for the compliance with any international agreement to which Zanzibar is a party;
- (c) if it is necessary for the compliance with provisions of these Regulations;
- (d) if it is for the public interest;
- (e) with the agreement of the licensee; or
- (f) any other reason which shall be considered just by the Commission for modification of the license.

(2) A licensee may apply in writing for modification or amendment of any term or condition of his license.

19.-(1) Subject with the provisions of the regulation 19 of these Regulations, the licensee shall submit the following- License modification procedures.

- (a) a formal letter justifying the reasons for the variation together with an application fee amendment as specified under the Third Schedule of these Regulations; and
- (b) an additional information or documents requested by the Commission to be submitted within a stipulated time line and failure to submit within the stipulated time line given shall result in the application being withdrawn without affecting the right of the applicant to make a fresh application.

(2) The Commission may initiate a license modification proceeding by providing notice to a licensee setting out the proposed modification and the grounds for such modification.

(3) The Commission shall modify any provision, in response to a request made under this regulation, subject to payment of applicable application fee modification prescribed by the Third Schedule of these Regulations

(4) Commission shall, from time to time, modify or change the fees when it deem just.

(5) The licensee may submit in writing to the Commission, comments within the time prescribed in the notice, which time may not be less than thirty (30) days from the date of notice.

(6) The Commission shall publish a notice, either as originally proposed or as modified taking into account the licensee's comments, of a proposed license modification in the Gazette.

(7) After the Commission publishes the notice of a proposed license modification in the Gazette, the public may submit in writing

to the Commission, comments within the time prescribed in the notice, which time may not be less than thirty (30) days from the date of publication.

(8) If the Commission considers it necessary, it shall provide the opportunity to the licensee to respond to public comments.

(9) Licensee responses to public comments shall be submitted in writing to the Commission within the time prescribed by the Commission, which time may be not less than fourteen (14) days from the submission of public comments or if the opportunity for the submission of responses is published in a subsequent Gazette, not less than fourteen (14) days from the date of publication.

(10) The times for the submission of public comments and licensee responses are to be determined by the Commission in light of the nature of the application.

(11) The Commission may consider written submissions not timely filed if, in its opinion, it is practicable to do so.

(12) The Commission may request further written submissions, for the information or clarification, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

(13) All written submissions shall –

(a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Commission from time to time.

(14) After considering any written and oral submissions in respect of a proposed license modification, the Commission shall either issue a modified license or decide not to issue the modified license.

(15) In the event the Commission is unable to render a decision within sixty (60) days of the last written or oral submission, the Commission shall inform the applicant or licensee of its inability and the reasons for such inability and what measures are being taken to address the matter urgently, which matter shall then be addressed within a further maximum period of sixty (60) days, unless the Commission has identified extraordinary circumstances, beyond its reasonable control that makes it impossible to render its decision within the further maximum period of sixty (60) days.

(16) The Commission may, before giving any notice of modification or amendment of license, investigate-

- (a) whether any matter relating to the provision of broadcasting services, operates against the public interest or is likely to do so; or
- (b) whether the modification may remedy or prevent any adverse effects to the public relating to the provision of broadcasting services services.

(17) The Commission shall, as soon as practicable after commencing an investigation under sub-regulation (10) of this regulation, give notice by-

- (a) serving a copy of the notice initiating the investigation on a licensee; and
- (b) publishing particulars of the investigation in a manner that may be appropriate for the purpose of bringing it to the attention of a person likely to be affected by it.

(18) The Commission shall prepare a report on the investigation under sub-regulation (10) of this Regulation which shall-

- (a) include conclusions on the matter investigated and reasons behind the conclusions;
- (b) specify the negative effects against the public, where it concludes that a matter investigated is against or is likely to be against public interest, and
- (c) specify modifications to be made to the license where it concludes that any negative effects specified may be addressed by such amendments.

(19) The Commission may amend a license issued under these Regulations if it concludes basing on the report that-

- (a) the matter investigated is or is likely to be against the public interest;
- (b) the negative effects against the public may be addressed remedied or prevented by amendment the license.

(20) The Commission shall adhere to the procedure prescribed in this regulation before making an amendment to a license following an investigation.

(21) The Commission shall, after its investigation, decides to either-

- (a) rescind the amendment;
- (b) modify the amendment; or
- (c) proceed with the proposed amendment.

Oral
hearings.

20.-(1) If the Commission considers it necessary or appropriate, it may also hear oral submissions in respect of any application made in terms of these Regulations or any license modification proceeding.

(2) The Commission shall invite the public to make oral submissions at least fourteen (14) days prior to the hearing.

(3) Unless otherwise specified by the Commission, hearings shall be open to the public.

(4) The format and agenda of the hearing is at the discretion of the Commission, depending on the nature of the proceeding, provided however, that the hearing should be informal in nature.

(5) All oral submissions shall-

(a) include a statement indicating the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Commission from time to time.

(6) If the Commission considers it necessary, it shall provide the opportunity to the licensee or applicant to respond to oral submissions.

(7) The Commission may request further oral or written submissions for the information or clarification, which shall be provided to the Commission in the time and the manner prescribed by the Commission.

(8) At the conclusion of the hearing, a concise report summarizing the oral submissions shall be prepared and placed in the relevant application file by the Commission.

21.-(1) Any person providing information or documentation may designate information as confidential, provided, however, if the Commission is of the opinion that the information is not confidential, Confidential information.

it shall inform the person that it may withdraw the information, agree that it shall not be treated as confidential, or request a hearing on the issue of confidentiality.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential.

Condonation.

22.- (1) In the event any party is unable to comply with any time prescribed in these Regulations, it may request from the Commission an extension of time at least seven (7) days prior to the time prescribed or within such other time period agreed by the Commission upon good cause shown.

(2) The Commission shall respond to the request for condonation as soon as practicable, and may either grant or deny the request, in its sole discretion, based on, among other things, the nature of the proceeding and the reasons for non-compliance with the time set out.

Ex part communications.

23. A person may not communicate with the members of the Commission or staff to discuss the subject matter of an application proceeding, except as provided for herein.

Record of Proceedings.

24.-(1) All documents deemed relevant by the Commission to the application proceedings contemplated by these Regulations, including information and documentation provided in terms of these Regulations and decisions made by the Commission, shall be maintained by the Commission separately for each application in files located at the head offices of the Commission and, if practicable, on the Commission's website.

(2) Except for confidential information, any person may examine the application proceeding files either at the head offices of the Commission during normal business hours and copies may be made on payment of a fee determined by the Commission from time to time, and, if available, on the Commission's website where copies may be downloaded free of charge.

25.-(1) All decisions made in terms of these Regulations shall be communicated to the applicants and other relevant parties in writing together with reasons, and may be published in the Gazette.

Publication
of licensing
decisions
and license.

(2) The Commission's register of license shall be maintained and held at the head offices of the Commission and if practicable, on the Commission's website.

(3) Any person may examine the register of license and copies of license either at the head offices of the Commission during normal business hours and copies may be made on payment of a fee determined by the Commission, and, if available, on the Commission's website where copies may be downloaded free of charge.

PART FOUR GENERAL PROVISIONS RELATING WITH LICENSE

26.-(1) Unless otherwise provided in the license, a licensee shall be required to roll out its services within a maximum period of twelve months from the date of issuance of the license.

Provision
of
Services.

(2) Where a licensee fails to provide services in accordance with provisions of sub-regulation (1) of this regulation due to force majeure reasons as determined by the Commission, the Licensee may apply to the Commission for a roll out extension.

(3) An application for roll-out extension made pursuant to sub-regulation (2) shall-

- (a) be in writing;
- (b) include the force majeure reasons for failure to roll out its services;
- (c) proposed period for extension;
- (d) proposed revised roll out plan;
- (e) any other information as requested by the Commission.

(4) Where the Commission is satisfied with the force majeure reasons submitted by the licensee, the Commission may extend the roll- out period subject to the following-

- (a) that the roll out extension should not go beyond twelve months;
- (b) that such extension shall not be subject to renewal and can only be granted once;
- (c) payment of extension roll out fees shall be prescribed by the Third Schedule of these Regulations;
- (d) provision of monthly progress reports;
- (e) any other additional condition as determined by the Commission.

(5) Where a licensee fails to provide services after the expiry of extended period, the Commission shall revoke the license.

(6) A licensee shall provide services in accordance with these Regulations or any other relevant laws or Regulations applicable in Zanzibar.

Breach
of the
conditions
and duties
of the
license.

27.-(1) The Commission shall supervise compliance by license holders with the conditions and duties pertaining to licenses held under the Act or these Regulations.

(2) Where the Commission, as a result of inspection or of complaint by any person, is of the opinion that conditions or duties under the Act or these Regulations, have been materially breached by a license holder, it shall request him in writing to make written representations to the Commission regarding the alleged breach.

(3) If after considering the written representations made by a license holder, the Commission is of the opinion that, he has materially contravened a condition or duty, it may issue an order-

- (a) warning the license holder;
- (b) directing the license holder to effect a programme charge within a period not longer than thirty days from the date of receipt of the directions;
- (c) directing the license holder to disclose, free of charge and in such manner as the Commission may direct, the finding of the Commission;
- (d) imposing a fine on the license holder, not less than one million(1,000,000/=) shillings;
- (e) suspending the broadcasting license for a period determined by the Commission; or
- (f) revoking the broadcasting license.

28.-(1) Unless otherwise provided in the license, a licensee shall within four (4) months at the end of each financial year of the licensee, deliver to the Commission financial statements audited by an auditor approved by the Government. Accounting requirements.

(2) Without prejudice to the preceding provisions, the Commission may require the licensee to submit other accounting information it may require in order to effectively enforce the provisions of these Regulations and the licensee shall provide such information within such periods as determined by the Commission.

29.-(1) A licensee shall not intentionally interrupt or suspend the operation of a licensed service without first notifying the Commission in writing and without providing advance notice to persons affected or likely to be affected by such interruption or suspension. Interruption to the licensed services.

(2) The provisions of sub-regulation (1) shall not apply where the interruption or suspension is-

- (a) due to an emergency, an event of force majeure or to other circumstances beyond the licensees' control; or

- (b) to a licensed service supplied by a licensee to a person whose electronic communication system is compromising the integrity of the licensed service.

Interoperability
and
Technical
standards.

30.-(1) The Licensee shall comply with any Regulations, technical specifications and rules or guidelines issued by the Commission as are applicable and appropriate in order to ensure interoperability of the licensed services and licensed systems with electronic communications services and systems provided by other licensed operators.

(2) The Licensee shall ensure that all the equipment comprised in and connected to the licensed systems and used in the provision of the licensed services is type approved by the Commission.

(3) The licensee shall conform to type approval requirements as provided by the Commission.

(4) The licensee shall ensure that there is interoperability of its broadcasting system with broadcasting systems of other licensees.

Inspection
of Installations.

31.-(1) The Commission shall inspect any installation by the licensee to ensure compliance with all international technical standards applicable to the licensed services and the licensed systems, including the switching and transmission standards set by the International Telecommunication and any other applicable regional and international standards.

(2) The Commission shall have the power to seal any installation which does not comply with the standards as stated in sub regulation (1) of this regulation.

(3) The licensee shall ensure that it gets a construction or installation permission from the responsible authorities for the construction or installation of its broadcasting system, network or equipment.

32.-(1) The licensee shall use all reasonable endeavors to ensure the privacy and confidentiality of information and business secrets obtained in the course of its business from any person to whom it provides the licensed services by establishing and implementing procedures for maintaining confidentiality of such information subject to any requirement under any applicable law. Privacy and Confidentiality.

(2) The licensee shall maintain sufficient records for its confidentiality procedures to satisfy the Commission that the requirements of regulation (1) of this regulation.

33.-(1) Unless otherwise provided for in the Act, the licensee shall not use or allow to be used any apparatus in its licensed systems which are capable of recording, silently monitoring, or intruding into live speech telephone calls. Restriction to the use of apparatus.

(2) Notwithstanding the provisions of sub regulation (1) of this regulation, a licensee, for purposes of ensuring that quality of service standards are maintained, may monitor or record internal live speech calls or live speech calls of a customer who voluntarily consents to such monitoring or recording.

34. The licensee shall indemnify the Commission against any claims proceedings arising from any failure by the licensee to comply with any requirement of the Act or provisions of these Regulations. Indemnity.

35. A licensee shall, in respect of services operated, maintained or offered under its license, take all proper and adequate safety measures to safeguard life or property, including exposure to any electrical magnetic emission or radiations emanating from equipment or installation from such operations. Safety Measures.

36.-(1) A licensee shall not, whether in respect of the rate or other terms and conditions applied, show undue preference or unfair discrimination towards persons of any class or description with respect to the provision of the licensed services. Fair trading.

(2) A licensee may be deemed to have shown such undue preference or unfair discrimination if it unfairly favors to a material extent, a business carried out by itself in relation to the provision of the licensed services so as to place other persons competing with that business at a significant competitive disadvantage.

(3) The Commission shall determine whether an act or omission done or course of conduct by a licensee amounts to undue preference or unfair discrimination.

Prohibition
of Ant-
Com-
petitive
Conduct.

37.-(1) A Licensee shall not engage in anti-competitive conduct which in the view of the Commission inhibits or impedes fair competition including exploiting a position of dominance such as to unreasonably gain an advantage which impedes, limits, restricts or distorts fair competition.

(2) Acts of anti-competitive conduct envisaged in sub-regulation (1) of this regulation include engaging in predatory price cutting which may be implied where-

- (a) a service is priced at less than marginal cost for a period deemed unreasonable by the Commission;
- (b) costs charged are likely to price competition out of the market or deter competitors from entering the market;
- (c) the Licensee is able to recoup the full amount of the loss incurred during the period of price cutting;
- (d) engaging in cross subsidizing where revenues for any services are used to unfairly cross subsidize the price of other services or equipment;
- (e) engaging in unfair pricing such as to reduce or eliminate competition including fixing prices for services or equipment at a level which cannot be re-sold with a profit margin to customers;
- (f) entering into exclusive arrangements which deny competitors access to services or equipment.

38.-(1) A licensee shall conform to complaints handling guidelines issued by the Commission from time to time. Complaints handling procedures.

(2) Without limiting the generality of sub-regulation (1), a licensee shall file with the Commission, its complaint handling procedures, providing a mechanism by which a consumer may make a complaint concerning its services in accordance with the Act or these Regulations.

39.-(1) An applicant of any individual license with the exception of content services, shall ensure that it has at least twenty (20%) local Zanzibaris shareholding which shall be maintained throughout the period of the License. Shareholding requirements

(2) A licensee who is a holder of an individual license, and do not have the minimum twenty percent shareholding, at the commencement of these Regulations shall ensure it has at least twenty (20%) local Zanzibaris shareholding that within two (2) years from the effective date of these Regulations.

(3) A licensee shall not affect any changes to its shareholding without prior approval of the Commission.

(4) An application for approval of change of shareholding under sub- regulation (3) of this regulation, shall include-

- (a) details of the transfer of shares;
- (b) proof that minimum local shareholding requirement is maintained;
- (c) applicable change of shareholding fee; and
- (d) any other information as may be required by the Commission.

(5) The Commission may revoke a license in accordance with these Regulations where the licensee effects change of shareholding that effectively affect the control of its license without prior approval of

the Commission or fails to comply with local ownership requirements under this regulation.

(6) The Commission shall deem any change of controlling shareholding that effectively affect the control of its license or is of more than 50% of shareholding as a license transfer.

(7) An applicant shall be required when applying for a license to submit the following shareholding requirements as ongoing obligation throughout the license period, for approval by the Commission in the case of-

- (a) network facilities license, Network Services License, Application Services License, Subscription Content Services License, Support Service for Subscription Content Services License, submit a list of shareholders local, foreign or both with the respective percentages.
- (b) Content Services License for free to air broadcasting, the applicant a list of shareholders with a minimum of fifty one percent local ownership; or
- (c) licensee who is listed with the stock exchange, the minimum local shareholding shall be determined in accordance with direction of the Commission.

(8) An application for a license or change of shareholding shall submit to the Commission certified copies of share certificates of its shareholders.

(9) A licensee may change its shareholding structures upon submitting to the Commission for its approval the following-

- (a) an application for change of shareholding structure;
- (b) payment of fees as may be prescribed by the Commission;

- (c) relevant documents including a certificate for change of shareholding structure from Registrar General ; and
- (d) a consent obtain from Registrar General.

PART FIVE
CONDITIONS OF LICENSEE TO PROVIDE
BROADCASTING SERVICES

40.-(1) The licensee shall provide the broadcasting service for Provision of the license period and in the licensed area by providing programmes of television to be included in the services broadcaster from the stations specified in or radio Appendix 3 of Third Schedule of these Regulations and on the days services and not outside the hours specified in that Form. by the licensee.

(2) Nothing in the license shall constitute or imply any warrant, representation or obligations on the part of the Commission as to the size or location of the areas actually capable of receiving the programmes provided by the license pursuant to the license of the programme services provided by the holder or any other license not be capable of reception in the whole or any part of the licensed area.

41. The licensee fee shall be pay to the Commission as specified License fee of the television in the Third Schedule of these Regulations. or radio.

42.-(1) The renewable of the license fee of the television OR Renewable of the radio shall be annually. License fee of the television or radio.

(2) The holder of a Broadcasting station any which was used television without authorization before the date of commencement of these or radio. Regulations shall be within 12 months required to applying for such license to the Commission.

- (3) For the purposes of this regulation, “holder” means any-
 - (a) owner of a broadcasting station;
 - (b) business or institution with reference to a category to which such business or institution belongs; or

- (c) holder of any permit registered for a place, vehicle, vessel or aircraft so specified, where a business or the affairs of that institution are carried on, or which has already been recorded on the register of the Commission.

(4) The Commission shall maintain a register of all the licenses.

(5) A person who contravene the provisions of this regulation commits any offence and is liable to the fine five millions (5,000,000) or imprisonment for a term of two (2) years or both the fine and imprisonment.

43.-The licensee shall ensure that the broadcasting services, complies with following requirements-

Require-
ments
of Broad-
casting
Services.

- (a) the broadcasting services shall not offend against good taste or decency or is likely to encourage or incite to crime or lead to disorder or to be offensive to public feeling;
- (b) any news given (in whatever form) in the programmes is presented with accuracy and impartiality;
- (c) due impartiality is preserved on the part of the licensee as regard matters of political or industrial controversy or relating to current public policy. For the purpose of this paragraph a series of programmes may be considered as a whole and the licensee shall ensure that the provisions of the code of guidance as drawn up and from time to time revised by the Commission;
- (d) due responsibility is exercised with respect to the content of any of the programmes included in the licensed service which are religious programmes, and that in particular any such programmes do not involve any-

- (i) improper exploration of any susceptibilities of those watching such programmes; or
- (ii) abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination.
- (e) programme in the broadcasting service do not include any technical device which by using images of very brief duration or by any means, exploits the possibility of conveying a message to, or otherwise influencing the minds of persons watching the programmes without their being aware, or fully aware, of what has occurred;
- (f) there are excluded from the programmes included in the licensed service all expressions of the views and opinions of the licensee on matters (other than the provision of the programme service which are of political or industrial controversy or related to current public policy);
- (g) official language(s) is (are) used in the programmes;
- (h) programme in non-official language shall require approval of the Commission.
- (i) shall be within a reasonable period of time be extended to all Zanzibari and provide comprehensive coverage of the areas which they are licensed to serve;
- (j) reflect the culture, character, needs and aspirations of the people in the regions that they are licensed to serve subject to license conditions;
- (k) provide an appropriate significant amount to the Zanzibar development programs;

- (l) include news and information programs on a regular basis, including discussion on matters of national and regional and, where appropriate local, significance;
- (m) meet the highest standards of journalistic professionalism;
- (n) include in the broadcasting service news programme of high quality dealing with national and international matters;
- (o) ensure that such programmes are broadcast at intervals throughout the license period and particular at peak viewing times; and
- (p) ensure that the provisions of the program codes are observed in the provision of the broadcasting service.

Schools
Programmes.

44.-(1) The licensee shall, if so required by the Commission by not less than six months, to-

- (a) produce, acquire from other persons, or finance the production of such number of hours of schools programmes per annum as the Commission shall specify;
- (b) include in the broadcasting service such number of hours per week of school programmes, to be broadcast during normal school attendance hours as the Commission shall from time to time specify;
- (c) provide such material for use in connection with any schools programmes included in the licensed service as may be necessary to secure the effective use is made of those programmes for educational purpose in schools; and

- (d) consult from time to time such bodies or other person who are concerned with, or have an interest in schools or production of schools programmes as the Commission shall, from time to time, specify.

(2) The licensee shall ensure that any school programme included in the broadcasting service are of high quality and are suitable to meet the needs of schools in the licensed area.

45. The licensee shall include in the broadcasting service, ^{Party Political Broadcasts.} political parties broadcast in accordance with such Guidelines or directives as the Commission may, from time to time, determine including without limitation, Rules with regard to the political parties on behalf of which such broadcasts may be made and the length and frequency of such broadcasts.

46.(1) The licensee shall include in the broadcasting service ^{Subtitling for the deaf.} not less than the relevant minimum number of hours in a week of programmes with subtitling for the deaf (whether provided by means of Tele-text service or otherwise) and shall procure that such technical standards as the Commission shall from time to time specify are attained in relation to the provision of such subtitling.

(2) Without prejudice the provisions of sub regulation (1) of this regulation, the relevant minimum number of hours in a week shall be number of hours in a week in any given year during the license period as the Commission shall from time to time determine and notify to the licensee in accordance with the provision of the Act or these Regulations.

(3) The licensee shall not impose charges for providing subtitling for the deaf in respect of any programme included in the broadcasting service.

47.(1) The licensee shall ensure that no programme which ^{Listed events.} consists of or includes the whole or any part of a listed event be included in pay-per-view in terms in the licensed service.

(2) The provisions of sub regulation (1) of this regulation, shall not apply in relation to the inclusion to the broadcasting service of any programme which consists of or includes a record of the whole or any part of any listed event where the programme is so included more than 48 hours after the original recording was made.

(3) For the purpose of the conditions prescribed in sub regulation (1) of this regulation-

- (a) a listed event is a sporting or other event of national interest which is for the time being included in a list drawn up and published by the Commission;
- (b) a programme shall be deemed to be included in the broadcasting service on any pay per view in terms of any payments a falling to be made by subscriber to the licensed service shall or may vary according to whether the programme is or not actually received by them.

Technical standard and requirements.

48.-(1) The licensee shall use all reasonable endeavours to ensure that the signal carrying services retain high standards in terms of technical quality and reliability throughout the service area as is for the time being reasonable, practicable, and in particular.

(2) Without prejudice to the generality of the foregoing, the licensee shall do all that he can to ensure that the relevant provision of the Technical Performance Code are observed in all the operation under its direct control.

Provision of additional services

49.-(1) The commission reserved the right to license under Act any or all of the spare capacity with the signals carrying the licensed service with the Commission determines to be available for the provision of additional services having regard to the licensee's right and obligations to provide subtitling pursuant to regulation 45 and to the need of the broadcasting service for providing services which are ancillary to programmes included in the broadcasting service and directly related to their contents.

(2) Nothing in this license shall authorize the license to broadcast or procure the broadcasting of any picture, sound, text or other signals on the spare capacity referred to in sub regulation (1) of this regulation.

(3) The licensee shall grant to any person who holds a license to provide additional services on any frequency on which the broadcasting service is provided, and to any person authorized by any such person provide additional service on that frequency access to facilities reasonably required by that person of any such additional services.

(4) The license shall entitled to require any person to whom he grants access to facilities in accordance with sub regulation (3) of this regulation to pay a reasonable charge in respect thereof and the licensee shall use all reasonable endeavours to agree upon the amount of that charge with such person.

(5) The Commission shall determine any dispute as to the amount of any such charge relating with this regulation.

50. The licensee shall make arrangements in a manner approved Audience Research. by the Commission for reporting in the second and fourth year of the license period the state of public opinion concerning programs included in the broadcasting service.

51.-(1) The licensee shall comply with any direction given to Compliance. him by the Commission in respect of any matter, having regard to any duties, which are or may be imposed on him under the Act or these Regulations.

(2) The licensee shall adopt procedures and that such procedures are observed by those involved in providing the broadcasting service for the purpose of ensuring that programme are included in the provisions of the license.

(3) The licensee shall, without prejudice to the generality of the foregoing ensure that-

- (a) there are sufficient persons amongst those involved in providing the licensed service and programmes included in it who are adequately versed in the requirements of the license, the Act, the Code or Guidelines and that such persons are able to ensure compliance with such requirements on a day to day basis;
- (b) adequate arrangements exist for the immediate implementation of such general and specific directions as may from time to time be given to the licensee by the Commission;
- (c) is able to ensure that sufficient documentary and other evidence is immediately available in support of any advertising advice for the assessment of medical, scientific and technical advertising claims made in licensed service and;
- (d) in each department of the license where any of the procedures referred to these conditions are to be implemented the numbers of the staff responsible are sufficient seniority to ensure immediate action and that issues relating to compliance may be brought where necessary directly before senior managements for consideration.

Provision of
airtime to the
Commission.

52. The licensee shall make available to the Commission at no cost such airtime at such times as the Commission shall reasonably require for the purpose of publishing its regulatory functions and activities under these Regulations.

Equal
Opportu-
nities.

53. The licensee shall-

- (a) make arrangements for promoting in relation to employment by him, equality of opportunity between men and women able and disable person and between persons of different racial groups; and

- (b) review those arrangements from time to time.

54.-(1) Any notice or notification to be served or given Notice. under or in relation to this license shall be in writing and may be delivered to the party to be served or sent by the fastest registered mail at his proper address or left at that address.

(2) Any such notice or notification shall be deemed to have been served if so –

- (a) delivered or left, at the time of delivery or leaving; or
 (b) posted, after two weeks from the day it was put into post.

(3) In proving such service, it shall be sufficient to prove that delivery was made or that the envelope containing such notice or notification was properly addressed and posted as a prepaid recorded delivery letter or was left at the proper address as the case may be.

PART SIX

CONDITIONS OF LICENSE TO IMPORT, DISTRIBUTE, TO DEAL IN, OPERATE IN, BROADCASTING APPARATUS

55. The licensee shall provide the licensed apparatus for the license period as specified under the Third Schedule of these Regulations; provide that the Commission may have first consulted the licensee from time to time by notice to the licensee. Provision of licensed apparatus by the licensee.

56.-(1) The licensee shall use all reasonable endeavours to ensure that the licensed apparatus are of high standards in terms of technical quality and liability throughout the license period. Broad-casting apparatus standard and requirements.

(2) The licensee shall do all that he can to ensure that the relevant provisions of the technical performance Code are observed in all the operations.

Fair and effective competition.

57. The licensee shall-

- (a) not enter into or maintain any arrangement, or engage in any practice, which is prejudicial to fair and effective competition in the provision of broadcasting services or services connected them; and,
- (b) comply with any direction from time to time issued by the Commission to the licensee for the purposes of ensuring fair and effective competition in the provision of broadcasting services or services connected with them; and
- (c) comply with any code or guidance for the time being approved by Commission for the purpose of ensuring fair and effective competition in the provision of broadcasting services or services connected with them.

Power of the Commission to vary license conditions.

58. The Commission by a notice served on the licensee vary the license provided that-

- (a) the licensee consents to such variation without prejudice to the powers and duties of the Commission under section 13(4) of the Act;
- (b) the licensee has been a reasonable opportunity to make representation to the Commission concerning the prepared variation

Notice.

59. -(1) Any notice or notification to be served or given under or in relation to this license shall be in writing and may be delivered to the party to be served or sent by the fastest registered mail at his proper address or left at that address.

(2) Any such notice or notification shall be deemed to have been served if so-

- (a) delivered or left, at the time of delivery or leaving; or
- (b) posted after two weeks from the day it was put into the post.

(3) In proving such service, it shall be sufficient to prove that delivery was made or that the envelope containing such notice or notification was properly addressed and posted as a prepaid recorded delivery letter or was left at the proper address as the case may be.

60. The licensee shall not be in any way responsible for any failure to provide the licensed apparatus directly or indirectly caused by or arising from any circumstance beyond the control of the licensee including (without limitation) accident or breakdown of any equipment or apparatus, caused otherwise than by the wrongful act, neglect or default of the licensee, his servants or agents, force-majeure, was damage by the Government's enemies, riot, rebellion, civil commotion, interference by strike, lockout, sit-in, picket or other industrial dispute or action.

Exemption and limitation on licensee's Obligations.

61.-(1) If the commission is satisfied that the licensee has failed to comply with any condition of the license and it has given the licensee a reasonable opportunity to make representations to it about the matters complained of, the commission may direct the licensee to make a correction or apology or both in such form, and at such times as the commission may determines.

Sanctions for breaches of the condition.

(2) If the Commission is satisfied that the licensee has failed to comply with any condition of his license or with any directions given by the Commission under the license and it has given him a reasonable opportunity of making representations to it about the matters complained of it may serve on the licensee a notice requiring him to pay to the Commission, within a specified period a specified penalty.

(3) The Commission shall determine any amount of financial penalty imposed to sub-regulation. Any person who intends to assemble, manufacture, maintain, import, distribute or sell integrated digital

television, set top box, digital radio receiver or any other customer premise equipment for digital terrestrial broadcasting reception shall apply to the Commission to obtain approval of appropriate class license and be required to meet requirements issued by the Commission.

(4) If the Commission is satisfied that the licensee has failed to comply with any direction of the license or with any direction given to him hereunder and it has given him a reasonable opportunity of making representations to it about the matters complained of, it may serve on licensee a notice reducing the license period by a specified period.

(5) Where the license is expired on a particular date by virtue to a notice served on the licensee, under sub-regulation (2) of this regulation, the Commission may, on the application of the license, by a further notice served on him at any time before that date revoke that notice if it is satisfied that such revocation is satisfied by virtue of the conduct of the licensee in relation to the provision of the licensed apparatus since the date of the earlier notice.

Revocation.

62.-(1) If the Commission is satisfied that the licensee is failing to comply with any condition of the license or with any direction given by the Commission, if that failure were not remedied, it would justified the revocation of the license, the Commission shall serve of the licensee a notice-

- (a) stating that, the Commission is so satisfied;
- (b) specifying the respects in which, in the opinion of the Commission, the licensee is failing to comply with any such condition; and
- (c) stating that, unless the license takes, within such period as is specified in the notice, such steps to remedy the failure as are so specified, the Commission shall revoke the license.

(2) The Commission shall revoke the license by notice in writing served on the licensee and taking effect as from the time of service if –

- (a) the licensee indicates to the Commission before the commencement date that he does not intend to provide licensed apparatus; or
- (b) the Commission for any other reason has reasonable grounds for believing that the licensee shall not provide that licensed service after the commencement date and it has served on the licensee a notice stating its grounds for believing that he shall not provide that service after that date.

(3) The Commission may revoke the license by notice served on the licensee and taking effect either from the time of service or on a date specified in the notice, in any of the following circumstances, if -

- (a) the licensee ceases to provide the licensed apparatus before the end of the license period and the Commission considers that it is appropriate to revoke the license;
- (b) the licensee agree in writing with the Commission that the license should be revoked;
- (c) any change in the persons having control over the license takes place within the relevant period without the prior approval in writing of the Commission;
- (d) the Commission is satisfied that the licensee-
 - (i) in purporting to comply with any of the conditions of this license has provided information which is false in a material particular or has withheld with the intention of causing the Commission to be misled; or

(ii) in connection with this application for the license provided the Commission with information which was false in a material particular or withheld any material information with intention of causing the Commission to be misled;

- (e) where the licensee is body, cause a change effecting the nature or characteristics of the licensee or any change in the persons having control over or interests in the license, takes place, whether before or after the commencement date, which change is such that;
- (f) it fell to the Commission to determine whether the award the license to the licensee in the new circumstances of the case, it would be induced by the change to refrain from awarding the license to the licensee;
- (g) the Commission ceases to be satisfied that the licensee is a fit and proper person to hold the license;
- (h) the license fails to comply with any requirement provided by the Commission the Commission;
- (i) the Commission revokes the assignment of the frequency on which the licensed service is for the time being provided.

(4) The Commission shall before serving a notice revoking the license give the licensee a reasonable opportunity to make representation to it about the matter complained of.

(5) Where the license is revoked any provisions of these Regulations, the licensee shall-

- (a) within such period the Commission shall notify to him, pay to the Commission a financial penalty to be determine by the Commission from time to time;
- (b) pay any outstanding portion of the fees. the licensee's liability to pay such amounts shall not be effect by the license ceasing for any reason to be in force.

PART SEVEN
DIGITAL AND OTHER BROADCASTING NETWORKS

63.-(1) The frequency assignments for broadcasting networks shall be issued by the Commission, under the following conditions and arrangements-

Frequency Assignment for broadcasting networks.

- (a) for AM and FM broadcasting networks, in accordance with the market segment and licensed service area;
- (b) in the case of digital terrestrial broadcasting networks, to the multiplex operators, according to the demand and rollout requirements.

(2) The Commission shall reserve multiplexes for other enhanced emerging digital broadcasting services.

(3) The Commission shall have powers to review multiplex assignments and allocations of frequency spectrum.

(4) The Commission shall have power to announce availability of free multiplexes that can be allocated to new applicants for free to air and subscription content service license.

(5) The Commission shall have power to announce the availability of frequency spectrum for FM and AM in competitive and underserved areas.

64.-(1) The Commission may issue construction permit to successful applicant to provide broadcasting services using AM, FM Radio, and cable-

Construction permit for Broadcasting networks.

- (a) two different construction permits for AM and FM broadcasting networks one of which shall be a permit for studio and another for transmission sites;

(b) studio construction permit shall be issued to content service providers while for multiplexers and transmission sites the permit shall be issued to the licensed multiplex operators.

(2) The Commission shall issue construction permit to cable operators and broadband content service provider before starting content services business.

(3) The construction permits for cable, studios and transmission sites shall be valid for one year.

(4) Upon completion of construction of the station, the applicant shall invite the Commission to conduct an inspection of the facilities upon-

(a) approval by the Commission, the station shall be granted one month test transmission; and

(b) satisfactory transmission the station shall be granted operating license.

(5) Where the applicant is not able to start and accomplish construction within the given period, the Commission shall extend or cancel the permit upon receiving written representations from the applicant.

(6) The construction permit holder shall provide written explanations to the Commission three (3) months before the expiry date of the permit, giving reasons for not accomplishing the construction within the period indicated in the permit.

(7) Upon receiving written explanations the Commission shall conduct due diligence to establish whether the reasons given are valid and may reject and cancel the permit or accept and extend the permit to a maximum period of twelve months without further extension.

- 65.** A content services licensee-
- Obligations of Content services licensee in relation to terrestrial digital television broadcasting networks.
- (a) may negotiate with multiplex operator on redeployment of usable infrastructure on commercial arrangement during the transition period;
 - (b) prepare and submit to the Commission roll-out plan for content services, service area and programmes;
 - (c) prepare and submit to the Commission business plans for digital terrestrial broadcasting framework;
 - (d) ensure that content for transmission carries station identification information by periodic announcements for radio station and logo for television station;
 - (e) shall be responsible to route its source signal to the multiplex head-end;
 - (f) provide information to multiplex operator for electronic program guide;
 - (g) provide periodic viewers guide, warning and information on the rating of content; and
 - (h) construct and install infrastructure in accordance with the parameters provided under the guidelines or directives issued by the Commission.
- 66.** A content services licensee shall-
- Obligations of Content services licensee in relation to AM and FM radio broadcasting networks.
- (a) prepare and submit to the Commission roll-out plan for content services, service area and programs;
 - (b) prepare and submit to the Commission business plans for AM and FM Radio broadcasting network;
 - (c) ensure that content for transmission carries station identification information by periodic announcements for radio station;
 - (d) provide periodic listeners guide, warning and information on the rating of content;

- (e) provide quarterly report to the Commission on the performance of the network that shall include and not limited to -
 - (i) printed footprint of the service area of each transmitter;
 - (ii) effective radiated power of each transmitter; and
 - (iii) percentage of the network availability of each transmitter;
- (f) construct and install infrastructure for AM and FM broadcasting networks in accordance with the parameters provided under the Rules made by the Commission.

Terrestrial
content
services by
subscription.

67. -(1) The Commission may assign multiplexes to the Content Service licensee for the provision of terrestrial broadcasting services by subscription.

(2) The Content Services licensee assigned multiplexes under sub regulation (1) of this regulation may use the multiplex for transmission of its own produced contents and others.

Digital video
broad casting
terrestrial
standards.

68. -(1) A multiplex operator shall provide services based on the Digital Video Broadcasting-Terrestrial 2 (DVB-T2) family standard as provided under the Seventh Schedule to these Regulations.

(2) The Commission may, from time to time, review the standards as provided under these Regulations.

Network
Configu-
ration.

69. -(1) A multiplex operator shall comply with the following network configuration requirements-

- (a) use of Single Frequency Network (SFN) configuration for National coverage and Multiple Frequency Network (MFN) configuration for gap-fillers for deployment of digital terrestrial signal transmission, based on the National Frequency Spectrum Plan;

- (b) deployment of transmitters shall be in accordance with the provision stipulated in the Digital Broadcasting Rules; and
- (c) configure the network in accordance with reception modes as specified under these Regulations;

(2) A multiplex operator shall limit the transmitter powers of gap fillers to 50 Watts and ensure that does not cause interference to the main networks.

70. A multiplex operator shall offer digital broadcasting services in the following manner- Multiplex
Capacity
Framework.

- (a) in allocation of multiplex capacity, priority shall be given to Free To Air Services; or as may be prescribed from time to time by the Commission;
- (b) assigned frequency channels upon justification of demand and availability;
- (c) not to avail to one content service licensee more than 20% of a multiplex;
- (d) transparent in separation of content service functions and multiplex operator functions in the Digital Broadcasting value chain;
- (e) the maximum compression ratio shall be prescribed in the digital broadcasting guidelines or directives issued by the Commission;
- (f) value added services shall not exceed 5% capacity of one Multiplex in use; and
- (g) the multiplex operator shall not be allowed to carry its own produced content, channels or bouquet.

Quality of
Services.

71. -(1) A multiplex operator and content service licensee shall be required to comply with quality of service requirements as prescribed by the Commission.

(2) The quality of service requirements include but not limited to the following-

- (a) point of interface between content services licensee's studio and multiplex operator's Head-end;
- (b) coding, compression and multiplexing stages;
- (c) signal distribution system;
- (d) signal transmission system;
- (e) point of audio and visual production;
- (f) customer premise equipment ;
- (g) customer perception of quality or quality of experience;
- (h) availability of service.

Set- Top-
Box
Specifi-
cations.

72. Any person who intends to assemble, manufacture, maintain, import, distribute or sell integrated digital television, set top box, digital radio receiver or any other customer premise equipment for digital terrestrial broadcasting reception shall apply to the Commission to obtain approval of appropriate class license and be required to meet requirements which shall be issued by the Commission.

PART EIGHT MISCELLANEOUS PROVISIONS

General
offence.

73.-(1) Where a person whether natural or legal person contravenes any of the provisions of the Act or these Regulations commits an offence and if no penalty is specifically provided for, shall be liable to a fine not less than five million shillings (5,000,000/=) or to imprisonment for a term not exceeding twenty four months or to both such fine and imprisonment.

(2) In addition, the Court may, in the manner which the court directs, order the confiscation of all or any part of any apparatus.

74.-(1) A person who is aggrieved by –

Appeal.

- (a) the refusal or cancellation of his registration;
- (b) the refusal or cancellation of his license;
- (c) the refusal of making transfer or amendment or modification of his license;
- (d) any other conditions or requirements imposed under the Act or these Regulations;
- (e) any decisions provided under the Act or these Regulations;

may, within fourteen (14) days of the notification of act complained of being received by him, appeal in writing to the Minister.

(2) The Minister shall, within thirty (30) days, confirm, set aside or vary the decision complained.

(3) A person who is dissatisfied by the decision of the Minister may refer the matter to the High Court of Zanzibar.

75.- A suit or other legal proceeding shall not lie against the members of the Commission, Officer or other employee thereof for anything which is in, good faith done or intended to be done in pursuance of the Act or these Regulations.

Protection
of action
taken in
good faith.



FIRST SCHEDULE

 REGISTERATION APPLICATION FORM
 [Made under regulation 4]

1. Name(s) of Applicant

2. If a company name(s) of shareholder and directors:

3. Share capital of company

4. Citizenship of applicant/shareholder/directors

5. Address of Applicant(s)

6. Contact Person:
 Name:
 Designation:
 Telephone:
 Fax:
 Email:

7. Name of Broadcasting Services intended to operate

8. Location of broadcasting station:

Give address

City/Town:

Street:

Plot No.

9. Area to be covered:

.....

10. Source of programmes (Locally produced, imported)

.....

.....

11. Type of programmes (commercial Advertising, Cultural, Sports, Political, Religious, Entertainment, etc)

.....

.....

12. Time and hours of operation per day

.....

.....

13. Intended charges to viewer and listeners:

.....

.....

14. Staff establishment and qualification (Present and future)

.....

.....

.....

15. Staff training programmers (attach if any)

.....

.....

16. Expected date of commencement of operations:

.....
.....

17. Future plans:

.....
.....
.....

18. Any other relevant information:

.....
.....
.....

19. Name(s) and signature of applicant (s):

.....
.....

Date:

REMARKS OF THE COMMISSION:

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.....
.....
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SECOND SCHEDULE

LICENSE APPLICATION FORM [Made under regulation 7(1)]

APPLICATION FOR FM/MF/HF/VHF/UHF/RADIO/TELEVISION BROADCASTING LICENCE

- A. 1. Name of Applicant.....
 2. Postal Address
 3. Contact Person
- B. 1. Make and Type of Equipment
2. Seller's name and Address
-
3. Is the Equipment crystal controlled? YES NO
4. Number and type of stations
- Fixed Base Repeater
 Mobile Portable
5. Intended coverage area (attach diagram)
6. Area of Operation (in case of mobiles)
7. Name of transmitting station (transmitter site)
-
- C. 1. Exact antenna site (Area, Street, Block, Plot no, etc).....

2. Antenna gain dB Polarization.
3. Site elevation above sea level
-

- 4. Height over ground level
- 5. Location of antenna (Latitude/Longitude).....

.....

- D.
 - 1. Frequency range Frequency tolerance
 Preferred frequency
 - 2. Nominal bandwidth Type of modulation
 - 3. Class of emission Transmitter power
 - 4. Azimuth of maximum radiation in degree
 - 5. Angular width of radiation main lobe in degree
 - 6. Maximum hours of operation
 - 7. Any other remarks

Signature Place Date

Official Stamp

NOTE: (I) Fill the form carefully

(II) Submit the form to:

THE EXECUTIVE SECRETARY
THE ZANZIBAR BROADCASTING COMMISSION (ZBC)
P.O BOX 2255
ZANZIBAR



THIRD SCHEDULE

FEEES

[Made under regulation 7(3), 9(2), 10(2), 15(5), 19(1)
(a) and (3) 26 (4) (c), 41 and 51]

| S/N | DESCRIPTION | FEEES |
|-----------|--|-----------------|
| 1. | NETWORK FACILITIES (MULTIPLEX OPERATOR) AND SERVICES | |
| | (a) Transmission and access facilities; cable TV; fibre Optic; transmitters and links | |
| (i) | Application fee: (non-refundable) | US \$ 50,00.00 |
| (ii) | Initial License fee: | US \$ 20,000.00 |
| (iii) | Royalty fee (Gross Annual Turnover ie GAT): | US \$ 2% of GAT |
| (iv) | Duration of license (years) | 10 |
| | (b) To provide to the public voice, message, value added services, gaming services. | |
| (v) | Application fee: (non-refundable) | US \$100.00 |
| (vi) | Initial License fee: US \$ | 1,000.00 |
| (vii) | Royalty fee (Gross Annual Turnover ie GAT): | US \$ 2% of GAT |
| (viii) | Duration of license (years) | 10 |
| | 2. INSTALLATION AND MAINTENANCE, IMPORTATION, DISTRIBUTION AND SELLING OF BROADCASTING EQUIPMENT. | |
| | (c) Installation and Maintenance | |
| (ix) | Application fee: (non-refundable) | US \$ 5 |
| (x) | License fee | US \$ 100 |
| (xi) | Duration of license (years) | 3 |
| | (d) Importation | |

| | | |
|--|-----------------------------------|----------------|
| (xii) | Application fee: (non-refundable) | US \$ 25 |
| (xiii) | License fee | US \$ 1,500 |
| (xiv) | Duration of license (years) | 3 |
| (e) Distribution (whole sale) | | |
| (xv) | Application fee: (non-refundable) | US \$ 10 |
| (xvi) | License fee | US \$ 150 |
| (xvii) | Duration of license (years) | 3 |
| (f) Selling (retail) | | |
| (xviii) | Application fee: (non-refundable) | US \$ 5 |
| (xix) | License fee | US \$ 25 |
| (xx) | Duration of license (years) | 1 |
| 3. CONTENT SERVICES LICENSES | | |
| (g) Television Broadcasting - Free to air (Public and Commercial) | | |
| (xxi) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (xxii) | Initial License fee: | US \$ 4,000.00 |
| (xxiii) | Annual license fee: | US \$ 4,000.00 |
| (xxiv) | Duration of license (years) | 5 |
| (h) Television Broadcasting - Free to air (Non-Commercial) | | |
| (xxv) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (xxvi) | Initial License fee: | US \$ 1,500.00 |
| (xxvii) | Annual license fee: | US \$ 1,500.00 |
| (xxviii) | Duration of license (years) | 5 |
| (i) Television Broadcasting - Free to air (Community) | | |
| (xxix) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (xxx) | Initial License fee | US \$ 0.00 |
| (xxxi) | Annual license fee: | US \$ 1,000.00 |
| (xxxii) | Duration of license (years) | 5 |
| | | |

| (j) Subscription Television Broadcasting - Terrestrial (Public and Commercial) | | |
|--|-----------------------------------|-----------------|
| (xxxiii) | Application fee: (non-refundable) | US \$ 5,000.00 |
| (xxxiv) | Initial License fee: | US \$ 12,000.00 |
| (xxxv) | Annual license fee: | US \$ 12,000.00 |
| (xxxvi) | Duration of license (years) | 5 |
| (k) Subscription Television Broadcasting – Other technology (Public and Commercial) | | |
| (xxxvii) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (xxxviii) | Initial License fee: | US \$ 1,000.00 |
| (xxxix) | Annual license fee: | US \$ 1,000.00 |
| (xl) | Duration of license (years) | 5 |
| (l) Radio Broadcasting - Free to air (Public and Commercial) | | |
| (xli) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (xlii) | Initial License fee: | US \$ 2,000.00 |
| (xliii) | Annual license fee: | US \$ 2,000.00 |
| (xliv) | Duration of license (years) | 5 |
| (m) Radio Broadcasting - Free to air (Non-Commercial) | | |
| (xlv) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (xlvi) | Initial License fee: | US \$ 1,000.00 |
| (xlvii) | Annual license fee: | US \$ 1,000.00 |
| (xlviii) | Duration of license (years) | 5 |
| (n) Radio Broadcasting - Free to air (Community) | | |
| (xlix) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (l) | Initial License fee: | US \$ 200.00 |
| (li) | Annual license fee: | US \$ 200.00 |
| (lii) | Duration of license (years) | 5 |
| (o) Support Services - Terrestrial (Commercial) | | |
| (liii) | Application fee: (non-refundable) | US \$ 1,000.00 |

| | | |
|--|-----------------------------------|-----------------|
| (liv) | Initial License fee: | US \$ 12,000.00 |
| (lv) | Annual license fee: | US \$ 12,000.00 |
| (lvi) | Duration of license (years) | 10 |
| (p) Support Services - Satellite (Commercial) | | |
| (lvii) | Application fee: (non-refundable) | US \$ 1,000.00 |
| (lviii) | Initial License fee: | US \$ 20,000.00 |
| (lix) | Annual license fee: | US \$ 2% of GAT |
| (lx) | Duration of license (years) | 10 |
| 4. SPECTRUM FEES | | |
| (q) Radio Broadcasting MF/HF | | |
| (lxi) | Annual license fee: | US \$ 1,000.00 |
| (lxii) | Duration of license (years) | 5 |
| (r) Radio Broadcasting VHF FM Transmitter less than 2KW | | |
| (lxiii) | Annual license fee: | US \$ 1,000.00 |
| (lxiv) | Duration of license (years) | 5 |
| (s) Television Broadcasting VHF/UHF | | |
| (lxv) | Annual license fee: | US \$ 1,000.00 |
| (lxvi) | Duration of license (years) | 15 |

SIGNED on this day of April, 2017.

**RASHID ALI JUMA,
Minister for Information, Tourism, Culture and Sports
ZANZIBAR**