

THE BROADCASTING SERVICES ACT, 1993

(No. 6 of 1993)

REGULATIONS

THE BROADCASTING SERVICES (CONTENT)
REGULATIONS, 2005

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY PROVISIONS

<i>Regulation</i>	<i>Title</i>
1.	Citation.
2.	Application.
3.	Interpretation.

PART II
CONTENT SERVICES

4.	Content Service using Radio Frequencies.
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PART III
PROGRAMME CONTENT

5.	Programme presentation.
6.	News and current affairs programmes.
7.	Political party broadcasts.
8.	Investigation reporting.
9.	Privacy..
10.	Live programmes.
11.	Sponsorship.
12.	Programme hook-ups.
13.	Broadcasting of Parliament Session.
14.	Unsuitable Programmes.
15.	Language.
16.	Explicitness.
17.	Programme clarification labels or warnings.
18.	Violence.
19.	Advertising content.
20.	Portrayal.

- Programme Classification.
- 21. Programme Schedules.
- 22. Code on Community Broadcasting.
- 23. Subtitling for the deaf.
- 24. Children programmes.
- 25. Watershed period.
- 26. Local Content.
- 27. Advertisements.
- 28. Change of Station Name.
- 29. Station Identification.
- 30. Revocation.

THE BROADCASTING SERVICES ACT, 1993

(No. 6 of 1993)

REGULATIONS

(Made under section 27)

THE BROADCASTING SERVICES (CONTENT) REGULATIONS, 2005

PART I

PRELIMINARY PROVISIONS

- Citation **1.** These regulations may be cited as the Broadcasting Services (Content) Regulations, 2005.
- Application **2.** These Regulations shall apply in relation to Broadcasting Services.
- Interpretation
Act Nos.6
of 1993and 12
of 2003 **3.** In these regulations unless the context otherwise requires:
“Act” means the Broadcasting Services Act, 1993 and the Tanzania Communications Regulatory Authority Act, 2003;
“adult listening or viewing period” means the time devoted to broadcasting programmes suitable for adults that is the period between 2100 hours and 0530 hours;
“advertising content” means any commercial message and programming which directly or indirectly promotes a product or service a station, network or programme but does not include-
 (a) station identification;
 (b) announcements of upcoming programme;
 (c) a programme that consists of public service announcements.
“Authority” means the Tanzania Communications Regulatory Authority;
“broadcasting service” means a radiocommunication service that may include sound transmission and television transmission which the transmission are intended for direct reception by the general public, which has huge political, economic, social and cultural impact;
“content services” means service offered for sound, data, text or images whether still or moving except where transmitted on private communication;
“construction permit” means the authorization granted by the Authority to an applicant whose application for the provision of broadcasting services

has been approved by the Authority for the construction of facilities for the provision of content services;

“effective date” means the date of publication of these regulations;

“election programme” in relation to an election for the office of President or Parliament or any local authority, means the programme that-

- (a) encourages or persuades or appears to encourage or persuade voters to vote for a political party or election of any person at an election; or
- (b) advocates support for a candidate or for a political party; or
- (c) notifies meetings held or to be held in connection with an election.

“family viewing or listening” means full spectrum programming suitable for the whole family on a free-to-air broadcasting service;

“independent producer” means any individual company, corporation, partnership or sole proprietary body duly registered and licensed in the United Republic of Tanzania to conduct the business of producing films, television or radio programmes or commercials and who has copyright;

“licensed area” means the area that is covered by a licensed content service provider;

“license period” means the initial licence period or any other subsequent licence period;

“licensed service” mean the services offered by a licensed content service operator;

“licence” means permission to provide content service;

“licensee” means any person holding content service licence;

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

“programme content” means programming material intended for public consumption but excludes advertising content inserted within a programme during breaks or at end of a programme and the beginning of a programme;

“programme hook-ups” means live programmes that a licensee can technically hook up with another licensee for transmission of such programmes on commercial basis.

“service area” means the licenced area covered by the footprint of the content service provider;

“watershed period” means the time before 2100hrs and after 0530hrs that is observed by licensees not to broadcast material unsuitable for children. The watershed time is 2100 hrs. This is applicable to on air television only.

PART II CONTENT SERVICES

Content Services using Radio 4.(1) Every broadcasting equipment shall meet the minimum applicable technical standards specified by the Authority.

Frequencies

(2) Every broadcasting transmitter shall be operated on the assigned frequency and within the specified frequency tolerance.

(3) Every signal carrier licensee shall ensure that every broadcasting transmission is identified by transmitting identification signals or announcements periodically in accordance with International Telecommunication Union Radio communication Recommendations.

PART III
PROGRAMME CONTENT

Programme
presentation

5. Every licensee shall ensure that the programme and its presentation-

- (a) upholds national sovereignty, national unity, national interest, national security and Tanzania's economic interests;
- (b) projects Tanzanian national values and national points of view;
- (c) observes good taste and decency;
- (d) upholds public morality;
- (e) avoids intrusive conduct into private lives;
- (f) does not injure the reputation of individuals;
- (g) protects children from negative influences;
- (h) does not incite or perpetuate hatred against or vilify, any group or persons on the basis of ethnicity, race, gender, religion or disability.

News and
current affairs
programmes

6.(1) The licensee shall ensure that at least 1.30 hours of the daily programme output shall be for news.

(2) The licensee shall-

- (a) provide news of local, regional, national and international nature;
- (b) report accurately and fairly;
- (c) report news in an objective and balanced manner, without intentional or negligent departure from the facts, whether by distortion, exaggeration, misrepresentation or material omission;
- (d) not accept sponsorship on news bulletins.

(3) Every licensee shall ensure that, during the presentation of current affairs programmes, factual programmes and documentaries, where issues of public importance are discussed, reasonable effort is made and reasonable opportunity is given to present a fair, accurate, balanced and impartial view.

(4) Notwithstanding the provisions of sub regulation (3) above, where the licensee allows the expression of personal views during the programmes shall inform the audience in advance and give them an opportunity to respond to such views.

(5) Every licensee shall advise the audience in advance of news items containing accounts of extraordinary violence, sexual conduct or gruesome accounts of death.

(6) The licensee shall ensure that court and parliamentary proceedings are reported accurately and that the reporting does not contain premature conclusions which may prejudice the outcome of the case or parliamentary proceedings.

Political party
broadcasts

7.(1) During election campaigns, every broadcaster shall give reasonable and equal opportunities for the broadcasting of election campaigns to all political parties contesting the election.

(2) Every broadcaster shall be guided by the Code on Political Party Elections Broadcasts issued by the Authority.

Investigation
reporting

8. Investigative reports shall be balanced, accurate, fair and complete.

Privacy

9.(1) A licensee shall not use material relating to a person's personal or private affairs or which invades an individual's privacy other than where there is a compelling public interest for the material to be broadcast.

(2) The identity of rape victims and victims of other sexual offences shall not be divulged on programme broadcasts without the prior written consent of the victim.

(3) The identity of minors who are victims of rape or any other crime shall not be divulged.

Live
programmes

10. Every licensee shall-

- (a) be technically equipped in handling live programmes so as to avoid broadcasting obscene and undesirable comments from participants, callers and audiences;
- (b) ensure that contributors and participants to a programme are treated fairly without discrimination or denigration; and
- (c) ensure that they abide by the provisions of the Copyright and Neighbouring Act, 1997

Sponsorship

11(1) Every licensee shall develop a sponsorship policy which ensures that-

- (a) any advertising material from the sponsor must be clearly distinct and separated from the programme;
- (b) the content and format of the individual programmes are not influenced by the sponsors of the programme; and
- (c) the sponsorship of news and current affairs programmes shall not be allowed;

(2) Notwithstanding the provisions of sub regulation 11(1) above, a licensee shall adhere to the provisions of the Code on Advertising and Sponsorship.

Programme
hook ups

12.-(1) A licensee shall be free to undertake programme hook-ups subject to business agreements between them.

Act No. 7 1999

(2) Programme hook-ups agreements shall not violate Copyright and Neighbouring Rights Act, 1997.

Broadcasting of Parliament Session	<p>13.(1) A licensee shall be free to cover parliamentary sessions subject to laid down parliamentary rules, regulations, procedures and on Parliamentary Broadcasting.</p> <p>(2) A licensee airing live parliamentary sessions shall not insert advertisement during the programme or display sponsorship logos.</p>
Unsuitable Programmes	<p>14.(1) Every licensee shall have particular regard to the need to protect children from unsuitable programme material.</p> <p>(2) For subscription broadcasting service, programmes dealing with extreme violence, sexual conduct and disturbing social and domestic friction shall not be broadcast before the watershed period.</p>
Language	<p>15. Every free-to-air licensee shall-</p> <p>(a) ensure that only official languages, namely Kiswahili and English are used for all broadcasts except where specific authorization has been given to use non-official languages;</p> <p>(b) refrain from using language meant to mislead or unnecessarily cause alarm and despondency; and</p> <p>(c) take particular care to avoid blasphemy and take into account cultural and religious sensitivities.</p>
Explicitness	<p>16.(1) Every licensee shall ensure that, sexual activity shall-</p> <p>(a) only be suggested in discreet visual or verbal reference and never in graphic detail;</p> <p>(b) shall not be frequent and without any good reason.</p> <p>(2) In broadcasting programmes which contain sexual aspects or conduct, the broadcasters shall take into account community values on exposure to unsolicited sexual material.</p> <p>(3) Every licensee shall not broadcast any programme that depicts actual sexual activity.</p> <p>(4) Nude scenes which show the genitals shall not be broadcast except for educational purposes.</p> <p>(5) Where a news story involves a sexual aspect, it should be presented as such without undue exploitation.</p>
Programme clarification labels or warnings	<p>17.(1) During early hours of the adult listening and viewing period, the licensee shall provide audience advisories before the commencement of each programme.</p> <p>(2) In addition to verbal warning about the content, a visual warning shall be displayed on the screen at the start of the programme and on all promotional material.</p> <p>(3) The following warning symbols shall be displayed on television-</p> <p>C. - Content may offend</p> <p>L. - Language may offend</p>

V. - Contains violence

V.L - Contains violence and strong language

S. - Sexual content may offend

(4) The following classifications on age restrictions shall be used-

FAM. - General/Family Viewing

P.G.A. - Parental Guidance Advised

13 + - Approved for viewing by persons over 13 years

16 + - Approved for viewing by persons over 16 years

18 + - Approved for viewing by persons over 18 years.

Violence

18.(1) Every free-to-air licensee shall-

- (a) have particular regard to protect children from any violent material;
- (b) have a responsibility to ensure that generally programmes broadcast do not-
 - (i) incite, encourage or glamorise violence and brutality;
 - (ii) contain gratuitous violence in any form that is, violence which does not play a leading role in developing the plot or theme of the material as a whole;
 - (iii) epitomize violence as the only legitimate ingredient and main theme without clearly showing the negative consequences of violence to its victims and perpetrators;
 - (iv) show methods or devices of inflicting injury which are capable of easy imitation;
- (c) not portray conduct that encourages antisocial behaviour, abuse of alcohol or drugs;
- (d) not air programme containing frightening and excessive special effects featuring violence not relevant to the story line;
- (e) not air programme containing a combination of violence and sexual conduct meant to titillate the viewers or listeners;
- (f) not air programme that portray violence against women in drama as to encourage the idea that women are to be exploited or degraded through violence or are willing victims of violence;
- (g) not air programme that portray violence against women as an erotic experience.

(2) Where, in rare cases, links between violence and sexual ratification are explored as a serious theme in drama, any depiction must be justified by its content.

Advertising content

19.(1) Every licensee shall ensure that there is a clear separation of advertising content and programme, and shall-

- (a) broadcast a maximum of five minutes of advertising material in any thirty minutes of broadcasting;
 - (b) insert a maximum of two advertising breaks in a thirty minutes programme; and
 - (c) ensure that every advertising does not exceed a duration of sixty seconds.
- (2) Notwithstanding the provision of sub regulation 29(1), every licensee shall be guided by the Code of Advertising and Sponsorship issued by the Authority.

Portrayal

- 20.(1)** Every free-to-air licensee shall-
- (a) avoid broadcasting material which promotes or glamorizes discrimination based on race, national ethnic, origin, colour, religion, gender, age, mental or physical disability;
 - (b) portray women and men as having equal capabilities in performing societal functions.
- (2) Every licensee shall avoid-
- (a) identifying people by their ethnic origin or colour;
 - (b) usage of derogatory terms in speaking of men or women of particular ethnic groups or race;
 - (c) the presentation of a group of people as an undifferentiated similar mass, rather than a collection of individuals with different interests and beliefs;
 - (d) programmes which depict women as sexual objects.
- (3) A licensee shall-
- (a) be sensitive to the rights and dignity of people who are mentally or physically challenged;
 - (b) ensure that programmes which patronize and promote myths about people with disabilities are avoided;
- (c) ensure that in portraying acts of violence, they are not always associated with people who are mentally challenged.

Programme classification

- 21.(1)** The subscription content licensee shall visually display classification warning symbols throughout the viewing period.
- (2) The subscription content licensee shall not only display the symbols but shall also give reason for the classifications as follows-
- FAM** - Family viewing.
 - Violence - shall be discreetly implied but have very low scenes of threat or menace and is infrequent.
 - Sexual Activity - shall be only suggestive in visual or verbal reference
 - Coarse Language - shall be mild
 - PGA** - Parent Guidance Advised.
 - Violence - shall be discreetly implied or styled.
 - Sexual Activity - shall be suggested, but discreetly and

- infrequent.
- Language - coarse languages shall be very infrequent.
- 16+** - (recommended for over 16 years)
- Violence - shall not contain a lot of detail and should not be prolonged
- Sexual Activity - verbal reference to sex may be slightly more detailed, but Sexual activity not depicted
- Coarse Language - shall be used infrequently.
- Drug Use - shall be shown only briefly if it enhances the story line.
- Nudity - shall be shown, but should not be detailed.
- 18+** - this category is legally restricted (material classified under this Category deals with issues or contain depictions which require mature perspective).
- Violence - depiction of violence shall not have a high impact.
- Sexual Activity - sexual activity may be implied but actual sexual activity shall not be shown. Verbal reference to sexual activity may be detailed. Depiction of nudity must not be detailed.
- Drug Use - may be shown but not promoted or encouraged.

Programme Schedules

22.-(1) A licensee shall publish programme schedule in a daily newspaper circulating widely in Tanzania at least one month in advance.

(2) A licence shall adhere to the programme schedules which have been provided in advance to the subscribers unless is obliged to broadcast spontaneous events of national or international significance live or through special news programmes.

(3) A licensee shall submit to the Authority-

- (a) advance quarterly programme schedule fourteen days before each quarter;
- (b) transmission reports detailing programmes actually broadcast within seven days after the end of each calendar month;
- (c) music play lists detailing all the music broadcast within seven;
- (d) days after the end of each calendar months;

(4) A licensee shall maintain copies of all off-air transmission recordings for ninety days.

Code on
Community
Broadcasting

23. A licensee holding a Community Broadcasting Licence shall comply with the Code on Community Broadcasting issued by the Authority.

Subtitling for
the deaf

24. A licensee shall ensure that its content output is subtitled for the deaf and hard of hearing.

Children
programmes

25. (1) A licensee shall provide high quality programmes for children-
(a) not less than thirty minutes of its daily programme on weekdays;
and

(b) not less than one hour of its daily programme on weekends and public holidays.

(2) A licensee shall not provide content unsuitable for children at times when large numbers of children may be expected to be part of the audience.

(3) A licensee shall exercise particular caution in, and as far as possible avoid, the depiction of violence in content directed at children.

(4) Offensive language, including profanity, blasphemy and other religiously insensitive material, shall not be used in content specially designed for children.

Watershed
period

26.(1) Content which depicts or contains scenes of violence, sexually explicit conduct or offensive language intended for adult audiences shall not be transmitted between 0530 hrs to 2100 hrs.

(2) No excessive and gross offensive language should be used in content transmitted 0530am to 21hrs or at times when substantial numbers of children are likely to be part of the audience.

Local content

27.(1) A minimum of sixty percent of all content provided by the licensee, measured as a weekly average over the period of a year, must be content produced by-

(a) a natural person who is a citizen of, and permanently resident in, the United Republic;

(b) a legal person, the majority of whose directors or shareholders are citizens and permanently residing in the United Republic;
or

(c) the Licensee.

(2) Notwithstanding the provisions of sub regulation 28(1) above, the licensee shall ensure that ten (10) per cent of local content aired by the licensee shall be produced and supplied to the licensee by independent local producers.

PART IV

GENERAL PROVISIONS

Violations and penalties

28. A licensee who contravenes any provision of these Regulations where no penalty is expressly provided shall be liable to pay a fine not exceeding Tanzanian shillings five million only.

Change of Station name

29.(1) A licensee may change station identification upon payment of fees and having obtained the Authority's prior written consent that shall not be unreasonable withheld.

(2) Subject to sub-regulation (1) of regulation 31 the licensee shall give twenty one days public notice prior to effecting the change of name.

Station identification

30. The Licensee must clearly identify itself by its station identification regularly every hour during the daily period when it provides content to the public.

Revocation of GN. No. 449 of 2000

31. The Broadcasting Services Regulations 2000 are hereby revoked.

Dar es Salaam
27th September, 2005

FREDRICK T. SUMAYE
Prime Minister