

"Africa needs dynamic Press coverage enough to challenge the conventional views of the world annual realistically for easy of communication to the Public".

He appealed to African Journalist to explain aggressive accelerated development of Science, Technology building of an independent intergrated and self sustaining African economies the intergration of African market and decelenisation process. Mr. Museveni said "Africa has been dominated by foreign interests dealing in preminary commodities that are not able to support meaningful development. He praised the creation of PANA as a leap forward for African Press. Journalist were called upon to work closely with regional organisation such as PTA SADCC and ECOWAS. It is clearly evident from the fore-going, the role the Press is expected to play if it is to grow and survive. Only when the press play these roles effectively will its future be guaranteed. The problem of press growth go had in hand with its responsibility and this means that the Press has to treat issues responsibly press responsibility usually means establishment of a truely national newspaper that should reflect public opinion of all shades in the country suppressing no comment or criticism or view

point which is sincere , conflict and controversy are the lifeblood of a newspaper, and the main basis of its influence on its reading public. Once a newspaper is seen to be responsible Government will promote and expand its circulation to ensure full and accurate information and explanation of its own public policies and plans, its actions and achievements so that it can be presented to as much of Zambian population as possible. The subject of press freedom and responsibility is such that we have to go beyond Zambian borders for certain examples of what it means. Problems of press responsibility were for example examined by the Commission on Freedom of the press(5) who among many recommendations they made were as follows:-

- (1) The role of Government in relation to mass Communications
- (2) What could be done by the Press
- (3) What could be done by the Public

The first recommendation was not to recommend mere government action but to clarify the role of government in relation to mass communication. It was therefore recommended that the constitutional guarantees of the freedom of the press be recognised as including the radio and motion pictures. As an alternative to the present

remedy for libel it was recommended that legislation be enacted to allow the injured party to obtain a retraction or a restatement of the facts by the offender or an opportunity to reply. At the moment the only legal method by which a person injured by false statement in the press may vindicate his reputation is a civil action for damages. The remedy is expensive, difficult, and encumbered with technicalities. Many injured persons hesitate to sue because of the "shade" of racketeering and blackmail which hangs over libel suits. The report also recommended the repeal of legislation prohibiting expressions in favour of revolutionary changes in our institutions where there is no clear and present danger that violence will result from the expressions. The case of A Phiri v the people is an example of information covered by the recommendation that where a piece of information does not cause danger by its publication it shall not be prohibited. Phiri, a Zana reporter based in Mufulira was charged for publishing false information likely to cause alarm and fear to public contrary to Section 17 of Cap 146. However, the recommendation of the commission just quoted implies that although there was such law there was need to examine individual cases on their merits to

ensure that not all cases are prohibited where there is no immediate threat of danger. This is how the press looks at the case of Phiri. In such cases Government should employ their own means to the extent that if private agencies fail to explain certain policies to people their own agencies do so.

The second recommendation that what could be done by the press is already adopted by Zambia. A seminar was held in Malungushi Hall in 1972 to discuss the role of the press in the country by the country's journalists.

As regarding the third recommendation that the press use every means that can be devised to increase the competence, independence and effectiveness of its staff, was also discussed by the 1972 Seminar.

Lastly the concept of Press Freedom has to be balanced with the other requirements of the provision of Article 4 of the constitution on the whole the future of the press in Zambia appear to be promising as long you have the level headed leadership as pointed out by Dr. Chengwe, the President of the African Bar Association in his recent Article regarding the record of Human Rights in Zambia.

FOOT NOTES ON CHAPTER 4

1. Times of Zambia 2nd February 1989
2. Ibid 27/3/89
3. Ibid April, 1989
4. Ibid May 1989
5. The Responsibility of the Press  
A Clarion Book Published by  
Simon and Sauster 1969 P. 17

## CHAPTER 5

### EVALUATION, RECOMMENDATION AND CONCLUSION.

The concept of the freedom of the Press is an important attribute to the Zambia's one Party participatory democracy that without it the country's participatory process is incomplete. The concept should therefore be guaranteed if it is to play an effective role in the political process of the country.

The growth of Information Media although largely dependent on such factors like literacy urbanisation, industrialisation and per capita income of the country's population this growth should be marched with the progress Freedom if it has to play an effective and meaningful role.

The present generation that the press is designed to serve will not be satisfied with the world of their fathers before them where the concept of a free press was understood in a different context. The present generation have widened horizons and expectations of the role of a free press due to influence of education and the level of development. The present population entertain aspirations for high standard of living and this high standard as to be reflected in the type of the press freedom the country enjoys.

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This study has however shown that two factors curtail the free Press in this country. The Press freedom is curtailed by the Law of Defamation which threaten journalist with libel and slander suits in their news dissemination. But the study has also shown that the major obstacle to Press Freedom is due to "Political Controls" not the Law of Defamation. While most Politicians preach about the need for a free Press experience has shown that the same People threaten the freedom of the Press. Incidents have occurred of confrontations between the politicians and the Press (journalist) at the slightest differences between them. This fact was recently highlighted in a speech of the Chairman of the Law Association of the African Region Dr. Chongwe when he said ~~the~~ journalist fear for falling out of favour of certain Politicians if they said certain things (1) and this constrained their freedom of reporting.

Political Control of the Press Freedom tend to be more effective due to various measures the Government may invoke in its suppression of Press. Threats of loss of jobs by journalists and Newspapers bannishments and withdraw of various support measures by Government all work towards political control of the press. The recommendations that may be offered in this regard are that press

Laws should be liberalised so as to remove the antagonistic attitudes between press and policy makers to the extent that the press and policy makers see themselves as playing complementary roles in the development effort of the country. It is only hoped that the creation of the press Board of Zambia by the President will only work as an instrument to promote good working relationship between the two bodies.

The press Board of Zambia that was recently established with the political adviser to the President as its Chairman has all the prestige it requires to play a constructive role. Press in Zambia is regarded as one of pillars of democracy and its freedom <sup>should</sup> therefore be guaranteed.

The recommendations by the Commission Report on the freedom of the press as published in the book The Responsibility of the Press edited by Gerald Gross are worth examining by all countries that value the freedom of the press.

In conclusion, the freedom of the press can be said to be so important to the maintenance of Government in power since press acts as a conveyor belt carrying the message from Government to the people and from people back to the Government. In this respect the press as an eye and ear of Government should indeed have a guaranteed future.

Lack of Press Freedom is not exclusively due to the fear of the Laws of Defamation as it is feared by journalist but due to political control by application of various measures. This is the trend common to most third world countries.

Chapter I defines and discusses the concept of the Freedom of the Press it also discusses the role of the Press in Nation building and its limitations. Chapter II contrast the Law of defamation and "political controls" as two factors that curtail the freedom of the Press. Chapter III examines the role of non Printing media, Radio, Television and Cinema as instruments of news dissemination and how these too are subjected to the Law of Defamation and "Political Control".

Chapter IV looks at the Press Freedom and Responsibility, the Problems of Establishment, Growth and Survival. It goes on to examine the prospects of the Press in Zambia and in passing other third world countries generally. Finally Chapter V is an evaluation of the concept of the Press Freedom some recommendations and conclusion.

In conclusion, it has been shown that the character and development of the Press is bound up with the Political and Social evolution of the nation it serves. In that respect, the Press Freedom it has been demonstrated is curtailed by political factors than by the Law of Defamation and suits arising from its breach. What is therefore recommended is libelisation of various Political Controls which depend on whether the leadership is prepared to tolerate any criticism from the Press.

**CAP. 70**

**REPUBLIC OF ZAMBIA**

**DEFAMATION**

**CHAPTER 70 OF THE LAWS OF ZAMBIA**

**PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER  
LUSAKA**

## CHAPTER 70

## DEFAMATION

An Act to consolidate and amend the law relating to libel, other than criminal libel, and slander; and to provide for matters incidental thereto.

[27th November, 1953]

46 of 1953  
Government  
Notices  
303 of 1964  
497 of 1964  
Statutory  
Instrument  
72 of 1964

1. This Act may be cited as the Defamation Act.

Short title

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

Interpreta-  
tion

“authenticated report” means a report, paper, votes or proceedings published by the order or under the authority of the President, the Cabinet or the National Assembly;

“newspaper” means any paper containing public news or observations thereon, or consisting wholly or mainly of advertisements, which is printed for sale and is published in Zambia either periodically or in parts or numbers at intervals not exceeding thirty-six days;

“wireless broadcasting” means publication for general reception by means of radiotelephonic emissions intended to be received by the public, and “broadcast by wireless” shall be construed accordingly;

“words” includes pictures, visual images, gestures and other methods of signifying meaning.

(As amended by G.N. No. 303 of 1964)

3. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

Slander  
affecting  
official,  
professional  
or business  
reputation

4. In an action for slander in respect of words imputing unchastity or adultery to any woman or girl, it shall not be necessary to allege or prove special damage:

Slander of  
women

Provided that in any such action a plaintiff shall not recover more costs than damages unless the court before which the action is brought shall certify that there was reasonable ground for bringing the action.

5. (1) In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage—

Slander of  
title, etc.

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form;  
or

9 copies

(b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Subsection (1) of section *eighteen* shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

**Justification**

6. In an action for libel or slander in respect of words contained in two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.

**Fair comment**

7. In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expressions of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

**Newspaper reports of proceedings in court privileged**

8. A fair and accurate report in any newspaper of proceedings publicly heard before any court exercising judicial authority within Zambia shall, if published contemporaneously with such proceedings, be absolutely privileged:

Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter.

**Qualified privilege of newspapers**

9. (1) Subject to the provisions of this section, the publication in a newspaper of any report or other matter as is mentioned in the Schedule shall be privileged unless the publication is proved to be made with malice.

(2) In an action for libel in respect of any such report or matter as is mentioned in Part II of the Schedule, the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the newspaper in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner not adequate or not reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication of any matter the publication of which is prohibited by law, or of any matter which is not of public concern and the publication of which is not for the public benefit.

(4) Nothing in this section shall be construed as limiting or abridging any privilege subsisting (otherwise than by virtue

of section 4 of the Law of Libel Amendment Act, 1888, of the United Kingdom) immediately before the commencement of this Act.

10. (1) In an action for libel contained in any newspaper or other periodical publication, it shall be competent to the defendant to plead that such libel was inserted in such newspaper or other periodical publication without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication a full apology for the said libel, or, if the newspaper or other periodical publication in which the said libel appeared should ordinarily be published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action and to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

Plea of publication without malice and negligence, with apology

(2) No plea shall be filed under the provisions of subsection (1) unless the defendant, at the time of filing such plea, makes a payment of money into court by way of amends, and any plea filed without such payment into court shall be considered a nullity and may be treated as such by the plaintiff in the action.

11. (1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section; and in any such case—

Unintentional defamation

(a) if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication);

(b) if the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any proceedings by him for libel or slander against the person making the offer in respect of the publication in question, to prove that the words complained of were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends under this section must be expressed to be made for the purposes of this section, and must be accompanied by an affidavit specifying the facts relied upon

by the person making it to show that the words in question were published by him innocently in relation to the party aggrieved; and for the purposes of a defence under paragraph (b) of subsection (1) no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(3) An offer of amends under this section shall be understood to mean an offer—

(a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words;

(b) where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(4) Where an offer of amends under this section is accepted by the person aggrieved—

(a) any question of the steps to be taken in fulfilment of the offer as so accepted shall, in default of agreement between the parties, be referred to and determined by the High Court, whose decision thereon shall be final;

(b) the power of the court to make orders as to costs in the proceedings by the party aggrieved against the party making the offer in respect of the publication in question, or in proceedings in respect of the offer under paragraph (a), shall include power to order the payment by the person making the offer to the party aggrieved of costs on an indemnity basis and any expenses reasonably incurred or to be incurred by that party in consequence of the publication in question;

and if no such proceedings as aforesaid are taken, the High Court may, upon application of the party aggrieved, make any such order for the payment of such costs and expenses as aforesaid as could be made in such proceedings.

(5) For the purposes of this section, words shall be treated as published by one person (in this subsection referred to as the publisher) innocently in relation to another if and only if the following conditions are satisfied, that is to say:

(a) that the publisher did not intend to publish them of and concerning that other person, and did not know

of circumstances by virtue of which they might be understood to refer to him; or

- (b) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person;

and in either case that the publisher exercised all reasonable care in relation to the publication; and any reference in this subsection to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(6) Paragraph (b) of subsection (1) shall not apply in relation to the publication by any person of words of which he is not the author unless he proves that the words were written by the author without malice.

12. (1) In any action for libel or slander, the defendant may, after giving notice of his intention so to do to the plaintiff at the time of filing or delivering the plea in such action, give evidence in mitigation of damages that he made or offered an apology to the plaintiff, in respect of the words complained of, before the commencement of the action or as soon thereafter as he had an opportunity of so doing where the action was commenced before there was an opportunity of making or offering such apology.

Mitigation  
of damages

(2) In any action for libel or slander, the defendant may give evidence in mitigation of damages that the plaintiff has recovered damages, or has brought actions for damages, for libel or slander in respect of the publication of words to the same effect as the words on which the action is founded, or has received or agreed to receive compensation in respect of any such publication.

13. An agreement for indemnifying any person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe that there is a good defence to any action brought upon it.

Agreements  
for  
indemnity

14. A defamatory statement published by or on behalf of a candidate in any election to any local authority or to the National Assembly shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.

Limitation  
on privilege  
at elections

*(As amended by G.N. No. 303 of 1964)*

15. (1) It shall be competent for a Judge or the court, upon the application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same,

Consolidation  
of  
actions

defamatory statement brought by one and the same person, to make an order for the consolidation of such actions so that they shall be tried together.

(2) After any order has been made under the provisions of subsection (1), and before the trial of the consolidated actions, the defendants in any new actions instituted in respect of the same, or substantially the same, defamatory statement, shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

(3) In a consolidated action under this section, the court shall assess the whole amount of damages (if any) in one sum, but a separate verdict shall be given for or against each defendant in the same way as if the actions consolidated had been tried separately, and if the court shall have found a verdict against the defendants in more than one of the actions so consolidated it shall proceed to apportion the amount of damages which it has so assessed between and against the said last-mentioned defendants, and if costs of the action are awarded to the plaintiff the court shall thereupon make such order as shall seem just for the apportionment of such costs between and against such defendants.

(4) For the purposes of this section, "defamatory statement" includes libel, slander, slander of title, slander of goods, and other malicious falsehood.

Proceedings  
in respect of  
publication  
of authenti-  
cated  
reports

16. (1) It shall be lawful for the defendant in an action for libel in respect of the publication by him or his servant of any authenticated report to bring before the court in which such action is commenced a certificate under the hand of the Speaker of the National Assembly or the Secretary-General to the Government stating that the authenticated report was published by the defendant or his servant by the order or under the authority of the National Assembly or the Cabinet, as the case may be, together with an affidavit verifying such certificate, and the court shall thereupon stay such action, and the action and every writ and process issued therein shall be and shall be deemed and taken to be finally put an end to, determined and superseded by virtue of this section.

(2) Where a defendant intends to bring a certificate before a court under the provisions of subsection (1), he shall give at least twenty-four hours' notice of such intention to the plaintiff in the action.

(3) Where any action for libel is commenced in respect of the publication of any copy of an authenticated report, the defendant may at any stage in the proceedings lay before the court such authenticated report, and such copy, with an affidavit verifying such authenticated report and the correctness of such copy, and the court shall thereupon stay the action,

and such action and every writ and process issued therein shall be and shall be deemed and taken to be finally put an end to, determined and superseded by virtue of this section.

(As amended by G.N. No. 303 of 1964)

17. In any action for libel in respect of the printing or wireless broadcasting of any extract from or abstract of an authenticated report, it shall be a good defence to show that the matter in question was in fact an extract from or an abstract of an authenticated report and that the publication thereof was *bona fide* and without malice.

Extracts  
from  
authenti-  
cated  
reports

18. (1) For the purposes of the law of libel and slander, the publication of words by wireless broadcasting shall be treated as publication in a permanent form.

Wireless  
broadcasting

(2) Sections *eight* and *nine* shall apply in relation to reports or matters broadcast by wireless as part of any programme or service provided by means of a broadcasting station within Zambia, and in relation to the wireless broadcasting of such reports or matters, as they apply in relation to reports and matters published in a newspaper and to publication in a newspaper, and subsection (2) of section *nine* shall have effect, in relation to any such wireless broadcasting, as if for the words "in the newspaper in which" there were substituted the words "in the manner in which"

(3) In this section, "broadcasting station" has the meaning assigned to it by section *two* of the Broadcasting Act.

Cap. 253

19. (1) This Act applies for the purposes of any proceedings begun after the commencement of this Act, whenever the cause of action arose, but does not affect any proceedings begun before its commencement.

Proceedings  
affected and  
savings

(2) Nothing in this Act shall affect the privileges of the National Assembly or the Cabinet, or the law relating to criminal libel.

(As amended by G.N. No. 303 of 1964)

## SCHEDULE

(Section 9)

### NEWSPAPER STATEMENTS HAVING QUALIFIED PRIVILEGE

#### PART I

##### STATEMENTS PRIVILEGED WITHOUT EXPLANATION OR CONTRADICTION

1. A fair and accurate report of any proceedings in public of the legislature of any part of Her Britannic Majesty's dominions outside Zambia.

(As amended by S.I. No. 72 of 1964)

2. A fair and accurate report of any proceedings in public of an international organisation of which the United Kingdom or Zambia or Her Britannic Majesty's Government in the United Kingdom or the Government of Zambia is a member, or of any international conference to which such Governments send a representative.

(As amended by S.I. No. 72 of 1964)

3. A fair and accurate report of any proceedings in public of the International Court of Justice or any other judicial or arbitral tribunal deciding matters in dispute between States.

4. A fair and accurate report of any proceedings before a court exercising jurisdiction throughout any part of Her Britannic Majesty's dominions outside Zambia, or of any proceedings before a court-martial held outside Zambia under the Naval Discipline Act, the Army Act, or the Air Force Act, of the United Kingdom.

(As amended by S.I. No. 72 of 1964)

5. A fair and accurate report of any proceedings in public of a body or person appointed to hold a public inquiry by the Government or legislature of any part of Her Britannic Majesty's dominions outside Zambia.

(As amended by S.I. No. 72 of 1964)

6. A fair and accurate copy of or extract from any register kept in pursuance of the provisions of any written law for the time being in force within Zambia which is open to inspection by the public, or of any other document which is required by such law to be open to inspection by the public.

7. A notice or advertisement published by or on the authority of any court within Zambia or any Judge or officer of such court.

## PART II

### STATEMENTS PRIVILEGED SUBJECT TO EXPLANATION OR CONTRADICTION

8. A fair and accurate report of the findings or decision of any of the following associations, or of any committee or governing body thereof, that is to say:

- (a) an association formed in Zambia for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion, or learning, and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication;
- (b) an association formed in Zambia for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession, or the actions or conduct of those persons;
- (c) an association formed for safeguarding the interests of any game, sport or pastime to the playing or exercise of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime;

being a finding or decision relating to a person who is a member of or is subject by virtue of any contract to the control of the association.

9. A fair and accurate report of the proceedings at any public meeting held in Zambia, that is to say, a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission to the meeting is general or restricted.

10. A fair and accurate report of the proceedings at any meeting or sitting in any part of Zambia of--

- (a) any local authority or committee of a local authority or local authorities;
- (b) any commission, tribunal, committee or person appointed for the purposes of any inquiry by Act or by the President;
- (c) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any written law for the time being in force within Zambia

not being a meeting or sitting admission to which is denied to representatives of newspapers and other members of the public.

*(As amended by G.N. No. 303 of 1964 and S.I. No. 72 of 1964)*

11. A fair and accurate report of the proceedings at a general meeting of any company or association constituted, registered or certified by or under any written law for the time being in force within Zambia or incorporated by Royal Charter, not being a private company within the meaning of the Companies Act.

Cap. 686

12. A copy or fair and accurate report or summary of any notice or other matter issued for the information of the public by or on behalf of the Government of Zambia, a local authority or superior police officer.

### PART III

#### INTERPRETATION

13. In this Schedule—

“legislature”, in relation to any territory comprised in Her Britannic Majesty’s dominions which is subject to a central and a local legislature, means either of those legislatures;

“local authority” means a municipal council, township council or mine township board;

“part of Her Britannic Majesty’s dominions” means the whole of any territory within those dominions which is subject to a separate legislature.

*(As amended by S.I. No. 72 of 1964)*

14. In relation to the following countries and territories, that is to say, India, the Republic of Ireland, any protectorate, protected State or trust territory within the meaning of the British Nationality Act, 1948, of the United Kingdom, any territory administered under the authority of a country mentioned in subsection (3) of section 1 of that Act, the Sudan and the New Hebrides, the provisions of this Schedule shall have effect as they have effect in relation to Her Britannic Majesty’s dominions, and references therein to Her Britannic Majesty’s dominions shall be construed accordingly.

*(As amended by S.I. No. 72 of 1964)*

**CAP. 106**

**REPUBLIC OF ZAMBIA**

**PRESERVATION OF PUBLIC SECURITY**

**CHAPTER 106 OF THE LAWS OF ZAMBIA**

**PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER  
LUSAKA**

CHAPTER 106

THE PRESERVATION OF PUBLIC SECURITY ACT

ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Interpretation
3. Public security regulations
4. Incidental and supplementary provisions in regulations
5. Application and effect of regulations
6. Proof of documents

CHAPTER 106

PRESERVATION OF PUBLIC SECURITY

An Act to make provision for the preservation of public security; and to provide for matters incidental thereto.

[4th March, 1960]

5 of 1960  
Government  
Notices  
229 of 1964  
497 of 1964  
Statutory  
Instrument  
85 of 1964

1. This Act may be cited as the Preservation of Public Security Act.

Short title

2. In this Act, the expression "public security" includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority, and the maintenance of the administration of justice.

Interpre-  
tation

(As amended by G.N. No. 229 of 1964  
and S.I. No. 85 of 1964)

3. (1) The provisions of this section shall have effect during any period when a declaration made under paragraph (b) of subsection (1) of section 29 of the Constitution has effect.

Public  
security  
regulations.  
App. 1

(2) The President may, for the preservation of public security, by regulation—

- (a) make provision for the prohibition of the publication and dissemination of matter prejudicial to public security, and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;
- (b) make provision for the prohibition, restriction and control of assemblies;
- (c) make provision for the prohibition, restriction and control of residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
- (d) make provision for the regulation, control and maintenance of supplies and services;
- (e) make provision for, and authorise the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in Zambia.

3 copies  
2 "

(3) If the President is satisfied that the situation in Zambia is so grave that it is necessary so to do, he may, by statutory instrument, make regulations to provide for—

- (a) the detention of persons;
- (b) requiring persons to do work and render services.

(As amended by S.I. No. 85 of 1964)

Incidental and supplementary provisions in regulations

4. Regulations made under section *three* may—

- (a) make provision for the payment of compensation and remuneration to persons affected by the regulations;
- (b) make provision for the apprehension and trial of persons offending against the regulations and for such penalties as the President may think fit for offenders thereunder;
- (c) make provision for suspending the operation of any written law other than the Zambia Independence Order, 1964, or the Constitution;
- (d) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;
- (e) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;
- (f) contain such other incidental and supplementary provisions as appear to the President to be necessary or desirable for the purposes of such regulations:

App. 1

Provided that nothing in the foregoing provisions of this section or in the provisions of section *three* shall authorise the making of any regulations providing for the trial of persons by military courts.

(As amended by S.I. No. 85 of 1964)

Application and effect of regulations

5. (1) Any regulations made under this Act may be made to apply to Zambia or to any part thereof, and to any person or class of persons or to the public generally.

Cap. 2

(2) Subject to the provisions of section *twenty-two* of the Interpretation and General Provisions Act, any regulation made under this Act, and any order or rule made under any such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any written law other than the Zambia Independence Order, 1964, or the Constitution and to the extent of any such inconsistency any such law as aforesaid shall have no effect so long as such regulation, order or rule shall remain in force.

App. 1

(3) Where any regulation made under this Act or any order or rule made under any regulation made under paragraph (d) of section *four* has not been laid before the National Assembly

on a sitting day within three months of the date of making thereof, such regulation, order or rule shall, on the expiration of the said period of three months, cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation, order or rule.

*(As amended by G.N. No. 229 of 1964  
and S.I. No. 85 of 1964)*

6. Every document purporting to be an order, licence, permit, certificate, direction, authority, or other document made, granted or issued by the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or any other authority or person in pursuance of this Act or any regulation made under this Act or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or that authority or person.

Proof of  
documents

*(As amended by S.I. No. 85 of 1964)*

CAP. 265

REPUBLIC OF ZAMBIA

PRINTED PUBLICATIONS

CHAPTER 265 OF THE LAWS OF ZAMBIA

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER  
LUSAKA

6 copies

## CHAPTER 265

## THE PRINTED PUBLICATIONS ACT

## ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Interpretation
3. Imprint on books printed and published in Zambia
4. Delivery of books published in Zambia to the Director
5. Registration of newspapers
6. Certified extracts from register to be received in evidence

CHAPTER 265

PRINTED PUBLICATIONS

An Act to make provision for the registration of newspapers; to provide for the printing and publication of books and the preservation of printed works published in Zambia; and to provide for matters incidental to or connected with the foregoing.

31 of 1947  
13 of 1956  
44 of 1969  
Government  
Notices  
110 of 1964  
304 of 1964  
497 of 1964

[1st March, 1964]

1. This Act may be cited as the Printed Publications Act. Short title
2. In this Act, unless the context otherwise requires—
  - “book” includes every part or division of a book, pamphlet, newspaper, sheet of letterpress, sheet of music, map, plan, chart or table separately published;
  - “Director” means the Director of the National Archives of Zambia appointed in terms of section five of the National Archives Act;
  - “editor” includes the person or persons actually and finally responsible for the collation or inclusion in any newspaper of the contents thereof, whether such person or persons are expressly employed for such purposes or not;
  - “newspaper” means any periodical publication published at intervals of not more than one month and consisting wholly, or for the greater part, of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, and with or without illustrations, but does not include any publication which is proved not to be intended for public sale or public dissemination;

and expressions referring to printing shall be construed as including references to any other means of representing or reproducing words in visible form by impressing one material on another.

Cap. 268

(As amended by No. 13 of 1956, G.N. No. 110 of 1964 and No. 44 of 1969)

3. (1) Every book printed and published in Zambia shall bear an imprint in legible type showing—
  - (a) the full and correct name of the printer and the place where the book was printed;
  - (b) the full and correct name of the publisher and his place of business; and
  - (c) the year of publication.Imprint on books printed and published in Zambia

(2) Any person who knowingly and wilfully prints or publishes, or causes to be printed or published, any book not containing the particulars required by this section shall be guilty of an offence and liable to a fine not exceeding fifty kwacha, and, in default of payment of such fine, to imprisonment not exceeding one month.

(3) The Minister may, by statutory instrument, make rules excepting from the provisions of this section such classes of printed matter used for the purposes of the Government, of courts of justice, of public authorities and of trade and business as may be specified in such rules.

*(As amended by G.N. No. 304 of 1964)*

4. (1) The publisher of every book published in Zambia shall, within two months of the publication, deliver at his own expense a copy of the book to the Director at Lusaka, who shall give a written receipt for every copy received by him.

(2) Every copy delivered under the provisions of this section shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewn or stitched together, and on the best paper on which the book is printed.

(3) If any publisher fails to comply with the provisions of this section, he shall be guilty of an offence and liable to a fine not exceeding forty kwacha. When any person is convicted of such offence, the court may, in addition to imposing a penalty, order the person so convicted to comply with the provisions of this section by delivering a copy of the book to the authority to whom delivery ought to have been made. The court may, instead of making such order, impose a further fine not exceeding the amount of the published price of the book.

(4) The provisions of this section shall not apply to any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints or other illustrative material belonging thereto.

(5) The Minister may, by statutory instrument, make rules excepting from the provisions of this section publications wholly or mainly in the nature of trade advertisements or such classes of such other publications as may be specified in the rules, and thereupon it shall not be necessary for the publisher of any publication so excepted to deliver a copy of such publication to the authority mentioned in subsection (1) unless, as respects any particular publication, a written demand for the delivery thereof is made by such authority.

*(As amended by G.N. Nos. 110 and 304 of 1964  
and No. 44 of 1969)*

5. (1) No person shall print or publish, or cause to be printed or published, any newspaper until there has been registered at the office of the Director at Lusaka the full and correct title thereof and the full and correct names and places of abode of every person who is or is intended to be the proprietor, editor, printer or publisher of such newspaper, and the description of the premises where the same is to be published. Every alteration in such particulars shall forthwith be registered in like manner.

Registration  
of  
newspapers

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding two hundred kwacha.

*(As amended by No. 13 of 1956, G.N. No. 110 of 1964  
and No. 44 of 1969)*

6. (1) It shall be the duty of the Director to keep a register in which shall be entered the particulars mentioned in the last preceding section.

Certified  
extracts  
from  
register to  
be received  
in evidence

(2) Any person wishing to obtain an extract from such register, signed by the Director, showing the particulars therein contained in regard to any newspaper, shall be entitled to obtain the same on application to the Director and on payment of a fee of twenty-five ngwee for every such extract.

(3) The production of any such extract, signed as aforesaid, in any proceedings, civil or criminal, in any court of justice shall be *prima facie* proof of the facts therein stated in regard to the names of the proprietors, printers and publishers of the newspaper therein named.

(4) (a) At the trial of any person for an offence against subsection (3) of section *four* or subsection (2) of section *five*, any document purporting to be a certificate under the hand of the Director that such person has failed to comply with the requirements of the subsection under which such person is charged may be used in evidence against him.

(b) When any certificate is so used, the court may, if it thinks fit, summon and examine the Director as to the subject-matter therein.

*(As amended by G.N. No. 110 of 1964 and No. 44 of 1969)*

copies

**CAP. 253**

**REPUBLIC OF ZAMBIA**

**BROADCASTING**

**CHAPTER 253 OF THE LAWS OF ZAMBIA**

**PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER  
LUSAKA**

## CHAPTER 253

## THE BROADCASTING ACT

## ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Interpretation
3. Zambia Broadcasting Services
4. Appointment of licensing officers
5. Licensing of broadcasters
6. Licensing of operator of diffusion services
7. Licensing of listeners
8. Disposal of licence fees
9. Cancellation of broadcasting and diffusion licences
10. Appointment of inspectors
11. Powers of inspection, etc.
12. Restriction on use of name
13. Regulatory powers of Minister
14. Offences and penalties
15. Recovery of licence fees
16. This Act not to affect certain provisions of the Radio-communications Act
17. Transitional provisions

SCHEDULE—Licence fees

## CHAPTER 253

## BROADCASTING

70 of 1965

An Act to provide for the control and regulation of broadcasting and diffusion services, the payment of licence fees and for matters incidental thereto.

[1st January, 1966]

1. This Act may be cited as the Broadcasting Act. Short title
2. In this Act, unless the context otherwise requires— Interpretation
- “appropriate fee” means, in relation to any matter, the fee specified in respect of such matter in the Schedule;
- “broadcaster” means a person licensed to carry on a broadcasting service under section *five*;
- “broadcasting service” means a radiocommunication service for reception by members of the general public, and “broadcast” used as a verb shall be construed accordingly;
- “broadcasting station” means all premises whatsoever used for the purpose of carrying on a broadcasting service together with the transmitters, apparatus and equipment, including vehicles, required in connection therewith;
- “dealer” means—
- (a) a person who carries on a trade, business or industry in which receivers are assembled, manufactured, imported, bought, sold, hired, exchanged, or offered or exposed for sale, hire or exchange; or
  - (b) a person who deals in motor vehicles in which receivers are installed; or
  - (c) an auctioneer of receivers;
- and cognate expressions shall be construed by reference, *inter alia*, to transactions or operations such as are carried on by persons referred to in paragraph (a);
- “Department of Broadcasting Services” means the Department of Broadcasting Services in the Ministry of Information, Broadcasting and Tourism;
- “diffusion service” means—
- (a) the dissemination by means of wires otherwise than within the precincts of a single private residence of the whole or any part of a broadcasting service; or

- (b) the dissemination of music or speech by means of wires connecting two or more loudspeakers which—
- (i) are installed in a specific building or within the precincts of a specified building; or
  - (ii) are permanently fixed, otherwise than within a single specified building in a motor vehicle, aircraft, ship or railway train, for purposes not ancillary or incidental to or connected with any exhibition, performance, including a performance by a circus, contest, game or sport, such as—
    - A. the running of any horse race; or
    - B. the holding of any concert or the production of any play, opera, ballet, pageant or the like; or
    - C. the showing of any cinematograph films; or
    - D. the holding of any agricultural, horticultural, industrial or commercial show or any dance, cabaret, garden party, fete, fair, gymkhana or the like;

and “diffuse” used as a verb shall be construed accordingly;

“inspector” means any person appointed by the Minister to be an inspector under section *ten*;

“licence” means a licence issued under the provisions of this Act;

“licensing officer” means any person appointed by the Minister to be a licensing officer under section *four*;

“listener” means a person who has in his possession a receiver otherwise than as—

- (a) a broadcaster; or
- (b) a dealer; or
- (c) an operator of a diffusion service; or
- (d) a police officer or a member of the Defence Force acting in the course of his duty;

“private residence” means—

- (a) any self-contained dwelling-house; or
- (b) any self-contained residence commonly known as a flat;

“radiocommunication service” means the transmission of writing, signs, signals, pictures and sounds of all descriptions whatsoever, wholly or partly by means of electromagnetic waves of frequencies between ten kilocycles per second and three million megacycles per second;

“receiver” means an apparatus in respect of which no licence is required under the Radiocommunications Act, which is designed to be used for the reception of a broadcasting service, and cognate expressions shall be construed accordingly; Cap. 796

“specified building” means a building used for industrial purposes or such other purposes as the Minister may, by statutory notice, specify;

“unspecified building” means a building which is not a specified building.

3. (1) The Minister may—

(a) provide and carry on broadcasting services in the Republic to be known as Zambia Broadcasting Services, for the information, education and entertainment of listeners in the Republic;

(b) provide and carry on such broadcasting services for reception by listeners outside the Republic as he may deem desirable;

(c) carry on or operate such other services including diffusion services and such undertakings in connection therewith as he may consider expedient;

(d) establish, maintain, or continue to maintain, and operate in any part of the Republic such number of broadcasting stations as he may consider necessary or expedient for the carrying out of the provisions of this section.

Zambia  
Broadcasting  
Services

(2) For the purposes of this section, the Department of Broadcasting Services may be constituted in two branches as follows:

(a) a branch to be known as Radio Zambia which shall be responsible for sound broadcasting; and

(b) a branch to be known as Television Zambia which shall be responsible for television broadcasting.

4. The \*Minister may appoint such licensing officers as may be necessary for the due carrying out of the provisions of this Act and of any regulations made thereunder.

Appoint-  
ment of  
licensing  
officers  
Licensing of  
broadcasters

5. (1) Subject to the provisions of this Act, no person shall operate a broadcasting service in the Republic otherwise than in accordance with the terms and conditions of a licence issued by the Minister.

(2) There shall be payable in respect of a licence issued under this section the appropriate fee.

\* Powers delegated to the Postmaster-General by S.I. No. 170 of 1966.

(3) A licence issued under this section—

- (a) shall continue in force for a period of five years from the date of issue thereof;
- (b) shall not be transferable.

(4) A broadcaster shall comply with the provisions of any convention and any regulations annexed thereto which may be specified from time to time by the Minister by statutory order.

(5) The provisions of this section shall not apply to the Minister in the exercise of his powers under section *three*.

6. (1) Subject to the provisions of this Act, no person shall operate a diffusion service in the Republic otherwise than in accordance with the terms and conditions of a licence issued by the Minister.

(2) There shall be payable in respect of a licence issued under this section the appropriate fee.

(3) A licence issued under this section—

- (a) shall continue in force for a period of five years from the date of issue thereof;
- (b) shall not be transferable.

(4) The provisions of this section shall not apply to the Minister in the exercise of his powers under section *three*.

7. (1) Subject to the provisions of this Act, no listener shall have in his possession in the Republic a receiver otherwise than in accordance with the terms and conditions of a licence issued under this section by a licensing officer.

(2) The following licences may be issued under this section:

- (a) a listener's concessionary licence (sound) (domestic radio);
- (b) a listener's licence (sound) (domestic radio);
- (c) a listener's licence (sound) (car radio);
- (d) a listener's licence (sound and television).

(3) A listener's concessionary licence (sound) (domestic radio) shall authorise a listener whose income, salary or wages during the twelve months immediately preceding the date on which the listener makes application for such licence is less than six hundred kwacha to possess one receiver, other than a receiver referred to in subsection (5), which is designed for the reception of a broadcasting service consisting of the transmission of sounds of all descriptions whatsoever but not including the transmission of visual images sent by television.

(4) Subject to the provisions of subsection (7), a listener's licence (sound) (domestic radio) shall authorise a listener whose income, salary or wages during the twelve months preceding the date on which the listener makes application for such licence is six hundred kwacha or more to possess any number of receivers, other than a receiver referred to in subsection (5), which are designed for the reception of a broadcasting service consisting of the transmission of sounds of all descriptions whatsoever but not including the transmission of visual images sent by television.

(5) A listener's licence (sound) (car radio) shall authorise a listener to possess one receiver—

- (a) which is installed in a vehicle, other than a public service vehicle, the registration number of which is specified in the licence; and
- (b) which is designed for the reception of a broadcasting service consisting of the transmission of sounds of all descriptions whatsoever but not including the transmission of visual images sent by television.

(6) Subject to the provisions of subsection (7), a listener's licence (sound and television) shall authorise a listener to possess—

- (a) any number of receivers designed for the reception of a broadcasting service which includes the transmission of visual images sent by television; and
- (b) any number of receivers, other than a receiver referred to in subsection (5), designed for the reception of a broadcasting service consisting of the transmission of sounds of all descriptions whatsoever but not including the transmission of visual images sent by television.

(7) A keeper of an hotel, inn, boarding-house, lodging-house or club, who provides a receiver in any room occupied or used, or available for occupation or use, by any person other than himself or his dependant shall hold a licence in respect of each such receiver:

Provided that—

- (i) if in any such room one or more than one receiver referred to in paragraph (a) of subsection (6) and one or more than one receiver referred to in paragraph (b) of subsection (6) are provided together, such keeper shall not be required under this subsection to hold more than one listener's licence (sound and television) in respect of such receivers;
- (ii) if in any such room two or more receivers referred to in paragraph (b) of subsection (6), but no receiver referred to in paragraph (a) of subsection (6), are provided, such keeper shall not be required under this subsection to hold more than one listener's licence (sound) (domestic radio) in respect of such receivers.

(8) There shall be payable in respect of a licence issued under this section the appropriate fee.

(9) A licence issued under this section—

- (a) shall continue in force for a period of one year from the date of issue thereof;
- (b) shall not be transferable.

8. All licence fees referred to in sections *five, six and seven* shall be paid into the general revenues of the Republic.

9. (1) The Minister may at any time cancel or refuse to issue a licence or to renew a licence issued to a broadcaster or operator of a diffusion service under this Act, if he is satisfied, after due inquiry, that the cancellation or the refusal to issue or renew the licence is justified in the public interest.

(2) The Minister may cancel or refuse to renew a licence under subsection (1) if he is satisfied that the broadcasting station or the receiver or the apparatus or equipment used in connection with the broadcasting service or, as the case may be, the diffusion service—

- (a) prevents the erection or installation of plant, apparatus or equipment of the Postmaster-General; or
- (b) injures or interferes with the working of a radio station or the carrying on of radiocommunication, telephone or telegraph services established by the Postmaster-General either before or after the date of the issue of the licence; or
- (c) is likely to injure or interfere with apparatus, equipment, circuits, instruments, wires and the like installed, erected or operated by the Postmaster-General either before or after the date of the issue of the licence.

(3) The Minister shall not be liable to refund to a broadcaster or operator of a diffusion service whose licence is cancelled under this section the fee or any portion of the fee paid on the issue of the licence.

10. The Minister may appoint any person to be an inspector for the purposes of this Act.

11. (1) An inspector or a police officer may require any person whom he has reasonable cause to suspect is a listener to produce his licence.

(2) A police officer may require any person whom he has reasonable cause to suspect is carrying on a broadcasting service or operating a diffusion service to produce his licence.

(3) If authorised in writing by a magistrate, an inspector or a police officer may at all reasonable times enter premises—

- (a) on which a dealer carries on business; or
- (b) which are owned or occupied by a person whom he has reasonable cause to suspect is in possession of a receiver; or

Disposal of  
licence fees

Cancellation  
of broad-  
casting and  
diffusion  
licences

Appoint-  
ment of  
inspectors  
Powers of  
inspection,  
etc.

- (c) on which he has reasonable cause to suspect an offence against this Act has been committed;

and shall have power to make such examination, inspection and inquiry and do such things as may appear to him necessary for ascertaining whether compliance has been made with the provisions of this Act.

(4) All books, records and documents required to be kept by a dealer under this Act or any regulations made thereunder shall be open to inspection at all reasonable times by an inspector or by a police officer.

12. No person shall, on or after the commencement of this Act, assume for the purposes of business or be registered under the Companies Act or under the Registration of Business Names Act, under—

Restriction  
on use of  
name.  
Cap. 686.  
Cap. 687

- (a) a name which includes with the word "broadcast" or "broadcasting" or "diffusion" or "rediffusion" the word "Zambia", "Zambian", "state" or "corporation"; or
- (b) the name "Zambia Broadcasting Corporation", "Zambia Broadcasting Services" or a name which so nearly resembles "Zambia Broadcasting Services" as to be mistaken for it.

13. (1) The Minister may by regulation, statutory order or notice prescribe all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulatory  
powers of  
Minister

(2) The Minister may in regulations, orders or notices made or issued under subsection (1) provide for—

- (a) the registration of dealers and the information to be supplied in connection with applications for registration;
- (b) the keeping of books, records and documents, the furnishing of returns and the supply of information relating to dealings in receivers;
- (c) the collection of licence fees payable under this Act;
- (d) prohibiting the delivery of a receiver by a dealer in pursuance of the sale, hire, exchange or repair of the receiver to a person who is not authorised by a licence referred to in subsection (2) of section seven to possess the receiver;
- (e) the notification by listeners of changes in their places of business or residence;
- (f) the form and manner in which applications for licences are to be made and the information to be supplied in connection therewith;
- (g) the circumstances in which and the terms and conditions subject to which licences shall be issued;

- (h) the form of licences and the terms and conditions to be contained in licences;
- (i) the issue of licences without charge authorising the possession of—
  - (i) receivers; or
  - (ii) apparatus for carrying on diffusion services; which are used in such institutions or classes of institutions as the Minister may specify;
- (j) the circumstances in which and the conditions including the payment of a fee subject to which copies of licences may be obtained; and in so doing may classify broadcasters, operators of diffusion services, dealers and listeners and otherwise make different provisions for different classes of persons.

Offences and penalties

14. (1) Any person who --
- (a) fails or refuses to register as a dealer when required to do so under the provisions of this Act or regulations made thereunder; or
  - (b) fails or refuses to furnish a return or to supply information in the manner and in the time prescribed or furnishes a false or incomplete return or supplies false or incomplete information; or
  - (c) on being required to do so, fails or refuses to produce to an inspector or a police officer a licence or a book, record or document relating to receivers which is in his possession or under his control; or
  - (d) wilfully delays or obstructs an inspector or a police officer in the exercise of the powers conferred upon him by or under this Act; or
  - (e) fails or refuses, without reasonable cause, to give information to an inspector or a police officer, when required to do so under section *eleven*, or gives false or incomplete information; or
  - (f) fails to comply with the terms and conditions of any licence; or
  - (g) for the purpose of obtaining, whether for himself or another person, the issue of a licence, makes a declaration or statement which he knows to be false in any particular or does not know or believe to be true, or knowingly makes use of a declaration or statement or document containing the same; or
  - (h) contravenes or fails to comply with the provisions of subsection (1) or (4) of section *five*, subsection (1) of section *six*, subsection (1) or (7) of section *seven* or a provision of regulations, orders, or notices made or issued under this Act or an order or direction made or given under the provisions of this Act or of regulations, orders or notices made or issued under this Act, with which it is his duty to comply;

shall be guilty of an offence and liable—

(i) for a contravention of subsection (1) of section *five*—

- A. on first conviction, to a fine not exceeding four hundred kwacha or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;
- B. on the second or a subsequent conviction, to a fine not exceeding one thousand kwacha or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;

(ii) for an offence not referred to in sub-paragraph (i)—

- A. on first conviction, to a fine not exceeding fifty kwacha or to imprisonment for a period not exceeding one month, or to both such fine and such imprisonment;
- B. on the second or a subsequent conviction, to a fine not exceeding one hundred kwacha or to imprisonment for a period not exceeding two months, or to both such fine and such imprisonment.

(2) A court convicting a person of an offence of—

- (a) having in his possession a receiver the possession of which is not authorised by a licence referred to in subsection (2) of section *seven*; or
- (b) making a declaration or statement such as is referred to in paragraph (g) of subsection (1) or making use of such a declaration or statement or document containing the same, thereby obtaining in respect of a receiver in his possession a licence referred to in subsection (2) of section *seven* on payment of a fee which is less than the appropriate fee;

may, on the application of the prosecutor and in addition to any penalty which it may impose, give summary judgment in favour of the Government for the amount of the appropriate fee or, as the case may be, an amount equal to the difference between the fee actually paid by the person and the appropriate fee.

(3) On the hearing of an application referred to in subsection (2) the court shall, for the purpose of determining the amount of the appropriate fee and, in the case of a prosecution for an offence referred to in paragraph (b) of that subsection, the accused's liability to pay the same, refer to the proceedings and evidence at the trial and consider such further evidence whether oral or documentary as may be tendered by the prosecutor and the accused.

(4) A judgment given by a court under subsection (2) shall have the same force and effect and may be executed in the same manner as if the judgment had been given in a civil action instituted in the court.

(5) If the Minister has, under section *thirteen*, classified listeners, a certificate purporting to be signed by the Minister and alleging that a person is a member of a particular class of listener shall, on its mere production, be admissible—

- (a) on the prosecution of the person for a contravention of the provisions of this Act; or
- (b) for the purpose of determining the amount of the appropriate fee to which an application made for summary judgment under subsection (2) relates;

as *prima facie* evidence of the facts stated in the certificate.

Recovery of  
licence fees

15. The Minister may, by civil action in a competent court, recover the amount of a licence fee payable under section *five* or *six*.

This Act not  
to affect  
certain  
provisions of  
the Radio-  
communica-  
tions Act.  
Cap. 796

16. Nothing in this Act shall be construed as exempting a broadcaster, operator of a diffusion service, listener or other person from compliance with the provisions of the Radio-communications Act, or of the subsidiary legislation made thereunder, which relate to—

- (a) the establishment of radio transmitting stations and the erection of radio apparatus at sites approved by the Postmaster-General; and
- (b) the allocation of frequencies by the Postmaster-General; and
- (c) the approval by the Postmaster-General of—
  - (i) the mode of transmission to be used in connection with radio transmitting stations and the power to be radiated therefrom; and
  - (ii) the classes, types and standards of radio transmitting stations and radio apparatus to be used in connection with different classes of radiocommunication services; and
  - (iii) the classes, types and standards of radio receiving stations and radio and other apparatus to be used in connection with diffusion services; and
- (d) the prevention of harmful interference; and
- (e) distress calls, messages and signals; and
- (f) the manner of carrying on radiocommunication services governed by the provisions of the Convention referred to in that Act; and
- (g) the inspection and testing of radio stations, radio apparatus, apparatus used for operating diffusion services and premises used in connection therewith.

Transitional  
provisions

17. Any licence issued under the provisions of the Zambia Broadcasting Act, Chapter 270 of the 1965 Edition of the Laws, and in force immediately before the commencement of this Act shall have effect as though it were a licence issued under this Act and the provisions of this Act shall apply accordingly to such licence.

**SUBSIDIARY LEGISLATION**

SCHEDULE  
(Sections 5, 6 and 7)

## LICENCE FEES

<i>Licence</i>	<i>Appropriate Fee K</i>
1. Licence to operate a broadcasting service issued under section 5	Nil
2. Licence to operate a diffusion service issued under section 6 ..	30.00
3. A listener's concessionary licence (sound) (domestic radio) ..	1.00
4. A listener's licence (sound) (domestic radio) .. .. .	2.00
5. A listener's licence (sound) (car radio) .. .. .	2.00
6. A listener's licence (sound and television) .. .. .	10.00

CAP. 253

## BROADCASTING

Statutory  
Instrument  
169 of 1966

Section 13—THE BROADCASTING (DEALERS)  
REGULATIONS

*Regulations by the Minister*

Title 1. These Regulations may be cited as the Broadcasting (Dealers) Regulations.

Registration  
of dealers

2. (1) Every dealer who is in business as such at the \*commencement of these Regulations shall, within thirty days of such date, make application to the Department of Broadcasting Services on Form 1 in the Schedule to be registered as a dealer.

(2) Every person who after the \*commencement of these Regulations commences business as a dealer shall forthwith apply for registration with the Department of Broadcasting Services in the manner provided in sub-regulation (1).

(3) Upon the registration of a dealer, a certificate of registration in Form 2 in the Schedule shall be issued to the dealer by the Department of Broadcasting Services and shall at all times be kept by the dealer on the premises to which it relates. An additional copy of such certificate may be issued for each set of premises in which the dealer carries on business as such.

Dealers to  
maintain  
records of all  
dealings in  
receivers

3. Every dealer shall, at each place of business in respect of which he is registered, maintain in the manner set out in Form 3 in the Schedule a record of all receivers sold, hired, loaned or otherwise delivered by him to other persons. Such record shall be maintained in duplicate by the dealer concerned, who shall retain a copy for his records and send the original to the Department of Broadcasting Services or to such other person as may be directed by the Department of Broadcasting Services on the first day of each month. In respect of any month in which a dealer has not sold, hired, loaned or otherwise delivered a receiver from a place of business in respect of which he is registered, he shall, on the first day of the following month, make a nil return on Form 3 in the Schedule to the Department of Broadcasting Services or to such other person as may be directed by the Department of Broadcasting Services.

Dealing in  
unlicensed  
receivers

4. No dealer shall, in the course of trade or business, sell, repair, exchange or otherwise transfer possession of a receiver to a person who is not in possession of a valid listener's licence.

\* 7th April, 1966.

SCHEDULE  
PRESCRIBED FORMS

FORM 1  
(Regulation 2 (1))

REPUBLIC OF ZAMBIA  
THE BROADCASTING (DEALERS) REGULATIONS  
APPLICATION FOR REGISTRATION AS A DEALER

I, .....  
(name)  
.....  
(address)  
carrying on business as a dealer under the style of.....  
.....  
at the following address/es.....  
.....  
hereby apply to be registered as a dealer in terms of the above Regulations.  
Signed.....  
Date.....

FORM 2  
(Regulation 2 (3))

REPUBLIC OF ZAMBIA  
THE BROADCASTING (DEALERS) REGULATIONS  
DEPARTMENT OF BROADCASTING SERVICES  
CERTIFICATE OF REGISTRATION AS A DEALER

Serial Number.....  
This is to certify that.....  
(name)  
of..... carrying on business  
as a dealer under the style of.....  
.....  
at the following address/os.....  
.....  
has been registered as a dealer in terms of the above Regulations.  
Signed.....  
(Director)  
Department of Broadcasting Services  
Date.....

[SUBSIDIARY]

Broadcasting (Dealers) Regulations

Form 3  
(Regulation 3)

REPUBLIC OF ZAMBIA

THE BROADCASTING (DEALERS) REGULATIONS

MONTHLY RETURN OF RECEIVERS SOLD, HIRED, LOANED OR OTHERWISE DELIVERED BY DEALERS

Dealer's Name.....  
Address.....

1 Receiver make and type	2 Date of delivery to customer	3 State whether sale, hire, loan or other form of delivery	4 Name and postal address of customer	5 Address where receiver will ordinarily be kept	6 Date receiver returned if not sold	7 Licence No. and date of expiry
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

One copy to be forwarded each month to—  
The Director, Zambia Broadcasting Services,  
P.O. Box RW.15, Lusaka.  
Name (Signed).....  
Date.....

**Section 13—THE BROADCASTING (LICENCES)  
REGULATIONS**

*Statutory  
Instrument  
168 of 1966*

*Regulations by the Minister*

- |  |                                  |
|--|----------------------------------|
| <p>1. These Regulations may be cited as the Broadcasting (Licences) Regulations.</p>   | Title                            |
| <p>2. In these Regulations, unless the context otherwise requires—</p> <p style="padding-left: 40px;">“receiver (sound)” means a receiver, other than a receiver (sound) (car radio), which is designed for the reception of a broadcasting service consisting of the transmission of sounds of all descriptions whatsoever but not including the transmission of visual images sent by television;</p> <p style="padding-left: 40px;">“receiver (sound and television)” means a receiver designed for the reception of a broadcasting service which includes the transmission of visual images sent by television;</p> <p style="padding-left: 40px;">“receiver (sound) (car radio)” means a receiver which is installed in a vehicle other than a public service vehicle and which is designed for the reception of a broadcasting service consisting of the transmission of sounds of all descriptions whatsoever but not including the transmission of visual images sent by television.</p> | Interpreta-<br>tion              |
| <p>3. (1) Every application for the issue of a licence shall be made to a licensing officer.</p> <p style="padding-left: 40px;">(2) An application for the issue of a listener’s concessionary licence (sound) (domestic radio) shall be on Form 1 in the Schedule.</p>  | Application<br>for a licence     |
| <p>4. (1) A licensing officer shall, on an application duly made and on payment by the applicant of the appropriate fee, issue to the applicant a licence as follows:</p> <p style="padding-left: 40px;">(a) in the case of a listener’s concessionary licence (sound) (domestic radio), such licence shall be in the form set out in Form 2 in the Schedule;</p> <p style="padding-left: 40px;">(b) in the case of a listener’s licence (sound) (domestic radio), such licence shall be in the form set out in Form 3 in the Schedule;</p> <p style="padding-left: 40px;">(c) in the case of a listener’s licence (sound) (car radio), such licence shall be in the form set out in Form 4 in the Schedule;</p> <p style="padding-left: 40px;">(d) in the case of a listener’s licence (sound and television), such licence shall be in the form set out in Form 5 in the Schedule.</p>   | Issue and<br>form of<br>licences |

(2) A licensing officer shall, before issuing a licence, endorse on the licence the date of issue thereof and the date of expiry thereof.

Duty of  
listener on  
expiry of  
licence

5. On the day following the date of expiry of his licence, a listener shall either—

(a) make immediate application to a licensing officer, accompanied by the appropriate fee, for a new licence; or

(b) immediately dismantle every receiver which he was authorised by such expired licence to possess and give written notice to the Department of Broadcasting Services that he has done so:

Provided that nothing in this regulation shall be construed as to prohibit an application by a listener for a licence before the expiry of a similar licence issued to him as hereinbefore provided.

Address of  
listener or  
transferee

6. (1) The address at which a receiver shall ordinarily be kept shall be such address as may be specified by a licensing officer on the licence relating to such receiver:

Provided that only one such address may be specified in any one licence.

(2) A listener holding a licence shall, within seven days of any change in any address specified in the licence, give written notice of such change to the Department of Broadcasting Services.

(3) If a listener sells or otherwise transfers possession of a receiver to any person other than his dependant, he shall, within seven days of such transfer, give written notice to the Department of Broadcasting Services of the name and address of the transferee.

(4) The registration number of the vehicle in which a receiver is installed shall be specified in the licence relating thereto and only one such registration number shall be specified in any one licence.

(5) If the holder of a listener's licence (sound) (car radio) transfers the receiver to which that licence relates to another vehicle in his possession, he shall, within seven days of such transfer, produce the licence for alteration by a licensing officer.

Application  
for copy of a  
licence

7. (1) Every application for a copy of a licence shall be made to a licensing officer in Form 6 in the Schedule.

(2) On receipt of an application under sub-regulation (1), a licensing officer may issue to a listener holding a valid licence a copy of that licence.

8. (1) For the purposes of this regulation, "club room" includes—

Responsibility for a receiver in a club room

- (a) a mess-room or a room, other than living quarters, ordinarily used by members of the Defence Force or of the Zambia Police Force for purposes other than duty; and
- (b) a room, other than living quarters, in premises used by any club, institute or association;

but does not include any room in a club for which a licence is required under the provisions of section *seven* of the Act.

(2) Where a receiver is provided in a club room, a licence may be issued in respect thereof to such persons as the commanding officer or, as the case may be, the committee concerned, may appoint for the purpose.

9. The following different classes of listeners are hereby prescribed:

Classification of listeners

- (a) listeners possessing a receiver (sound) whose income, salary or wages amounts to six hundred kwacha or more during the twelve months immediately preceding the date on which they apply for a listener's licence (sound) (domestic radio);
- (b) listeners possessing a receiver (sound) whose income, salary or wages, amounts to less than six hundred kwacha during the twelve months immediately preceding the date on which they apply for a listener's concessionary licence (sound) (domestic radio):

Provided that if a listener is the dependant of a person, not being a listener, whose income, salary or wages, amounts to six hundred kwacha or more during the twelve months immediately preceding the date of application, the listener shall be excluded from the class described in this paragraph and included in the class prescribed in paragraph (a);

- (c) listeners possessing a receiver (sound and television);
- (d) listeners possessing a receiver (sound) (car radio).

10. A licence may be issued without charge in respect of a receiver used—

Exemptions from payment of licence fees

- (a) for educational purposes in an educational institution; or
- (b) for the benefit of patients in a hospital or other similar institution.

Broadcasting

[SUBSIDIARY]

Broadcasting (Licences) Regulations

SCHEDULE

PRESCRIBED FORMS

FORM 1

(Regulation 3 (2))

REPUBLIC OF ZAMBIA

THE BROADCASTING (LICENCES) REGULATIONS

APPLICATION FOR A LISTENER'S CONCESSIONARY LICENCE (SOUND)

1. I, (Name in full—BLOCK CAPITALS)

heroby apply for the issue to me of a listener's concessionary licence (sound), and I declare—

- (a) that my income, salary, or wages, computed in terms of section 7 of the Broadcasting Act, for the twelve months immediately preceding the date of this application amounted to less than six hundred kwacha;
(b) that I am not the dependant of a non-listener whose income, salary or wages amounted to six hundred kwacha or more during the twelve months immediately preceding the date of this application.

2. I understand that, in this context, "dependant" means being the spouse of, or a relative by blood or marriage of, a non-listener and having the same place of residence as that non-listener, and "non-listener" means a person who does not possess a receiver (sound) or a receiver (sound and television).

3. The address at which the receiver (sound) will ordinarily be kept is

(Full residential address NOT Post Office Box)

Signed (or marked)

Date (Please read note on reverse)

NOTE

1. Under section 14 of the Broadcasting Act, it is an offence to make a declaration or statement which you know to be false in any particular or do not know or believe to be true, or knowingly to make use of a declaration or statement or document containing the same, for the purpose of obtaining the issue of a licence. A person convicted of any such offence is liable to a fine or imprisonment or both.

2. Under the Broadcasting (Licences) Regulations, a listener who is the dependant of a non-listener whose income, salary or wages amounted to six hundred kwacha or more during the twelve months immediately preceding the date of application for a licence is not eligible for the issue of a listener's concessionary licence (sound). In this context, being a dependant means that the listener is the spouse of, or a relative by blood or marriage, of a non-listener and has the same place of residence as that non-listener.

FORM 2

(Regulation 4 (1) (a))

REPUBLIC OF ZAMBIA

THE BROADCASTING (LICENCES) REGULATIONS

DEPARTMENT OF BROADCASTING SERVICES

LISTENER'S CONCESSIONARY LICENCE (SOUND) (DOMESTIC RADIO)

This licence expires on

Licence No. ...., 19....

Date of Issue ...., 19....

Subject to the provisions of the Broadcasting Act, and regulations made thereunder, as from time to time amended—

(Name of licensee in full—BLOCK CAPITALS)

of.....  
(Postal address)

is hereby authorised to possess one receiver (sound) (domestic radio) which shall ordinarily be kept at.....

(Full residential address—NOT Post Office Box)

for the period commencing on the date of issue of this licence and expiring at midnight on the date shown above.

Fee paid K..... (..... kwacha).

Initials of Issuing Officer..... DATE STAMP

Name and address or stamp of issuing authority.....

(Please read note on reverse)

NOTE

1. This licence is not transferable. It must be produced to an inspector of the Department of Broadcasting Services or a police officer who requires its production under the Broadcasting Act.

2. On the date following the date of expiry of this licence the holder shall either make immediate application to a licensing officer, accompanied by the appropriate fee, for a new licence, or shall immediately dismantle the receiver (sound) (domestic radio) which he was authorised by this licence to possess and give written notice to the Department of Broadcasting Services that he has done so.

3. The holder shall, within seven days of any change in any address specified in this licence, give written notice of such change to the Department of Broadcasting Services. If the holder sells, gives or otherwise transfers possession of, the receiver (sound) (domestic radio) to any person other than his dependant, he shall, within seven days of such transfer, give written notice to the Department of Broadcasting Services of the name and address of the transferee.

FORM 3  
(Regulation 4 (1) (b))

REPUBLIC OF ZAMBIA

THE BROADCASTING (LICENCES) REGULATIONS

DEPARTMENT OF BROADCASTING SERVICES

LISTENER'S LICENCE (SOUND) (DOMESTIC RADIO)

This licence expires on

Licence No....., 19....

Date of Issue....., 19....

Subject to the provisions of the Broadcasting Act, and regulations made thereunder, as from time to time amended—

(Name of licensee in full—BLOCK CAPITALS)

of.....  
(Postal address)

is hereby authorised to possess one or more receivers (sound) (domestic radio) which shall ordinarily be kept at.....

(Full residential address—NOT Post Office Box)

[SUBSIDIARY]

Broadcasting (Licences) Regulations

for the period commencing on the date of issue of this licence and expiring at midnight on the date shown above.

Fee paid K. .... (.....kwacha).

Initials of Issuing Officer. .... DATE STAMP

Name and address or stamp of issuing authority .....

THIS LICENCE DOES NOT COVER A CAR RADIO
(Please read note on reverse)

NOTE

1. This licence is not transferable. It must be produced to an inspector of the Department of Broadcasting Services or a police officer who requires its production in terms of the Broadcasting Act.

2. On the date following the date of expiry of this licence the holder shall either make immediate application to a licensing officer, accompanied by the appropriate fee for a new licence or shall immediately dismantle every receiver (sound) (domestic radio) which he was authorised by this licence to possess and give written notice to the Department of Broadcasting Services that he has done so.

3. The holder shall, within seven days of any change in any address specified in this licence, give written notice of such change to the Department of Broadcasting Services. If the holder sells, gives or otherwise transfers possession of, a receiver (sound) (domestic radio) to any person other than his dependant, he shall, within seven days of such transfer, give written notice to the Department of Broadcasting Services of the name and address of the transferee.

FORM 4
(Regulation 4 (1) (c))

REPUBLIC OF ZAMBIA

THE BROADCASTING (LICENCES) REGULATIONS
DEPARTMENT OF BROADCASTING SERVICES

LISTENER'S LICENCE (SOUND) (CAR RADIO)

This licence expires on

Licence No. ...., 19....

Date of Issue....., 19....

Subject to the provisions of the Broadcasting Act, and regulations made thereunder, as from time to time amended--

(Name of licensee in full --BLOCK CAPITALS)

of .....
(Postal address)

is hereby authorised to possess one receiver (sound) (car radio) installed in vehicle Registration No. .... which shall ordinarily be kept at. ....

(Full residential address --NOT Post Office Box)

for a period commencing on the date of issue of this licence and expiring at midnight on the date shown above.

Fee paid K. .... (.....kwacha).

Initials of Issuing Officer. .... DATE STAMP

Name and address or stamp of issuing authority .....

(Please read note on reverse)

NOTE

1. This licence is not transferable. It must be produced to an inspector of the Department of Broadcasting Services or a police officer who requires its production in terms of the Broadcasting Act.

2. On the date following the date of expiry of this licence the holder shall either make immediate application to a licensing officer, accompanied by the appropriate fee, for a new licence or shall immediately dismantle the receiver and give written notice to the Department of Broadcasting Services that he has done so.

3. The holder shall, within seven days of any change in any address specified in this licence, give written notice of such change to the Department of Broadcasting Services.

4. If the holder sells, gives or otherwise transfers possession of, the receiver (sound) (car radio) to any person, he shall, within seven days of such transfer, give written notice to the Department of Broadcasting Services of the name and address of the transferee.

5. If the holder transfers the receiver (sound) (car radio) to another vehicle in his possession, he shall, within seven days of the said transfer, produce this licence to the issuing authority for alteration.

FORM 5  
(Regulation 4 (1) (d))

REPUBLIC OF ZAMBIA

THE BROADCASTING (LICENCES) REGULATIONS

DEPARTMENT OF BROADCASTING SERVICES

LISTENER'S LICENCE (SOUND AND TELEVISION)

This licence expires on

Licence No. ...., 19....

Date of Issue....., 19....

Subject to the provisions of the Broadcasting Act, and regulations made thereunder, as from time to time amended—

.....  
(Name of licensee in full—BLOCK CAPITALS)

is hereby authorised to possess one or more receivers (sound and television) and one or more receivers (sound) (domestic radio) which shall ordinarily be kept at.....

.....  
(Full residential address—NOT Post Office Box)

for the period commencing on the date of issue of this licence and expiring at midnight on the date shown above.

Fee paid K..... (.....kwacha).

Initials of Issuing Officer..... DATE STAMP

Name and address or stamp of issuing authority.....

THIS LICENCE DOES NOT COVER A CAR RADIO  
(Please read note on reverse)

NOTE

1. This licence is not transferable. It must be produced to an inspector of the Department of Broadcasting Services or a police officer who requires its production in terms of the Broadcasting Act.

2. On the date following the date of expiry of this licence the holder shall either make immediate application to a licensing officer, accompanied by the appropriate fee, for a new licence or shall immediately dismantle every receiver (sound and television) and every receiver (sound) (domestic radio) which he was authorised by this licence to possess and give written notice to the Department of Broadcasting Services that he has done so.

3. If the holder sells, gives or otherwise transfers possession of, a receiver to any person other than his dependant, he shall, within seven days of such transfer, give written notice to the Department of Broadcasting Services of the name and address of the transferee.

FORM 6  
(Regulation 7)

REPUBLIC OF ZAMBIA

THE BROADCASTING (LICENCES) REGULATIONS

APPLICATION FOR A COPY OF A LICENCE

I, .....  
(Name of licensee in full—BLOCK CAPITALS)

of .....  
(Postal address)

hereby apply for a copy of listener's licence (sound) (domestic radio)/ listener's licence (sound and television)/listener's licence (sound) (car radio) No. ....

(if known) which was issued to me at ..... Post Office on

or about ..... in respect of a receiver ordinarily

kept at .....  
(Full residential address—NOT Post Office Box)

Signed .....

Date .....

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