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THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(cap. 306)

REGULATIONS

(Made Under Section 103)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (CONTENT)
REGULATIONS 2016

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Neighbouring Rights Act;

“district licence” means authorization to provide content services with one point of presence within one administrative region in Mainland Tanzania;

“ editorial policy” means a content framework expressing the opinion, stand, position of station including of its editors on the objectives, types of content, target audience and any other issues;

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

“election period” means the period between the initiation of an election campaign under the provisions of the relevant law pertaining to the election and the eve of the polling day;

“election programme” means any programme which relates to an election for the office of President or Parliament or any local authority, and such programme-

(a) encourages or persuades or appears to encourage or persuade voters to vote for a political party or election of any person at an election;

or

(b) advocates support for a candidate or for a political party; or

(c) notifies meetings held or to be held in connection with an election.

“family viewing or listening programme” means programmes suitable for the whole family other than the watershed period;

“family viewing or listening period” means the period in television or radio broadcasting period schedules suitable for the whole family other than the watershed;

“infomercial” means any advertising broadcast in visual or audio form, lasting more than two minutes, which may contain demonstrations of the use of the product or service advertised, entailing direct offers to the public in return for payment, and which results in the broadcaster receiving payment in monetary terms or otherwise;

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

“licensed area” means the service area that has been authorized by the Authority to be covered by a licensed content services provider;

“licensed service” means the services offered by a licensed content services provider;

“licensed service” means the services offered by a licensed content services provider;

“licensee” means any company or person holding content services licence;

“local content” means content as specified under regulation 30 of these Regulations;

“Minister” means the Minister responsible for broadcasting;

“national license” means authorization to provide content services within the mainland Tanzania;

“non-commercial broadcasting (content) service” means broadcasting not

for profit making;

“official languages” means Kiswahili and English;

“political party” means a party registered in accordance with the requirements of the Political Parties Act;

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

“Programme” means a body of live or recorded broadcast material consisting of images, sound or both embodied in signals transmitted for the purpose of broadcasting to the public;

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

“programme segment” means a programme which presents one whole unit clearly separated from other programme segment and content with its beginning and end;

“public emergency service” means broadcasting services offered in the event of a disaster emergency on request by a person authorized by the government;

“re-broadcasting” means the simultaneous or subsequent broadcasting by one broadcasting organization of the broadcasts of another broadcasting organization in a geographical area that is not covered by the originator;

“regional licence” means authorization to provide content services with ten points of presence in ten administrative regions on Mainland Tanzania;

“regional licence” means authorization to provide content services with ten points of presence within ten administrative regions in Mainland Tanzania;

“service area” means the geographical area within which the licensee is allowed to reach with assured quality of service;

“service level agreement” means a contract between content service licensee and network facilities licensee defining the working relationship and obligations of each party for the purpose of providing broadcasting services;

“sponsored programme” means a programme that has all or part of its cost paid by a sponsor;

“subscriber” means a person who has entered into an agreement with a provider of subscription content services for access to content through payment of a fee;

“subscription broadcasting services” means a broadcasting service available to the general public through payment of a subscription fee;

“support services” means a service which consists of the provision of management services to a subscription broadcasting service which may include, but is not limited to subscriber management support, subscription fee collection, call centres, sales and marketing and technical and installation;

“watershed period” means the broadcasting time from 2200hrs to 0530hrs which content services licensees shall broadcast material suitable for adults.

PART IV
OBLIGATIONS OF CONTENT SERVICES PROVIDERS

Public broadcaster

4. The free to air Public Service Broadcaster shall-
- (a) Provide information, education and entertainment in an independent and impartial manner to the general public ;
 - (b) conduct broadcasting services with impartiality, giving attention to the interest and susceptibilities of the different communities in Tanzania;
 - (c) provide and receive from independent producers and other persons material to be broadcast, provided that in acquiring such material, shall have regard to the need to maintain the distinctive character of the public broadcaster and cater for the expectations of audiences who are not generally catered for by other content services providers;
 - (d) provide universal broadcasting services;
 - (e) provide broadcasting content services in accordance with the Broadcasting Charter.
 - (f) in case of Radio broadcasting, the broadcast frequencies assigned to the public service broadcaster shall not be let or transferred to a third party;
 - (g) the Authority may on application by a public service broadcaster grant a licence to provide commercial broadcasting services.
 - (h) a licensed public service broadcaster may be required to maintain and keep separate accounts in respect of its public and commercial broadcasting content services.

Commercial broadcaster

5. A commercial free-to-air content services provider shall-
- (a) provide a diverse range of programming that reflect the culture, needs and aspirations of Tanzanians;
 - (b) provide coverage in such areas as may be specified by the Authority;
 - (c) include drama, documentaries and children programs that reflect the themes and cultural identity of the nation;
 - (d) promote the use of standard Kiswahili and English;
 - (e) avoid racial and religious hatred;
 - (f) protect minor from harmful program content;
 - (g) avoid programs related to nakedness, gambling, violence, superstition and astrology;
 - (h) Provide programmes that promote national peace, unity and tranquility and that does not endanger national security;
 - (i) avoid defamation and blasphemy.

Non- commercial broadcasting

- 6 (1) Non-Commercial free-to-air content services provider shall-
- (a) provide a diverse range of programming that reflect the culture needs and aspirations of people in their broadcasting area;
 - (b) provide a wide range of programming that reflect the nonprofit making status;

- (c) Provide coverage in areas authorized by the Authority as specified in the Construction Permit;
 - (d) Not air advertisements that put them on the same status as commercial broadcasters. Allowable advertisements include announcements and underwritings;
 - (e) Ensure that the wide range of programming informs, educates and entertains the target audiences;
 - (f) Ensure that only standard Kiswahili and English are used in all broadcasts. Any use of other language has to obtain a prior approval of the Authority specifying the reason and period for such broadcasts;
 - (g) offer religious programmes that solicit funds to the public.
- (2) In the case of religious content services providers; they shall make sure that the content provided do not-
- (a) offer content which incites, derogates or satirizes other religions;
 - (b) offer programmes that feature the views or beliefs of any race or religion which are unacceptable to the target audience;
 - (c) offer programmes with profane references or disrespect, whether verbal or visual, directed at deities, scriptures, holy days and rituals which are at the heart of various religions.

Community
broadcasting

- 7 (1) A free – to – air community content services provider shall-
- (a) provide broadcasting services that reflect the needs of the people in the community, including cultural, religious and demographic needs;
 - (b) provide programming that is participatory dealing with community issues which are not normally covered by other content services providers covering the same area;
 - (c) provide broadcasting services within the service area authorized by the Authority as specified in the Construction Permit;
 - (d) provide programmes that inform, , educate l and entertain the target audiences; ;
 - (e) operate within the parameters of a non-profit making broadcasting station;
 - (f) Not be constituted on the basis of political affiliations;
 - (g) Undertake to promote national unity, peace , tranquility, social stability and cultural identity;
 - (h) Ensure that the provided content adheres to public interest with reference to public policy, national safety and national cohesion;
 - (i) Broadcast programmes that are not prejudiced on the basis of race, sex, nationality, religion, disability, age or ethnic background;
 - (j) Broadcast news, news briefs or headlines at regular intervals. The regularity of such news broadcasts shall be such as determined by the Authority;
 - (k) avoid broadcasting of obscene, violence and lascivious

- matters;
- (l) avoid advertising any product or services which are detrimental to the community's well-being and health;
 - (m) make public all their programme sponsors and programmes shall not be influenced by the sponsors;
 - (n) Ensure that only proper Kiswahili and English are used in all broadcasts. Any use of other language has to obtain a prior approval of the Authority specifying the reason and period for such broadcasts;
 - (o) The use of other language has to obtain a prior approval of the Authority specifying the reason and period for such broadcasts;
 - (p) Be guided by the Code of Practice for Community Broadcasting Services as specified and provided by the Authority.
- (2) Every community broadcasting licensee shall submit to the Authority guidelines that outlines the following-
- (a) principles of volunteering;
 - (b) rights and responsibilities of volunteers;
 - (c) such guidelines will be made easily accessible to volunteers;
 - (d) principles under which the community is involved in running the station, programme production and airing.
- (3) Every community broadcasting licensee shall prepare and submit to the governing body of the Community the following for scrutiny and approval by the same:-
- (i) Periodic returns on operations;
 - (ii) Financial situation reports;
 - (iii) List of announcements and underwritings and list of sponsors;
 - (iv) Audited accounts;
 - (v) Any other reports and records which the Community shall seek from them.

Subscription
broadcasting and
support services

8.-(1) Subscription broadcasting licensees shall be required to provide services in the following manner-

- (a) distribute broadcasting services within the borders of the United Republic or from the United Republic to other territories;
- (b) provide 25% local content by subscription of total channels;
- (c) Provide diversity in programming that ensures-
 - (j) protection of consumers of such broadcast services;
 - (ii) respect to intellectual property rights and neighboring rights in respect of any broadcast material.

(2) Subscription content services providers whose signal originates from outside Tanzanian and wish to provide their content services in Tanzania, shall; -

- (a) have landing rights authorization from the Authority; and
- (b) be licensed as subscription content services provider or provide their services through a licensed support services for subscription content services.

(3) A person or company licensed to provide subscription content services and support services for subscription content services shall provide a subscribers with the following information in writing-

- (a) the products and services offered;
- (b) the cost of subscription including installation and maintenance;
- (c) the options of programming service available;
- (d) the conditions under which the service is supplied;
- (e) the instructions as to usage of the service in the official languages;
- (f) the number and allocation of channels carried on the system and the programming available on each channel;
- (g) billing and complaints procedures;
- (h) the address and telephone number of the licensees business office;
- (i) fourteen (14) days prior notice to any changes in the programming service or channel allocation in writing.

(4) A person licensed to provide subscription content services or support services for subscription content services shall provide means by which parents or guardians may control access to content accessible that they may consider inappropriate.

(5) The Authority shall provide rules with regard to advertisements to be aired in subscription broadcasting services.

Content Services
Providers in
relation to
Multiplex
Operators

9. – (1) The content services provider shall not transmit its own signals, the content service provider shall be required to enter into a service level agreement with a holder of a network facilities licence for purposes of transmission and distribution of signals.

(2) the content services provider on the digital platform shall provide services in accordance with the provisions of the digital and other existing broadcasting network regulations.

(3) During the transition period to digital broadcasting content services provider shall provide services in accordance with the provisions of their licences.

PART III

REQUIREMENTS FOR CONTENT PROVISION

General Provision

10.(1) Every licensee shall ensure that the programme and its presentation-

- (a) upholds national sovereignty, national unity, national interest, national security and Tanzania’s economic interests;
- (b) projects Tanzanian cultural values and identity;
- (c) observes good taste and decency;
- (d) upholds public morality;
- (e) avoids intrusion conduct into private lives;
- (f) does not injure the reputation of individuals;
- (g) avoid advertisements on astrology, superstition or traditional

- healers;
- (h) avoid programme related to astrology, superstition or broadcast material related to traditional healer purporting to cure ailments or diseases;
- (i) avoids discrimination or demeaning of people according to gender;
- (j) does not incite or perpetuate hatred against or vilify, any group of persons on the basis of ethnicity, race, religion, origin, gender, disease or disability.
- (2) A licensee shall not broadcast any matter which-
 - (a) contains the use of offensive language, including profanity and blasphemy;
 - (b) present sexual matters in an explicit and offensive manner;
 - (c) glorify violence or depict violence in an offensive manner;
 - (d) incites or perpetuates hatred or vilify any person or section of the community on account of race, ethnicity, nationality, gender, sexual preference, age, disability, religion or culture of that person or section of the community;
 - (e) is indecent, obscene, false, menacing or otherwise offensive in character;
 - (f) is likely to encourage or ignite the commission of crime;
 - (g) communicate a message to viewers or listeners which will influence their minds without their being aware or fully aware of what has occurred or that has the potential for doing so.

Protection of Children

- 11. All content services licensees shall-
 - (a) ensure that due care is exercised in order to avoid content which may disturb or be harmful to children. Such content is content with offensive language, explicit sexual or violent material, music with sexually explicit lyrics or lyrics which depict violence;
 - (b) not broadcast such programmes as referred to in 11 (a) above during family viewing of listening period;
 - (c) request permission to conduct interviews with minors from the minor's parents or guardians before conducting an interview with a minor;
 - (d) protect children from negative influences.

Violence

- 12. Every content services licensee shall-
 - (a) have particular regard to protect children from any content of violent nature;
 - (b) have a responsibility to ensure that generally programmes broadcasts do not-
 - (i) incite, encourage or glamorize violence and brutality;
 - (ii) contain gratuitous violence in any form;
 - (iii) not characterise violence as the only legitimate ingredient and main theme without clearly showing the negative consequences of violence to its victims and perpetrators;
 - (iv) show methods or devices of inflicting injury which

- are capable of easy imitation;
- (iv) not portray conduct that encourages antisocial behavior, abuse of alcohol or drugs;
- (v) not air programmes containing frightening and excessive special effects featuring violence not relevant to the story line;
- (vi) not air programmes containing a combination of violence and sexual conduct meant to excite sexually the viewers or listeners;
- (vii) not air programmes that portray violence against women in drama as to encourage the idea that women are to be exploited or degraded through violence or are willing victims of violence;
- (viii) not air programmes that portray violence against women as an erotic experience;
- (ix) not air programmes showing close-ups or graphic details of bodies or victims of accidents or violent clashes;
- (x) Not air cartoons for children that contain excessive violence depicting human characters that attack people on grounds of race, religion, beliefs or sexual acts.

Watershed Period

13. Every content services licensee shall not provide content:-
- (a) unsuitable for children when large numbers of children may be expected to be part of the audience;
 - (b) which depicts or contains scenes of violence, sexually explicit conduct or offensive language intended for adult audiences during watershed period;
 - (c) which contains excessive and gross offensive language used in content transmitted during the watershed period.

Presentation of News

- 14.-(1) Every content services licensee shall ensure that news is presented in accordance with the following Code:-
- (2) The licensee shall ensure that at least 1.30hrs of the daily programme output shall be for news.
- (3) The licensee shall:-
- (a) provide news of local, regional, national and international nature;
 - (b) report accurately, impartially, fairly and non-partisan manner;
 - (c) report news in an objective and balanced manner, without intentional or negligent departure from the facts, whether by distortion, exaggeration, misrepresentation or material omission;
 - (d) not accept sponsorship on news bulletins;
 - (e) may accept sponsorship of weather broadcast, financial broadcasts or traffic reports; provided that the licensee shall retain ultimate editorial control and independence of the sponsored programme;
 - (f) shall ensure that all sponsorship logos for programmes in (e) above are placed at a position which does not inconvenience audiences. Shall ensure that sponsorship of an information

- programme does not compromise the accuracy and impartiality of the programme's content;
- (g) shall ensure tht sponsorship of an information programme does not compromise the accuracy and impartiality of the programme content;
 - (h) shall not unreasonably discriminate against or favour a particular sponsor;
 - (i) shall not broadcast any programme sponsored by a political party save for and advertisement by a political party in which case the advert shall be distinctly identified so as not to be confused with normal programming;
 - (j) shall acknowledge the sponsorship of a programme immediately before and after the programme is broadcast, and any connection between the programme's subject matter and the sponsor's commercial activities identified.

Current Affairs

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

Expression of
Personal Views

16.-(1) Where the licensee allows the expression of personal views during the programme, the audience shall be informed in advance and be given an opportunity to respond to such views.

(2) Every licensee shall exercise great care when reporting incidents of torture, ill treatment of people or animals, close ups of dead or mutilated bodies, people in extreme pain or on the point of death or violent treatment of children.

(3) Every licensee shall refrain from broadcasting programmes that give information on suicide methods, making of explosives and illicit use of drugs.

(4) Every licensee shall refrain from giving undue prominence in news and current affairs, factual or entertainment programme to owners of broadcasting stations.

(5) Every licensee shall refrain from broadcasting programmes that are likely to promote civil or public disorder.

(6) every licensee shall refrain from broadcasting programme that are likely to promote prostitution and other immoral activities.

Courts and
Parliamentary
Proceedings

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

(2) A licensee shall be free to cover parliamentary sessions subject to laid down parliamentary rules, regulations and procedures on parliamentary broadcasting.

(3) A licensee airing live parliamentary sessions shall not insert advertisements during the programme or display sponsorship logos.

Coverage of
Elections

18.-(1) During election period content service licensee shall-

- (a) give reasonable and equal opportunities for the broadcasting of election campaigns to all political parties participating in the elections;
- (b) provide equitable coverage and opportunities to candidates participating in an election for the President, member of parliament or local government;
- (c) ensure that the name of the political party or sponsor, if any, on whose behalf a broadcast is made, is announced, immediately before the commencement and immediately after such broadcast;
- (d) not permit any broadcast sponsored by or made on behalf of a political party other than an advertisement thereof to be dramatized;
- (e) not broadcast views that could incite violence or advocate hatred that is based on race, ethnicity, gender, religion or political convictions and that constitute incitement to cause harm to candidates participating in elections;
- (f) have the responsibility to treat all political parties / contestants equitably and facilitate fair play;
- (g) ensure that any impression of one-sidedness is avoided in all programming. They must act and be seen to be acting in a fair and independent manner and not be influenced by political or other interests;
- (h) they shall act and be seen to be acting in a fair and independent manner and not be influenced by political or other interests;
- (i) ensure that staff members of the licensee, in the execution of their duties, should not wear or exhibit symbols or colours or appear with clothes or logo associated with any political party or contestant during the election campaign period;
- (j) ensure that licensee and staff members will not accept gifts, favours or special treatment by political parties or other interest that compromise professional integrity and editorial independence;
- (k) be required to give political parties and /or candidates the right of reply where a report aired under the editorial responsibility of the licensee contains inaccurate information or unfair criticism based on distortion of facts;
- (l) ensure that the opportunity to reply shall be given within at least 24 hours in a programme of similar weight and audience be guided by the Code of Ethics for Political Party Elections issued by the Authority from time to time.

Advertisements

19.-(1) Licensees shall only broadcast advertisements that:-

- (a) lawful;
- (b) honest;
- (c) decent;

- (d) truthful;
- (e) conforms with the principles of fair competition;
- (f) do not contain any descriptions, claims or other material which may, directly or by implication, mislead members of the public in relation to the product or services advertised, or about its suitability for the purpose recommended;
- (g) do not unfairly attack or discredit, directly or by implications any other advertisers, products or advertisements;
- (h) do not relate to superstitions or astrology;
- (i) alternative medicine with relevant approval from the competent Authority.

(2) A licensee shall:-

- (a) before broadcasting an advertisement, ensure that any descriptions or claims in the advertisement have been adequately substantiated by the advertiser thereof;
- (b) exercise responsible judgment when scheduling advertisements which may be unsuitable for children during periods when large numbers of children may be expected to be watching or listening to programmes;
- (c) ensure that any advertising breaks are clearly distinguishable from broadcast programmes;
- (d) ensure that its presenters, when reading advertisements, make a clear distinction between programming material and the advertisements they deliver;
- (e) ensure that there is a clear separation of advertising content and programme, and shall:-
 - (i) broadcast a maximum of five minutes of advertising material in any thirty minutes of broadcast;
 - (ii) insert a maximum of two advertising breaks in a thirty minutes programme;
 - (iii) ensure that every advertisement does not exceed a duration of sixty seconds;
- (f) abide by the provisions of the Code of Ethics for Advertising and Sponsorship for the Broadcast Media issued by the Authority from time to time.

Infomercials

20.-(1) An infomercial shall not be broadcast-

- (a) for a period exceeding three and half hours of the performance period in any day;
- (b) during prime-time; or during any break in the transmission of a children's programme.

(2) A licensee shall ensure, that the broadcast of any infomercial is distinguishable from any programme material broadcast.

(3) A licensee shall ensure that all infomercials broadcasted are lawful, truthful, honest, decent and in conformity with the principles of fair competition.

(4) The provisions of sub regulations (1) and (2) shall not apply to broadcasting stations which exclusively broadcast infomercials.

Content for
Physically
Challenged
Persons

21.-(1) Every licensee shall take appropriate steps to promote the understanding and enjoyment of programmes transmitted on their services for persons who are physically challenged and in particular persons who are deaf or hard of hearing, and blind or partially blind.

(2) A licensee shall-

- (a) be sensitive to the rights and dignity of persons who are mentally or physically challenged;
- (b) not broadcast programmes which patronize and promote myths about persons with disabilities are avoided;
- (c) ensure that in portraying acts of violence, they are not associated with persons who are mentally challenged.

(3) A licensee shall ensure that-

- (a) its content output is subtitled for the deaf and hard on hearing;
- (b) has audio- description for the blind;
- (c) its content is translated into sign language.

Content of an
Educational Nature

22. A content services licensee providing free-to -air services shall ensure that minimum of 2% of its daily content output is of an educational nature.

Reporting
Controversial
Issues

23. A content services licensee providing free-to-air shall ensure that when broadcasting controversial issues of public interest during live broadcasts-

- (a) a wide range of views and opinions are presented;
- (b) a person or organization whose views on any controversial issues of public interest has been criticized during the broadcast, and who replies to such criticism within a reasonable time, shall be offered an opportunity by the licensee to reply to such criticism;
- (c) a reply to criticism under sub regulation (b) shall be given a similar degree of prominence and shall be broadcast on a similar time- slot, as soon as is reasonably possible.

Interviews

24 A content services licensee shall ensure that any person to be interviewed shall be-

- (a) advised of the subject of the interview;
- (b) informed before the interview takes place to determine whether the interview is to be recorded or broadcast live;
- (c) a licensee shall exercise sensitivity in conducting interviews with bereaved persons, survivors of traumatic incidents or witnesses thereof.

Consent to
Broadcast

25. A licensee shall not broadcast any information acquired from a person without that person's consent, unless the information so acquired is essential to establish the credibility and authority of a source, or where the information is clearly in the public interest.

- Content of Sexual Nature
26. A content services licensee shall:-
- (a) not disclose, in a broadcast, the identity of a victim of a sexual offence unless such victim consents in writing to the disclosure of his/her identity;
 - (b) not disclose identity of minors who are victims of rape or any other crime;
 - (c) avoid the use of unnecessary or repetitive detail when broadcasting the circumstances of a sexual offence.
- Explicitness
- 27.-(1) Every content services licensee shall ensure that content of a sexual nature shall-
- (a) only be suggested in discreet visual or verbal reference and never in graphic detail;
 - (b) not be frequent and without good reason.
- (2) In broadcasting programmes which contain sexual aspects or conduct, the licensee shall take into account community values on exposure to unsolicited sexual material.
- (3) All content services licensees shall not broadcast and/or relay any programme that depicts actual sexual activity.
- (4) Nude scenes which show the genitals shall not be broadcast except for educational purposes.
- (5) Where a news story involves a sexual aspect, it should be presented as such without undue exploitation.
- (6) Where, in rare cases, links between violence and sexual gratification are explored as a serious theme in drama, any depiction must be justified by its content.
- Language
28. Every content services licensee shall-
- (a) ensure that only proper official languages, namely Kiswahili and English are used for all broadcasts except where prior specific authorization by the authority has been given to use non-official languages for a specific reason and period.;
 - (b) refrain from using language meant to mislead or unnecessarily cause alarm and despondency;
 - (c) take particular care to avoid blasphemy and take into account cultural and religious sensitivities;
 - (d) Avoid use of indecent and abusive language in programme presentation;
 - (e) Avoid using improper language, pronunciations, or mixing of languages.
- Commentaries
29. All free-to-air content services licensees shall ensure that any commentaries that are broadcast; whether the comments are made by the licensee or by any person invited by the licensee, shall be presented in a manner that clearly indicates that they are based on facts which are clearly stated.
- Local Content
- 30.-(1) A minimum of (60) sixty percent of all content provided by a free-to-air content services licensee, measured as a weekly average over

the period of a year, must be content produced by-

- (a) a natural person who is a citizen of, and permanently resident in the United Republic;
- (b) a legal person, the majority of whose directors or shareholders are citizens and permanently residing in the United Republic; or
- (c) the licensee;
- (d) Any person duly authorized to undertake local content production;
- (e) Any content produced and originating from any country of the East African Community shall be treated as local content, provided that it meets the criteria for local content set by the Authority.

(2) For the purpose of these regulations, local content means the total of all television or radio programmes which fulfill the following conditions:-

- (a) the production is made in Tanzania official languages;
- (b) the content deals with issues that are unique and relevant to Tanzanian audiences;
- (c) at least forty percent (40%) of the shares of the production company are owned by Tanzanians;
- (d) a majority of the artist are Tanzanians;
- (e) the location of the shooting in case of audiovisual programmes or performance was in Tanzania;
- (f) the author thereof must be a Tanzanian and in case of co-authorship or multi-authorship 50% or more of the authors shall be Tanzanian;
- (g) local content does not include news and commentaries.

(3) Public and Commercial Content Services licensees shall ensure that not less than 80% of their music selection is Tanzanian music and aired daily between 5.30 a.m and 9.00 p.m

Independent
Producers

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

PART IV PROGRAMME CODE

Programme Code

31.-(1) The programme code of conduct elaborated in this Part shall-

- (a) be binding on all content services licensees;
- (b) prohibit the provision of content which is indecent, obscene, false, menacing or otherwise offensive in character.

(2) Without derogating from the generality of sub regulation 1(b), the programme code of conduct sets the standards for the time and manner

Events of National Interest	<p>of programmes to be broadcast by licensees</p> <p>32.-(1) Provision of content regarding events of national interest shall-</p> <p>(a) ensure that content regarding events of national interest shall be reasonably accessible to members of the public simultaneously with the occurrence of such events or without undue delay after the occurrence of such events;</p> <p>(b) clearly identify the nature of events that can be categorized as events of national interest</p> <p>(2) Events of national interest shall include, but not limited to significant sporting events, political or government events that are of interest or importance to a substantial proportion of mainland Tanzanian society.</p> <p>(3) The Authority shall make rules from time to time to regulate subscription content services providers from acquiring exclusive rights that prevent or hinder the public broadcaster from broadcasting events that are of national interest.</p>
Disclosure of the Names of Producers	<p>33. A licensee shall disclose the names of producers of every programme at the end of transmission of the programme.</p>
Investigative Reporting	<p>34. Every licensee shall ensure that investigative reports are balanced, accurate, fair and complete.</p>
Privacy	<p>35.-(1) A content services licensee shall not use material relating to a private affairs which invades an individual's privacy other than where there is compelling public interest for the material to be broadcast.</p> <p>(2) In relation to public figures, the public should be given facts that bear upon an individuals' ability to perform their duties or his/her suitability for office.</p> <p>(3) A content services licensee shall not do anything that entails intrusion into private grief and distress unless it is justified by overriding considerations of public interest.</p>
Live Programmes	<p>36. All content services licensees in providing live free to air programmes shall:-</p> <p>(a) be technically equipped in handling live programmes so as to avoid broadcasting obscene and undesirable comments from participants, callers and audiences;</p> <p>(b) ensure that contributors and participants to a programme are treated fairly without discrimination or denigration;</p> <p>(c) ensure that they abide by the provisions of the Copyright and Neighboring Rights Act, 1999 especially in rebroadcasting of programmes live or delayed;</p> <p>(d) be free to undertake programme hook-up subject to business agreement.</p>
Family Viewing Policy and Programme Classification	<p>37.-(1) During early hours of the adult listening and viewing period, a licensee shall provide audience advisories before the commencement of each programme.</p>

(2) In addition to verbal warning about the content, a licensee shall be required to display visual warning on the screen at the start of the programme and on all promotional material

(3) The following warning symbols shall be displayed on television

C. --- content may offend

L. --- Language may offend

V --- contain violence

VL. --- contains violence and strong language

S. – Sexual content may offend.

(4) Following classifications on age restrictions shall be used-

FAM. _ General/ Family viewing

P.A.G. _ parental guidance Advised

13+ _ Approved for viewing by persons over 13 years of age

16+ _ Approved for viewing by persons over 16 years of age

18+ _ Approved for viewing by persons over 18 years of age.

(5) The subscription content services licensee shall visually display classification warning symbols throughout the viewing period

(6) The subscription content services licensee shall not only display the symbols but shall also give reason for the classification as follows:

FAM. _ Family Viewing

V. _ Violence

S. _ Sexual Activity

L. _ Coarse Language

PGA _ Parent Guidance Advised.

(7) In addition, the following guidelines are to be followed-

(a) Violence – shall be discreetly implied or styled and shall not contain a lot of detail and should not be prolonged;

(b) Language – Coarse language shall be used infrequently;

(c) Sexual activity – shall be suggested but discreetly and infrequently. Verbal reference to sex may be slightly more detailed but sexual activity not depicted. Nudity may be shown but not in detail;

(d) Drug use – shall be shown only briefly if it enhances the story line. This may be shown but not encouraged or promoted;

(e) 18+ - this category is legally restricted (material classified under this category deals with issues or contain depictions which require mature perspective).

Programme
Schedule

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

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

(3) A licensee shall not change programme schedule without prior notification to the Authority.

(4) A licensee shall submit to the Authority:

(a) advance quarterly programme schedule fourteen days before each quarter;

(b) transmission reports detailing programmes actually broadcast

- within seven days after the end of each calendar month;
- (c) music play list detailing all the music broadcast within seven days after the end of each month.
- Station Identification 39. The licensee must clearly identify itself by its station identification regularly every hour during the daily period when it provides content to the public.
- Discrimination 40.-(1) A content services licensee providing free-to-air shall-
- (a) avoid broadcasting material which promotes or glamorizes discrimination based on-
- i. race;
 - ii. national;
 - iii. ethnic;
 - iv. origin;
 - v. colour;
 - vi. religion;
 - vii. gender
 - viii. age; or
 - ix. special needs.
- (b) portray women and men as having equal capabilities in performing societal functions.
- (2) Every licensee shall avoid-
- (a) identifying people by their ethnic origin or colour;
- (b) usage of derogatory terms in speaking of men or women of a particular ethnic group or race;
- (c) the presentation of a group of people as an undifferentiated similar mass, rather than a collection of individuals with different interests and beliefs;
- (d) programmes which depict women as sexual objects.
- Rights of persons with special needs (3) A licensee shall-
- (a) be sensitive to the rights and dignity of persons who are mentally or physically challenged;
- (b) ensure that programmes which patronize and promote myths about persons with disabilities are avoided;
- (c) ensure that in portraying acts of violence, they are not always associated with persons who are mentally challenged.
- (d) Ensure that persons with special need access to broadcasting facilities.
- Electronic Programme Guide 41 (1)A licensee under this regulation shall, in consultation with Multiplex Operator , prepare an electronic programme guide for viewers /listeners to access information in relation to the schedules of programme material for all content services;
- (2) An electronic programme guide shall be easy to use and navigate through the programme material which is subject of content services.

PART V SUPPORT SERVICES FOR SUBSCRIPTION BROADCASTING CONTENT SERVICES

- Application 42. This part shall apply to all licensees providing Support Services for Subscription Broadcasting Content Services.

Obligations of
Support Services
for Subscription
Broadcasting
Content Services

43. – (1) The licensed companies providing support services for subscription broadcasting content services shall provide management services to a subscription broadcasting content services which may include but not limited to-

- (a) Subscriber management support;
- (b) Subscription fee collection;
- (c) Call centers;
- (d) Sales and marketing; and
- (e) Technical support and installation.

Licensee
Obligations to
Subscribers

44. – (1) A licensee for support services for subscription broadcasting content services shall provide subscribers with the following information in writing;

- (a) Type of product, bouquets and services offered;
- (b) Cost structure for products and services;
- (c) Subscriber service level contract describing not only the conditions for the product and service offered but also the information about the physical address of the service provider;
- (d) Billing and collection of subscriber fee;
- (e) Complaints handling procedures and resolution; and
- (f) the control mechanisms for access of content inappropriate for children.

(2) Every licensee for support services for subscription broadcasting content services shall have the following obligation-

- (a) To import and distribute by himself or by agents broadcasting apparatus to subscribers after obtaining the required license from the Authority;
- (b) To conduct installation, commissioning, repair of subscriber terminal equipment;
- (c) To provide electronic Programme Guide support;
- (d) To provide customer care support; and
- (e) To provide any other services prescribed in writing by the Authority from time to time.

PART VI GENERAL PROVISIONS

Public
Emergencies

45.-(1) All content services licensees shall provide a public notice of an emergency or a public disaster announcement made by a person authorized by the Government.

(2) The Authority shall prescribe, by Notice in the Gazette the manner in which content services licensees provide information during public emergencies or national disasters.

Breach of
Regulations

46 Any content services licensee who contravenes any provisions of

these Regulations commits an offence and where no penalty is expressly provided shall, upon conviction pay a fine not exceeding Tanzania shillings five million only.

Must Carry
Obligations

47. Every licensee by subscription must carry the signal of Public Service Broadcaster (PSB) except on content that requires copyright agreement or content of exclusive nature.

Clearances of
Rights

48. Every licensee by subscription shall submit to the Authority evidence that it has obtained the necessary rights clearances in respect of the channels being broadcast from the satellite, cable networks and other platform of new technology.

Complaints of
Content Natures

49. (1) Every licensee shall comply with the complaints procedures outlined in the Complaints Handling Regulations, 2011 and any other rules and procedures issued by the Authority from time to time.

Revocation
GN No..... of 2005

50. The Broadcasting Services (Content) Regulations, 2005 are hereby revoked.

Dar es Salaam
....., 2016

DR. HARRISON G. MWAKYEMBE (MP)
*Minister for Information, Culture
Arts and Sports.*

PROPOSED NEW REGULATIONS FOR ADDITION

The followings are the proposed new regulations for considerations and addition: -

S/N	Action to be taken	Proposed regulation	Reason/ Justification
1.	Add to "Interpretations – Regulation 3"	"Must carry" means carrying a public and parliamentary television channels without charging transmission fees and end users access the channels without paying subscription fees	There was no definition of must carry in the 2005 content regulation
2.	Add to "Regulation 38 (3)"	(3) The Authority shall make rules to regulate exclusive rights for broadcasting live local sports events after consultation with local sports association and ensure that the Public Broadcaster is not disadvantaged from broadcasting events of National interest.	To ensure that PBC can participate in broadcasting events of National interest
3.	Add to "Regulation 39"	39.- A licensee shall disclose the names of producers at the end of the broadcasted programme	In the event of breach of regulations, the producer may be easily known and referred for further action
4.	Add to "Regulation 42 (2)"	(2) The logo displayed when broadcasting live events shall be used in the following manner: (a) live event with national interest; (b) reporting of current affairs events in real time"; (c) live interviews; (d) and breaking news.	This regulation provides regulatory guidance for proper use of live logo
5	Add regulations on "Local content television channel broadcasted from outside the country	The local content television channel broadcasted from outside the Country in Kiswahili or English and received by viewers living in the Country will be subjected for licensing by the Authority	To get hold and provide regulatory guidance for entire broadcasting local content from outside the country and received by the viewers in the country
6	Add regulations on "Specialized channel"	Means "broadcasted channel devoted to programs that have a wide appeal to the public such as sports, education, children and entertainment"	To address introduction and operationalization of specialized channels