

THE TANZANIA NEWS AGENCY ACT, 1976

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1976

I ASSENT,

 Julius K. Nyerere
 President

12TH NOVEMBER, 1976

An Act to establish the Tanzania News Agency

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania News Agency Act, 1976 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires-
 "the Agency" means the Tanzania News Agency established by section 3;
 "the Board" means the Board of Directors of the Agency established under section 5;
 "Director" means the Director of the Agency appointed under section 14;
 "Minister" means the Minister for the time being responsible for Information Services and Broadcasting.

Interpretation

PART II

TANZANIA NEWS AGENCY

3.(1) There is hereby established an institution to be known as the Tanzania News Agency.

Establish-
ment of
the Agency

(2) The Agency shall be a body corporate and shall-
 (a) have perpetual succession and an official seal;
 (b) in its corporate name be capable of suing and being sued;
 (c) subject to the provisions of this Act, be capable of-

- (i) purchasing and otherwise acquiring and of disposing of any movable and immovable property;
- (ii) entering into contracts and doing or performing all other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Objects and
functions of
the Agency

4.-(1) Subject to the provisions of this Act, the functions of the Agency shall be-

- (a) to provide, develop and promote the establishment, and operation of facilities for the collection and distribution of news and news material;
 - (b) to undertake the collection and distribution of news and news material to public information services, newspapers, broadcasting services, news agencies, members of the public and other persons, whether in their individual capacity or in a representative capacity;
 - (c) to act within Tanzania as the sole receiver and distributor of news and news material from source outside Tanzania under such arrangements as the Agency may make in that behalf;
 - (d) to control and regulate the collection, distribution and dissemination of news and news material in Tanzania;
 - (e) to promote the establishment, development and management in Tanzania of facilities for the efficient dissemination of news and news material;
 - (f) to advise the Government on matter relating to publication of news and the functioning of news agencies;
 - (g) to carry out such other activities which way appropriately be associated with the collection or distribution of news or news material as the Minister may, from time to time, direct;
 - (h) to do all such acts and things as, in the opinion of the Board, may be necessary, desirable or expedient to uphold and support the credit of the Agency and to obtain and justify public confidence, and to avert or minimize any loss to the Agency.
- (2) In doing any act or thing in the performance of the functions of the Agency the Board shall have regard to-
- (a) the need to promote national policies and the aspirations of the people of Tanzania and to uphold, support and justify confidence in the United Republic in Tanzania and elsewhere;
 - (b) the need to promote proper co-ordination of the activities of public information services, newspapers, broadcasting services and other news agencies;
 - (c) the need to facilitate expeditious dissemination of news and news material most efficiently and conveniently in the interest of the public;
 - (d) the need to promote the dissemination accurately of truthful news.

5.-(1) There shall be a Board of Directors of the Agency which shall, subject to the provisions of this Act, be responsible for the policy, general control and management of the Agency.

Board of
Directors

(2) The provisions of the Schedule to this Act shall have effect as to the composition of the Board, the appointment and termination of the appointment of its members, the proceedings of the Board and such other matters in relation to the Board and its members as are provided for in that Schedule.

(3) The Minister may, by order in the Gazette, amend, vary or replace all or any of the provisions of the Schedule to this Act.

6. Subject to the provisions of this Act, the Agency shall have power to do anything or enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient performance by the Agency of its functions under this Act or which is incidental or conducive thereto, including in particular, but without prejudice to the generality of the foregoing, power—

Power of
the Agency

- (a) to administer the funds, assets and properties of the Agency;
- (b) to signify the acts of the Agency by use of its official seal;
- (c) to acquire by agreement and hold interest in any company or firm carrying on business concerned directly or indirectly with the collection and dissemination of news or news material;
- (d) to provide management or other services to persons, companies or firms engaged in the collection and dissemination of news or news material;
- (e) to establish branches within the United Republic or elsewhere;
- (f) to prohibit, control or regulate the use by any person of the services and facilities provided by the Agency;
- (g) to determine, impose or levy fees, rates and other charges for any service performed by the Agency or for the use by any person of the facilities provided by the Agency, or for the grant to any person of any kind of authorization under this Act;
- (h) to do anything for the purpose of advancing the skills of persons employed by the Agency or the efficiency of the equipment of the Agency; and to provide facilities for training, education and research and to co-operate with other persons in the provision of facilities for any of those purposes;
- (i) to act as agent of any person engaged, whether within or outside the United Republic, in the performance of services or the provision of facilities of a kind similar or complimentary to those performed or provided by the Agency;
- (j) to enter into agreement with any person, whether within or outside the United Republic, for the Performance or provision by that person of any of the services or facilities performed or provided by the Agency;

- (k) to enter into any arrangement for reciprocal concession or co-operation with any person carrying on or engaged in any business or transaction which the Agency is authorized to carry on or engage in, or any business or transaction capable of being conducted as directly or indirectly to benefit the Agency;
- (l) to apply for, purchase or otherwise acquire any rights to use any literary works or any other things capable of being used for the purposes of the Agency and to use, grant authorization for the use thereof, or otherwise turn to account, any rights so acquired;
- (m) to do all other acts and things which, In the opinion of the Board, are necessary to facilitate the proper performance of the functions of the Agency.

PART III

REGULATION OF COLLECTION AND DISTRIBUTION OF NEWS AND NEWS MATERIAL

Restriction on collection and distribution of news and news material

7.-(1) No person other than the Agency, its agents or the holders of written authorizations issued by the Agency in that behalf shall-

- (a) collect or cause to be collected in Tanzania any news or news material for the purpose of dissemination; or
- (b) distribute or cause to be distributed, whether within or outside Tanzania, any news or news or news material intended for dissemination collected within Tanzania; or
- (c) distribute or cause to be distributed within Tanzania any news or news material intended for dissemination collected outside Tanzania.

(2) The Agency may, on receipt of an application made in that behalf and upon payment by the applicant of the prescribe fee (if any), issue to any person an authorization in writing upon such condition as it may consider fit to specify in the authorization:

Provide that the Agency may, without assigning reasons therefor, refuse to issue any authorization under this subsection or suspend or revoke any authorization issued by it.

(3) Any person aggrieved by-

- (a) any refusal by the Agency to issue an authorization; or
- (b) the suspension or revocation of an authorization; or
- (c) any condition specified in any authorization,

under subsection (2), may appeal against the refuse, suspension revocation or condition, as the case may be, to the Minister within such time and in such manner as the Minister may, by regulation prescribe.

(4) Every decision of the Minister on any 'appeal under subsection (3), shall be final and conclusive and shall not be subject to review by any court.

Powers of authorized officers

8. (1) In this Part, "authorized officer" means any police officer of or above the rank of Sub-Inspector.

(2) An authorized officer may-

- (a) enter any place, premises, vehicle, vessel or aircraft within which he has reason to believe that any news or news material intended for dissemination is being or out to be prepared, conveyed or otherwise dealt with for the purpose of collection or distribution with a view to ascertaining whether or not the provisions of this Act or of an order, direction or regulation made or issued under this Act have been complied with;
- (b) inspect any process or operation which is or appears likely to be carried on in any place or premises in connection with the collection or distribution of any news or news material intended for dissemination;
- (c) require from any person the production of any book, record, newspaper or other publication or document which is in the possession or custody or under the control of that person or any other person on his behalf;
- (d) examine and copy any part of any book, record, newspaper or other publication or document which appears to him to have relevance to his inquiry, and require any person to give an explanation of any entry in the book, record, newspaper or other publication or document and take possession of all or any one of those documents if he believes that the documents or document so taken may afford evidence of an offence under this Act,
- (e) require information relevant to his inquiry from any person whom he reasonably believes to be or to have been employed at the place or premises or to have in his custody any book, record, newspaper or other publication or document.

9.-(1) Any person who resists, hinders or obstructs an authorized officer acting pursuant to subsection (2) of section 8 or willfully fails to comply with any requirement made by him under that subsection shall be guilty of an offence.

Obstruction of
authorized
officers and
other
offences

(2) Any person who-

- (a) collects or distributes or causes to be collected or distributed any news or news material intended for dissemination in contravention of any of the provisions of subsection (1) of section 7; or
- (b) is the holder of an authorization issued by the Agency under subsection (2) of section 7 and who willfully fails to comply with any condition specified in the authorization shall be guilty of an offence.

10. In proceedings for an offence under this Act or under any regulations made under this Act the burden to prove that-

- (a) at the relevant time he held a valid authorization in respect of
- (b) he is exempt from the requirement of taking out an authorization or complying with any other requirement in respect of the business, transaction or other matter, shall be on the accused

Burden of
proof

Liability of
officers where
offence
committed by
corporation

11. Where any offence under this Act or under any regulations made under this Act is committed by a body of person then, as well as the body of person. any person who at the time of the commission of the offence was concerned, as a partner, director or an officer, with accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could by the exercise of reasonable diligence have had knowledge, of the commission of the offence:

Provided that in the case of a partnership firm, each partner shall, unless he proves to the contrary to the satisfaction of the court be presumed to be concerned in the management of the affairs of the firm.

General
penalty

12. Any person convicted of an offence under this Act or under any regulation made under this Act for which no specific penalty is provided shall be liable to a fine not exceeding fifteen thousand shillings or to a term of imprisonment not exceeding three years or to both that fine and imprisonment.

Publication
of matters
prescribed
by the
Agency or
the Minister

13. Save where any matter authorized to be prescribed by the Agency or the Minister under this Act is expressly required to be published in the *gazette* any matter so prescribed shall be valid and have effect notwithstanding that it has not been published in the *Gazette* if the Agency or the Minister, as the case may be, has taken reasonable measuring to bring the contents thereof to the notice of persons who are or are likely to be affected thereby.

PART IV ADMINISTRATION

Director

14. (1) The President shall appoint a suitable person to be the Director of the Agency.

(2) The Director shall be the Editor-in-Chief and the chief executive officer of the Agency.

(3) The Director shall hold office upon such terms and conditions as may be specified in relation to his office.

Appointment
of other
employees of
the Agency

15. The Agency may, from time to time, and subject to any directions the Minister may give in that behalf, appoint upon such terms and condition as the Board may consider fit such other employees of the Agency as the Board may consider necessary for the proper and efficient conduct of the business and functions of the Agency.

Services of
agents,
consultants
and
adviser

16. The Agency may also, from time to time, engage the services of such agents, consultants and advisers and upon such terms and conditions as the Board may, upon the recommendation of the Director, determine.

17. The Board may-

- (a) grant gratuities and other retirement allowances or benefits to the employees of the Agency;
- (b) establish and contribute to a superannuation fund and a medical benefits fund for the employees of the Agency;
- (c) require any employee of the Agency to contribute to any superannuation fund or medical benefits fund so established and fix the amount and method of payment of the contribution.

Superannua-
tion
benefits

PART V

FINANCIAL PROVISIONS

18. The funds and resources of the, Agency shall consist of-

- (a) such sums as may be provided for the purposes of the Agency by Parliament, either by way of grant or loan;
- (b) such sums as the Agency may receive as fees, rates and other charges imposed or levied under this Act;
- (d) any sums which the Agency may, from time to time, borrow in accordance with the provisions of section 19;
- (d) any sums which may in any manner become payable to or vested in the Agency under the provisions of this Act or any other written law or incidental to the carrying out of its functions,

Funds and
resources of
the Agency

19.-(1) With the prior approval of the Minister the Board may, from time to time obtain loans and other credit facilities for the purposes of the Agency upon such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any directions by the Minister, the Board may consider fit.

Power to
borrow

(2) A person giving any loan or other credit facility to the Agency shall not be bound to enquire whether the Board has obtained the approval of the Minister for the purpose of that loan or other credit facility.

20.-(1) In this Part, "financial year," means any period not exceeding twelve consecutive months designated in that behalf by the Board:

Provided that the first financial year after the commencement of this Act shall commence on the date of the commencement of this Act and may be of a period longer or shorter than twelve months.

Annual and
supple-
mentary
budget

(2) Not less than two months before the beginning of every financial year (other than the first financial year) the Board shall, at a meeting, pass a detailed budget (in this Act called the "annual budget") of the amounts respectively-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Agency during that financial year.

(3) If in any financial year the Board requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for the year, the Board shall, at a meeting, pass a supplementary budget detailing that disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(5) Forthwith upon passing any annual budget or any supplementary budget the Board shall submit to the Minister for his approval the annual budget or the supplementary budget, as the case may be.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to such amendment as he may consider fit.

(7) Where the Minister has approved any annual budget or supplementary budget, whether with or without amendment, the budget, as approved by him, shall be binding on the Board which, subject to the provisions of subsection (8), shall confine the disbursements of the Agency within the items and amounts contained in the applicable estimates as approved by the Minister.

(8) The Board may-

(a) with the sanction in writing of the Minister, make a disbursement notwithstanding disbursement is not provided for in any budget;

(b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Investment

21. With the prior approval of the Minister the Board may, from time to time, invest any part of the moneys available in any fund of the Agency in such investments as are authorized investments in relation to investment of funds by a trustee under the Trustee Investments Act, 1967.

Acts 1967
No. 3

Accounts
and audit

22.-(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to-

(a) the receipt and expenditure of moneys, and other financial transactions of, the Agency;

(b) the assets and liabilities of the Agency,

and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Agency and all its assets and liabilities.

Acts, 1968
No. 1

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Agency in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

(3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the Agency have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

23.-(1) The Agency shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operations of the Agency during that year which report shall, without prejudice to the generality of the foregoing, include-

Annual
report

- (a) a copy of the audited accounts of the Agency together with the auditors' report, if any, on those accounts;
- (b) a statement of all directions given by the Minister to the Agency under this Act during that year;
- (c) such other information as the Minister may by writing request.

(2) The Agency shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing reasonably request from time to time.

24. The Minister shall, as soon as practicable after receiving the annual report of the Agency submitted to him under section 23, cause the report to be laid before the National Assembly.

Laying of
accounts, etc.,
before the
National
Assembly

PART I

MISCELLANEOUS PROVISIONS

25.-(1) Subject to the provisions of subsection (5), the Board may, from time to time, by writing under the seal of the Agency, delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board or to any employee of the Agency, all or any of the functions, powers or duties conferred or imposed by or under this Act on the Board, and where any delegation is so made the delegated function, power or duty may be performed or exercised by the delegate subject to the terms, conditions and restrictions specified by the Board.

Power of the
Board to
delegate

(2) The Board may revoke a delegation made by it under this section.

(3) No delegation made under this section shall prevent the Board from itself performing or exercising the delegated function, power or duty delegated.

(4) A delegation made under this section may be published in the *Gazette*, and upon its being so published shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(5) The Board shall not have power under this section to delegate-

- (a) its power of delegation;
- (b) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of accounts.

Minister may
give
directions to
the Board

26. The Minister may give to the Board directions of a general or specific character, which directions shall be Consistent with the purposes and provisions of this Act, as to the performance by the Board of any of its functions under this Act. and the Board shall give effect to every direction given by the Minister.

Protection of
members of
the Board,
etc.
Cap. 16
Acts, 1970
No. 7
Acts 1974
No. 37

27. Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970 or of the parastatal Employees (Recovery of Debt--) Act' 1974 no act or thing done or omitted to be done, by any person who is a member of the Board or employee or agent of the Agency shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Board or employee or agent of the Agency' subject that person to any action, liability or demand of any kind

Exemption

28. The Minister may, by order published in the Gazette, exempt from all or any of the provisions of this Act or of regulations made under this Act, subject to such exceptions, limitations, conditions and restrictions specified in the order or any subsequent order any Person or category of persons.

Regulations

29.-(1) With tile consent of the Minister the Board may make regulations for the better carrying out of the purposes and provisions of this Act, 'and without prejudice to the generality of the foregoing' may make regulations-

- (a) prescribing forms for and the manner of making applications for authorizations under this Act;
- (b) prescribing the conditions and terms upon which any specified facilities or services within the scope of the functions of the Agency shall be provided to members of the' Public and other persons;
- (c) fixing the fees, rates and other charges for or in connection with the provision by the Agency of any facilities or services;
- (d) providing for the proper management, control and administration of the Agency. and providing for and regulating discipline amongst the employees of the Agency;
- (e) prescribing anything which may be prescribed under this Act; and providing for any matter which, in the opinion of the Board, is necessary to Provide for the efficient Performance of the functions of the Agency-

(2) Regulations made under this section shall be Published in the *Gazette*.

Provided that where regulations are made which am not of general application the Board may, in addition to or in lieu of publication in the *Gazette*, publish the regulations in such manner as will in the opinion of the Board, ensure the contents of the regulations coming to the notice of the persons or category of Persons in respect of which they apply:

Provided further that nothing in this section shall be construed as ignorance of the contents of any regulations being a defence in any prosecution for an offence under this Act where the regulations have been published in the *Gazette*.

30. The members of the Board shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time:

Remuneration
of members
of the Board

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member of the Board who is a public officer.

SCHEDULE

(Section 5 (2))

1. The Board shall consist of-
 - (a) a Chairman, who shall be appointed by the President;
 - (b) the Director, who shall also act as the Secretary of the Board;
 - (c) not less than ten but not more than twelve other members, who shall be appointed by the Minister.
2. The members of the Board shall elect a member from among themselves to be the Vice-Chairman of the Board, and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.
- 3-(1) A member of the Board other than the Director shall, unless his appointment is sooner terminated by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment or, if no period is so specified, for a period of three years from the date of his appointment, and shall be eligible for re-appointment.
- (2) Any member of the Board other than the Director may at any time resign his office by giving notice in writing addressed to the appointing authority, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.
- 4-(1) Where any member of the Board other than the Director is by reason of absence from the United Republic or illness or other sufficient cause unable to perform his duties as a member of the Board, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of duty of the substantive member or until the term of office of the substantive member expires, whichever first occurs.
- (2) Where the office of a member of the Board other than the Director becomes vacant by his resignation or death, the appointing authority may appoint another person in his place and to hold office for the unexpired portion of his term of office.
- 5-(1) The Board shall ordinarily meet for the transaction of business at such times and at such places as the Board may decide, but shall meet at least once every three months.
- (2) The Chairman may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members of the Board in office.
- (3) The Chairman shall preside at every meeting of the Board. In the absence of the Chairman, the Vice-Chairman shall preside and in the absence of both the Chairman and Vice-Chairman the members present shall appoint a member from among themselves to preside over the meeting.

Composition
of the
Board

Vice-
Chairman

Tenure of
appointment

Appointment
of
temporary
member

| | |
|---|--|
| Quorum | 6. The quorum at a meeting of the Board shall be sm. |
| Decisions of the Board | 7.-(1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event Of an equality of votes the person presiding shall have a second or casting vote. (2) Notwithstanding the provisions of sub-paragraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members of the Board, and the expression of the views of the majority thereof In writing, but any member shall be entitled to require that the decision be deferred and the subject-matter be considered at a meeting of the Board. |
| Co-option | 8. The Board may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings but no person so co-opted shall be entitled to vote at the meeting on any matter for decision by the Board. |
| Minutes of meetings | 9 The Board shall cause to be recorded and kept minutes of all proceedings of its meetings, and the minutes of each meeting of the Board shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting. |
| Vacancies, etc. not to invalidate proceedings | 10. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect In the appointment of any of them. |
| Absence from three consecutive meetings | 11. Where a member of the Board other than the Director absents himself from three consecutive meetings of the Board without sufficient cause, the Board &hall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another person in his place. |
| Execution of contracts, etc. | 12.-(1) The application of the official seal of the Agency shall be authenticated by two signatures, namely- (a) the signature of the Chairman of the Board or some other member of the Board other than the Director authorized by the Board in that behalf; and (b) the signature of the Director or some other employee of the Agency authorized by the Board to act for that purpose in place of the Director. (2) Any instrument or contract which, it executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Agency by the Director or any other member of the Board if that member has previously been authorized, either specifically, or generally by resolution of the Board, to execute or enter into that particular instrument or contract or that class of instruments or contracts. (3) Every document purporting to be a document executed or issued by or on behalf of the Agency and to be-- (a) sealed with the official seal of the Agency authenticated in the manner provided by sub-paragraph (1); or (b) signed by the Director or by a member of the Board authorized in accordance with sub-paragraph (2) to act for that purpose, shall be deemed to be, so executed or issued until the contrary is proved. |
| Board may regulate its own proceedings | 13. Subject to the provisions of this Schedule, the Board may regulate its own proceedings. |

Passed in the National Assembly on the twentieth day of October, 1976.


Clerk of the National Assembly