

GOVERNMENT OF ZAMBIA

**ACT**

No. 16 of 1987

Date of Assent: 19th April, 1987

An Act to provide for the establishment of the Zambia National Broadcasting Corporation; to define the functions and powers of the corporation; to provide generally for the control and regulation of broadcasting and diffusion services; and to provide for matters connected with or incidental to the foregoing.

[24th April, 1987

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Zambia National Broadcasting Corporation Act, 1987.

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

“Board” means the Board of Directors of the Corporation established by section *four*;

Short title

“broadcaster” means—

Interpretation

(a) the Corporation; or

(b) a person licensed to carry on a broadcasting service under section *twenty-six*;

“broadcasting service” means a radiocommunication service for reception by members of the general public and the word “broadcast” shall be construed accordingly;

“Corporation” means the Zambia National Broadcasting Corporation established by section three;

“dealer” means—

- (a) a person who carries on a trade, business or industry in which receivers are assembled, manufactured, imported, bought, sold, exchanged, or offered or exposed for sale or exchange;
- (b) a person who deals in motor vehicles which are fitted with receivers; 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) of this definition;

“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 cinematograph film; 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” shall be construed accordingly;

“director” means a member of the Board and includes the Chairman and the Vice-Chairman;

“inspector” means an inspector of the Corporation appointed under section *thirty-two*;

“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;

“Posts and Telecommunications Corporation” means the Posts and Telecommunications Corporation established by section *four* of the Posts and Telecommunications Act;

Cap. 795

“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 kilohertz and three million megahertz;

“receiver” means an apparatus in respect of which no licence is required in terms of the Radiocommunications Act, which is designed to be used for the reception of a broadcasting service;

Cap. 796

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

## PART II

### ZAMBIA NATIONAL BROADCASTING CORPORATION

3. There is hereby established the Zambia National Broadcasting Corporation, which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform and as are necessary for, or incidental to, the carrying out of its functions and powers as set out in this Act.

Establishment of Corporation

4. (1) There shall be a Board of Directors which shall, subject to the provisions of this Act, control the operations of the Corporation.

Board of Directors

(2) The Board shall consist of—

(a) a Chairman appointed by the Minister on such terms and conditions as the Minister thinks fit; and

(b) not less than six nor more than nine other directors appointed by the Minister on such terms and conditions including remuneration and allowances as he thinks fit.

(3) The directors shall elect a Vice-Chairman from amongst themselves.

(4) A public officer may be appointed a director but not more than three public officers shall be directors at any one time.

Tenure of  
office and  
vacancy

5. (1) Subject to the provisions of this section, a director shall hold office for a period of three years and may be re-appointed at the expiry of his term.

(2) On the expiration of the period for which a director is appointed, he shall continue to hold office until his successor has been appointed but in no case shall such further period exceed three months.

(3) The office of a director shall become vacant—

(a) upon resignation in accordance with subsections (4) and (5);

(b) if the Minister is satisfied by reason of a director's—

(i) failure to comply with the terms and conditions of his office; or

(ii) connection with a company or firm referred to in section six;

that it would be detrimental to the interests of the Corporation or otherwise inexpedient for the director to continue to hold office; and the provisions of this paragraph shall apply *mutatis mutandis* to the Chairman;

(c) if he is absent, without the permission of the Chairman, from three consecutive meetings of the Board of which he has had notice;

(d) if he is adjudged bankrupt; or

(e) if, subject to the provisions of subsection (4) of section four, at the date of this appointment he did not hold an office of emolument under the Republic, he is thereafter appointed to an office of emolument under the Republic;

(f) if he is adjudged or otherwise declared to be of unsound mind;

(g) if he is sentenced to a term of imprisonment exceeding six months, or if he is convicted of any offence involving dishonesty.

(4) A director may resign from office upon giving not less than three months' notice in writing to the Minister and may be removed by the Minister at any time.

6. Within seven days of the date of his appointment as Chairman or director as the case may be, the Chairman or director shall submit to the Minister a statement in writing of any directorship, office, post, shareholding or financial interest, direct or indirect, held or acquired by him or his spouse in a company or firm which carries on a radiocommunication service or operates a diffusion service or deals in receivers or manufactures, assembles, imports or sells apparatus or equipment for use in radiocommunication or diffusion services.

Director to  
declare  
connection

7. (1) The functions of the Corporation shall be—

Functions  
of  
Corporation

(a) to carry on broadcasting services for the information, education and entertainment of listeners in Zambia; and

(b) subject to the directions of the Minister, to carry on broadcasting services for such purposes as the Minister may specify for reception by listeners outside Zambia; and

(c) to carry on or operate:

(i) such other services including diffusion services; and

(ii) such undertakings which, in the opinion of the Board, are incidental or conducive to the exercise of the functions specified in this section;

as the Board may consider expedient.

(2) The Minister may give to the Board such general or specific directions with respect to the carrying out of the functions of the Corporation under this Act as he may consider necessary and the Board shall give effect to such directions.

8. The Corporation shall have power, subject to the provisions of this Act, to do all or any of the matters and things specified in the Schedule.

Powers of  
Corporation

9. (1) The Board may, for the purpose of performing the Corporation's functions under this Act, establish committees and may delegate to any such committee such of its functions as it thinks fit.

Committees  
of Board

(2) The Board may appoint as members of a committee established under subsection (1) persons who are or are not members of the Board and such persons shall serve for such period as the Board may determine.

(3) Subject to any specific or general directions of the Board any committee established under subsection (1) may regulate its own procedure.

Proceedings  
of Board

10. (1) Subject to the provisions of this section, the Board may regulate its own procedure.

(2) The Board shall hold its first meeting on such date and at such place and time as the Minister may determine; and thereafter the Board shall meet for the transaction of business at such places and at such times as the Board may determine.

(3) The Chairman of the Board may at any time and shall, at the request of three directors, convene a special meeting of the Board.

(4) A notice convening a special meeting of the Board shall state the purposes for which the meeting is to be convened.

(5) Where the Chairman of the Board is prevented by illness, absence from Zambia or other cause from exercising his functions on the Board, the Vice-Chairman shall exercise the powers and fulfil the duties and functions of the Chairman.

(6) Where the Chairman and the Vice-Chairman are absent from any meeting of the Board there shall preside at that meeting such director as the directors present may elect for the purpose of that meeting.

(7) The quorum at a meeting of the Board shall be one-half of the total number of directors.

(8) All acts, matters or things authorised or required to be done by the Board may be decided by resolution of a meeting at which a quorum is present.

(9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of every meeting of any committee established by the Board.

Transaction  
of business  
of an urgent  
nature

11. If it is not practicable to hold a meeting of the Board for the transaction of business of an urgent nature, the Chairman shall, after consulting the Minister and such other directors as is practicable in the circumstances, deal with the business himself and not later than seven days thereafter consult the Board for ratification.

Validity of  
Board's  
decisions

12. No decision or act of the Board or act done under the authority of the Board shall be invalid by reason only of the fact that there is a vacancy in the membership of the Board or that a disqualified person acted as a director, at the time the decision was taken or the act was done or authorised.

Contracts  
and  
instruments

13. Any agreement, contract or instrument may be entered into or executed on behalf of the Corporation by any person or persons generally or specially authorised by the Board for that purpose.

14. (1) The seal of the Board shall be such device as may be determined by the Board and shall be kept by the Director-General.

Seal of  
Board

(2) The Board may use a wafer or rubber stamp in *lieu* of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Director-General or one other person authorised in that behalf by a resolution of the Board.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Director-General or any other person generally or specifically authorised by the Board in that behalf.

(5) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed so executed or issued, as the case may be, without further proof, unless the contrary is proved.

15. (1) If any person is present at a meeting of the Board at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure  
of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

16. No action or other proceedings shall lie or be instituted against any Board member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity  
of members

17. (1) For the better exercise of the functions of the Corporation contained in section *seven*, the Board shall—

Appoint-  
ment of  
Director-  
General and  
other staff

(a) subject to the provisions of paragraph (b), and on such terms and conditions as it may determine, appoint a Director-General of the Corporation who, subject to the control of the Board, shall be responsible for the management of the business of the Corporation; and

(b) not appoint or terminate the services of the Director-General without the approval of the Minister.

(2) The Board may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

### PART III

#### FINANCIAL PROVISIONS

Establishment and operation of general fund

18. The Corporation shall establish a general fund—

- (a) into which all monies received by the Corporation shall be paid in the first instance; and
- (b) out of which all payments made by the Corporation shall be paid.

Establishment and operation of general reserve account

19. (1) The Corporation may establish a general reserve account to which may be appropriated from any surplus of revenue over expenditure such sums as the Board may approve.

(2) Sums appropriated to the general reserve account in terms of subsection (1) may, with the approval of the Minister, be used for such purposes as the Corporation may consider expedient for the proper exercise of its functions and the development of its services and undertakings.

Charges to revenue account of Corporation and investment of monies in sinking funds

20. (1) The Corporation shall charge to its revenue account all charges which in the normal conduct of a business are regarded as proper to be made to a revenue account and in so doing shall make adequate annual provision, whether by sinking fund or other proper means, for—

- (a) interest and all other charges and expenses incurred in connection with loans;
- (b) the depreciation or diminution in value of assets; and
- (c) the redemption of loans at due times to the extent that the annual provision exceeds the amount to be provided under paragraph (b).

(2) Money in sinking funds established in terms of subsection (1) shall be vested in such manner as the Board acting in consultation with the Minister may think fit.

Funds of Corporation

21. The funds of the Corporation shall consist of such moneys as may—

- (a) be payable to the Corporation in terms of this Act;
- (b) be appropriated by Parliament for the purposes of the Corporation;
- (c) be paid to the Corporation by way of grants or donations; and

(d) vest in or accrue to the Corporation.

22. The Corporation shall cause to be kept proper books of account and other records relating to its accounts. Accounts

23. (1) For the purpose of auditing its accounts, the Board shall appoint Auditors from amongst persons who, or organisations which, are registered as public accountants to examine the accounts of the Corporation not less than once in each financial year. Appointment of auditors

(2) The Corporation shall produce and lay before the auditors all books and accounts of the Corporation, with all vouchers in support thereof and all books, papers and writings in its possession or control relating thereto.

(3) The auditors shall be entitled to require from all directors and all employees of the Corporation such information and explanations as may be necessary for the performance of their duties as auditors.

(4) All expenses in connection with or incidental to an audit shall be borne and paid by the Corporation.

24. (1) As soon as practicable, but not later than six months after such financial year, the Corporation shall submit to the Minister a report concerning its activities during such financial year. Annual report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Corporation and there shall be appended thereto—

(a) a balance sheet;

(b) an audited statement of revenue and expenditure; and

(c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

#### PART IV

#### LICENCES

25. (1) Subject to the provisions of this Act, no person other than the Corporation shall operate a broadcasting service in Zambia otherwise than in accordance with the terms and conditions of a licence issued by the Minister and on payment of such fees as the Minister, after consultation with the Board, may prescribe. Licensing of broadcasters

(2) In fixing the terms and conditions of a licence to operate a broadcasting service in Zambia the Minister may have regard to the provisions of any agreement between the applicant for the licence and the Corporation.

(3) 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.

Licensing  
of operator  
of diffusion  
service

26. (1) Subject to the provisions of this Act no person, other than the Corporation or a person exempted under subsection (3) shall operate a diffusion service in Zambia otherwise than in accordance with the terms and conditions of a licence issued by the Minister and on payment of such fees as the Minister, after consultation with the Board may prescribe.

(2) In fixing the terms and conditions of a licence to operate a diffusion service in Zambia the Minister may have regard to the provisions of any agreement between the applicant for the licence and the Corporation.

(3) The Minister may by statutory notice exempt any operator or a class of operators of a diffusion service from compliance with the provisions of subsection (1).

Power to  
prohibit  
broadcast  
of certain  
matter

27. If the Minister is of the opinion that a broadcast is defamatory, blasphemous, obscene or seditious he may, by notice in writing delivered at the principal office of the Corporation, prohibit the Corporation from making such broadcast and the Corporation shall comply with any such notice.

Powers of  
President  
in times of  
emergency.  
Cap. 1

28. (1) Where there is in force a proclamation of a state of public emergency or threatened public emergency under Article 30 (1) of the Constitution the President may make an order authorising an officer or an authority to—

(a) take over all broadcasting stations or any particular broadcasting station in Zambia; and

(b) control and direct all broadcasting services from the broadcasting stations or broadcasting station to which the provisions of paragraph (a) relate for so long as the President considers it expedient;

and in so doing may require the exclusive services of the persons employed in working, maintaining or carrying on the same.

(2) When an officer or an authority is authorised to take over a broadcasting station in terms of subsection (1), the person owning or controlling the broadcasting station shall give up possession to the President or the officer or authority, and the persons employed in working or maintaining the

broadcasting station or in carrying on broadcasting service from the broadcasting station shall, if the President in terms of that subsection requires their exclusive services, diligently and faithfully obey, during the period the broadcasting station is in possession of the officer or authority, all such orders and other directions as the officer or authority may give in connection with the working or maintenance of the broadcasting station or the carrying on of broadcasting services from the broadcasting station.

(3) Reasonable compensation shall be paid from monies appropriated for the purpose by Parliament to a person who suffers loss or damage through the exercise of the powers conferred by this section in such amount as may be agreed between the person and the Minister.

(4) If a dispute arises as to the amount of compensation payable in terms of subsection (3), the Minister or any person claiming to be entitled to compensation may refer such dispute to the National Assembly which shall by resolution determine the amount of compensation to be paid.

(5) In determining the amount of any compensation (including costs or expenses) payable under this section, the National Assembly, the Court and every other person shall have due regard to the fact that the take-over has been necessitated by a state of public emergency.

(6) The provisions of this section shall, *mutatis mutandis*, apply in relation to diffusion services, the premises, apparatus, equipment and wires required in connection therewith and the persons employed in working, maintaining or operating the same.

29. (1) In order to ensure compliance with the provisions of this Act, the Corporation may establish an inspectorate unit and may appoint such inspectors as may be necessary for the performance of its functions.

Inspectorate  
unit

(2) Every inspector shall be provided with a certificate of appointment which shall be *prima facie* evidence of the inspectors appointment as such.

(3) Any inspector carrying out any function under this Act shall, on demand by any person affected thereby, produce for inspection the certificate referred to in subsection (2).

30. In the performance of his duties, an inspector shall have power—

Powers of  
inspectors

(a) if authorised in writing by a magistrate to enter at and inspect any premises—

(i) on which a dealer carries on business; or

(ii) on which he has reasonable cause to believe an offence against this Act has been committed;

(b) to inspect all books, records, returns, reports and other documents required to be kept by a dealer under the provisions of this Act.

Cancellation  
or refusal of  
broadcasting  
and  
diffusion  
licences

31. (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 in terms of 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) Without prejudice to the generality of subsection (1) the Minister may cancel or refuse to renew a licence 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, post apparatus or equipment of the Posts and Telecommunications Corporation; 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 Posts and Telecommunications Corporation 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 Post and Telecommunication Corporation 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 in terms of this section the fee or any portion of the fee paid on the issue of the licence.

Restriction  
on use of  
name of  
Corporation

32. No person shall, after the commencement of this Act, assume for the purposes of business or be registered under the Companies Act, under—

(a) the name “Zambia National Broadcasting Corporation”

(b) a name which includes with the word “broadcast” or “broadcasting” or “diffusion” or “rediffusion” the word “National”, “Zambia”, “Zambian”, “state” or “Corporation”.

Cap. 686

Regulatory  
powers of  
Minister

33. (1) The Minister may by statutory instrument 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 the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may by regulation provide for—

- (a) the registration of dealers with the Corporation and the information to be supplied to the Corporation in connection with applications for registration;
- (b) the keeping of books, records and documents, the furnishing of returns and the supply of information to the Corporation relating to dealings in receivers;
- (c) the form and manner in which applications for licences are to be made and the information to be supplied in connection therewith;
- (d) the circumstances in which and the terms and conditions subject to which licences shall be issued;
- (e) the form of licences, the terms and conditions to be contained in licences and the periods for which licences shall remain in force;
  - (i) receivers; or
  - (ii) apparatus for carrying on diffusion services; which are used by such persons or classes of institutions as the Minister may on the recommendation of the Board specify;
- (f) the circumstances in which and the conditions including the payment of a fee subject to which copies of licences may be obtained.

34. (1) A person who—

- (a) fails or refuses to register as a dealer with the Corporation when required to do so under this Act; or
- (b) fails or refuses to furnish a return or to supply information to the corporation in the manner and in the time prescribed;
- (c) furnishes, a false or incomplete return or incomplete information to the Corporation; or
- (d) on being required to do so, fails or refuses to produce to an inspector a licence issued under this Act, or a book, record or document relating to receivers which is in his possession or under his control; or
- (e) wilfully delays or obstructs an inspector of the Corporation in the exercise of the powers conferred upon him by or under this Act; or
- (f) fails or refuses, without reasonable cause, to give information to an inspector of the Corporation in the exercise of the powers conferred upon him by or under this Act; or

Offences  
and  
penalties

- (f) fails or refuses, without reasonable cause, to do anything when required to do so by an inspector in terms of section *thirty*; or
- (g) fails to comply with the terms and conditions of a licence issued to him in terms of this Act; or
- (h) for the purpose of obtaining, whether for himself or another person, the issue of a licence in terms of this Act, makes a declaration or statement which he knows to be false in any material 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
- (i) contravenes or fails to comply with the provisions of subsection (1) or (3) of section *twenty-five* subsection (1) of section *twenty-six* subsection (2) of section *twenty-eight*, 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:

shall be guilty of an offence and liable;

- (i) for a contravention of subsection (1) of section *twenty-five* or subsection (2) of section *twenty-eight*—
  - A. on first conviction, to a fine of twenty thousand kwacha or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;
  - B. on the second or a subsequent conviction to a fine not exceeding fifty thousand kwacha or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment;
- (ii) for an offence not referred to in sub-paragraph (i)—
  - A. On first conviction, to a fine not exceeding two hundred kwacha or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment;
  - B. on the second or a subsequent conviction, to a fine not exceeding five hundred kwacha or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

(2) A court convicting a person of an offence of making a declaration or statement such as is referred to in paragraph (b) of subsection (1) or making use of such a declaration or statement or document containing the same may, on the application of the prosecutor and in addition to any penalty which it may impose, give summary judgment in favour

of the Corporation for the amount of the appropriate licence fee or, as the case may be, an amount equal to the difference between the fee actually paid by the person and the appropriate licence fee.

(3) On the hearing of an application referred to in subsection (2) a court shall, for the purpose of determining the amount of the appropriate licence 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 of 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 in terms of 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 such court.

35. The Minister may by civil action in a competent court recover the amount of a licence fee payable in terms of section *twenty-five or twenty-six*.

Recovery of  
licence fees

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

Act not to  
affect Radio  
Communica-  
tions Act.  
Cap. 796

- (a) the establishment of radio transmitting stations and the erection of radio apparatus at sites approved by the Posts and Telecommunications Corporation;
- (b) the allocation of frequencies by the Posts and Telecommunications Corporation;
- (c) the approval by the Posts and Telecommunications Corporation of—
  - (i) the mode of transmission to be used in connection with radio transmitting stations and the power to be radiated therefrom;
  - (ii) the classes, types and standards of radio receiving stations and radio and other apparatus to be used in connection with diffusion services; and
  - (iii) the classes, types and standards of radio stations, radio apparatus, apparatus used for operating diffusion services;
- (d) the prevention of harmful interference;

- (e) the making of distress calls, messages and signals;
- (f) the manner of carrying on radiocommunication services governed by the provisions of a Convention; and
- (g) the inspection and testing of radio stations, radio apparatus, used for operating diffusion services and premises used in connection therewith.

Contracts entered into prior to the commencement of this Act

37. (1) Where, before the commencement of this Act, any contract of employment relating to broadcasting in the country was entered into by or on behalf of the Government of the Republic of Zambia and any person, such person shall, from the commencement of this Act, be deemed to have been employed by the Board in pursuance of the provisions of section *seventeen* of this Act and the said contract shall be enforceable in every respect as though it had been entered into by the Board and such person.

(2) A person to whom subsection (1) applies shall be deemed to have been employed by the Board unless within three months from the commencement of this Act he gives notice in writing to the Government with a copy to the Corporation stating his intention not to transfer from the services of the Government to the Corporation.

## SCHEDULE

(Section 8)

### POWERS OF CORPORATION

1. To acquire, establish and construct broadcasting stations, studios, offices and other premises necessary or convenient for the purposes of the undertakings of the Corporation, and for this purpose, to buy, take on lease or in exchange hire or otherwise acquire immovable property within Zambia and interests therein and rights over the same and concessions, grants, rights, powers and privileges in respect thereof, and to act in that connection either absolutely or conditionally and either solely or jointly with others.

2. To buy, take in exchange, hire or otherwise acquire vehicles, machinery, plant, apparatus and other movable property necessary or convenient for the exercise of the functions of the Corporation, or for the purposes of the undertakings of the Corporation, and to act in that connection either absolutely or conditionally and either solely or jointly with others.

3. To maintain, alter and improve property acquired by the Corporation.

4. To apply for, buy or otherwise acquire—

(a) copyrights and performing rights; and

(b) patents, licences, concessions or the like:

conferring an exclusive or non-exclusive or limited right to use information or a process which may seem to the Board capable of being used for the purposes of the Corporation or the acquisition of which may seem to the Board calculated, directly or indirectly, to benefit the Corporation, and to use; exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.

5. To establish orchestras, bands and choirs, engage artists and performers and organise, provide or subsidise public concerts, lectures and other performances or entertainment.

6. To cause descriptions of or commentaries on current events to be broadcast or diffused from the locality where they are taking place.

7. To broadcast or diffuse religious services and addresses.

8. To collect and collate news from any source and enter into agreements for the supply to the Corporation of news for the purpose of broadcasting or diffusing the same.

9. To obtain from or grant to a government operator of a diffusion service or other person whatsoever, whether within or outside Zambia and gratuitously or otherwise, rights or concessions in connection with the broadcasting or diffusion by the Corporation or programme broadcast or diffused by the Corporation or, as the case may be, the government, broadcaster, operator or other person.

10. To compile, print, publish and distribute, with or without charge, publications relating wholly or partly to the broadcasting or diffusion services of the Corporation or to the undertakings of the Corporation.

11. To enter, with the approval of the Minister, into agreements with persons in connection with the operation of diffusion services.

12. To carry on or operate, with the approval of the Minister, broadcasting and diffusion services in conjunction or association with other persons.

13. To broadcast or diffuse advertisements for periods which do not—

(a) in the aggregate amount to more than fifteen per centum of the time each day during which the service in which the advertisements are included is broadcast or diffused; and

(b) in each hour during which the service in which the advertisements are included is broadcast or diffused amount to more than ten minutes;

or for such longer period or, as the case may be, periods the Board, with the approval of the Minister, may, by varying one or other or both of the time limits specified in this paragraph, determine.

14. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with any movable assets of the Corporation or any part thereof and, with the approval of the Minister, any immovable assets of the Corporation or any part thereof, which are not required for the purposes of the Corporation for such consideration as the Board may determine.

15. To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable and transferable instruments.

16. To insure against losses, damages, risks and liabilities which the Corporation may incur.

17. To make contracts and to enter into suretyships or give guarantees in connection with the exercise of the functions of the Corporation or the undertakings of the Corporation and to modify or rescind such contracts and to modify or rescind such suretyships or guarantees.

18. To invest monies of the Corporation not immediately required by the Corporation in such manner as the Board may, with the approval of the Minister, determine and to vary or realise investments so made.

19. To raise monies, temporarily or otherwise, by way of loans or by bank overdraft for such purposes as the Minister may approve.

20. To pay a person in the employment of the Corporation such remuneration and allowances as may be fixed in terms of subsection (3) of section *Seventeen* and to grant a person in the employment of the Corporation such periods of leave as are stipulated or in respect of which provision is made in his terms and conditions of service and, with the approval of the Minister, to make gifts, bonuses and the like to a person in the employment of the Corporation.

21. To provide pecuniary benefits for persons in the employment of the Corporation on their retirement, death or termination of service or in the event of their sickness or injury or for their dependants, and for this purpose to effect policies of insurance, establish pension or provident funds or make

such other provision as may be necessary to secure for persons in the employment of the Corporation any or all of the pecuniary benefits to which the provisions of this paragraph relate.

22. To purchase, lease or otherwise acquire dwelling houses for occupation by or lease to persons in the employment of the Corporation.

23. To construct dwelling houses for occupation by or lease to persons in the employment of the Corporation on land vested in the Corporation and to purchase, lease or otherwise acquire land for that purpose.

24. To lend money to persons in the employment of the Corporation who are required to travel in the course of their duties, for the purpose of purchasing vehicles.

25. To enter with the approval of the Minister, into agreements with persons, associations and companies in connection with the collection of licence fees.

26. To produce, manufacture, purchase or otherwise acquire gramophone and other mechanical records, tapes, materials and apparatus for use in connection with broadcasting services.

27. To provide facilities for training and advancing of the skills of persons in its employment.

28. Generally to do all such things as are incidental or conducive to the exercise of the functions of the Corporation or are incidental to the powers specified in this Schedule or which are calculated, directly to enhance the value of or render profitable or develop the services, undertakings, property or rights of the Corporation.