

GOVERNMENT OF ZAMBIA

ACT

No. 9 of 1991

Date of Assent: 28th August, 1991

An Act to constitute the Zambia Institute of Mass Communications; to establish the Zambia Institute of Mass Communications Council to; define the functions of the Institute and the Council and to provide for matters connected with or incidental to the foregoing.

[ 6th September, 1991

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Zambia Institute of Mass Communications Act, 1991, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

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

Interpretation

“Chairman” means the person appointed Chairman of the Council under subsection *six*;

“Council” means the Zambia Institute of Mass Communications Council established by section *four*;

“Deputy Director” means the person appointed Deputy Director of the Council under section *fourteen*;

“Director” means the person appointed Director of the Council under section *fourteen*;

“Institute” means the Zambia Institute of Mass Communications constituted under section *three*;

“member” means a member of the Council;

“Registrar” means the person appointed Registrar of the Council under section *fifteen*;

“Vice-Chairman” means the person elected Vice Chairman of the Council under section *six*.

PART II

ZAMBIA INSTITUTE OF MASS COMMUNICATIONS AND COUNCIL

Constitution  
and  
functions  
of Zambia  
Institute of  
Mass  
Communi-  
cations

3. (1) There is hereby constituted the Zambia Institute of Mass Communications for the training of national and regional media personnel and promoting research and advancement of learning in mass communication in order to promote the development and appropriate utilisation of the media in Zambia and the region through—

- (a) the improvement of appropriate skills, practical techniques and knowledge for personnel involved in media production, projection and distribution;
- (b) the fostering of a spirit of creativity, responsibility and self-reliance in media practitioners and communicators;
- (c) the encouragement of an effective use of the media in support of the achievement of national, economic, social and political development goals, and the expression of an authentic national cultural identity;
- (d) the promotion of a two-way communication system between government and society, between media professionals, educators and the public at large; and
- (e) the contribution towards consolidating peace in the region, especially by promoting dialogue between nations, and people through proper training in communication skills and exchange of ideas.

(2) For the purpose of carrying out the functions referred to in subsection (1), the Institute shall provide, so far as its resources permit—

- (a) facilities appropriate to the Institute for the pursuit of learning and research and for the acquisition of technical and professional education for persons involved in the management and use of the media;
- (b) practical training, knowledge and assistance to persons involved in the planning, production, management and use of the media; and
- (c) advanced training for personnel in the media in the educational, scientific, technological and social development context.

Establish-  
ment of  
Council

4. There is hereby established the Zambia Institute of Mass Communications Council 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.

5. (1) Subject to the provisions of this Act, the Council shall be charged with the general control and superintendence of the property and policy of the Institute and in all cases not otherwise as appears to the Council to be in the best interests of the Institute.

Functions  
of Council

(2) Without prejudice to the generality of the foregoing the Council may—

- (a) charge fees for courses, seminars, workshops and other consultancy services it may provide;
- (b) engage such academic, administrative and other staff as appears to the Council to be necessary, on such terms and conditions of service, which expression shall include salaries, allowances, other remuneration and disciplinary control, as the Council may determine;
- (c) receive sums of money by way of grants or donations or in any other way from any source and expend and invest such sums as it may deem expedient:

Provided that the Council shall not be obliged to accept any grant or donation unless it approves of the purposes and the conditions, if any, attaching thereto;

- (d) Subject to the other provisions of this Act borrow by way of loan or otherwise such sums as it may require for meeting its obligations and discharging its functions under this Act;
- (e) carry on any business or undertaking for the purposes of the Institute.

6. (1) The Council shall consist of the following members :

Composition  
of Council

- (a) the Permanent Secretary in the Ministry responsible for information and broadcasting services who shall be the Chairman;
- (b) a representative of the Friedrich Naumann Foundation;
- (c) a representative from the print media;
- (d) a representative from the broadcasting media;
- (e) a representative from journalism training institutions;
- (f) a representative from publishing houses;
- (g) a representative of the Press Association of Zambia; and
- (h) one member appointed by the Minister who has experience in the management of a private enterprise.

(2) The members referred to in paragraphs (b) to (g) shall be nominated by their respective organisations or associations and shall be appointed by the Minister.

(3) There shall be a Vice-Chairman elected by the Council from amongst its members.

**Tenure of office and vacancy**

7. (1) A member referred to in paragraphs (c) to (h) of subsection (1) section six shall hold office for three years from the date of his appointment and may be re-appointed upon the expiration of that term.

(2) A member referred to in subsection (1) may resign upon giving one month's notice in writing to the authority which nominated him and to the Minister and may be removed by the Minister at any time.

(3) The office of a member referred to in subsection (1) shall become vacant—

- (a) upon his death;
- (b) if he is absent without reasonable excuse from three consecutive meetings of the Council of which he has had notice;
- (c) if he is lawfully detained or his freedom of movement is restricted for a period exceeding six months;
- (d) on ceasing to be a representative of the organisation which nominated him; or
- (e) if he is an undischarged bankrupt.

**Seal of Council**

8. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Registrar.

(2) The Council 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 Registrar or one other person authorised in that behalf by a resolution of the Council.

(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 Council by the Registrar or any person generally or specifically authorised by the Council in that behalf.

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

**Remuneration and allowances**

9. A member shall be paid such remuneration or allowances as the Council may, with the approval of the Minister, determine.

10. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings  
of Council

(2) The Council shall meet for the transaction of business at least once every three months at such places and at such times as the Chairman may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Five members shall form a quorum at any meeting of the Council.

(5) There shall preside at any meeting of the Council—

(a) the Chairman; or

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of the Chairman and Vice-Chairman such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(8) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

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

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

Committees  
of Council

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

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

Disclosure  
of interest

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

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

Immunity  
of members

13. No action or other proceedings shall lie or be instituted against any member or member of a committee for or in respect of any act or thing done or omitted to be done in goodfaith in the exercise or purported exercise of his functions under this Act.

### PART III

#### ADMINISTRATION

Director  
and Deputy  
Director

14. (1) The Council shall appoint on such terms and conditions as it may determine, a Director who shall be the chief executive officer of the Council and who, subject to the control of the Council, shall be responsible for the administration of the Institute.

(2) The Council may appoint on such terms and conditions as it may determine, a Deputy Director to assist the Director.

(3) The Director, or in his absence the Deputy Director shall attend meetings of the Council and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Council may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from the meeting.

Registrar  
and other  
staff

15. (1) There shall be a Registrar or the Council who shall be appointed by the Council on such terms and conditions as the Council may determine.

(2) The Registrar shall be responsible for the administration of the day-to-day affairs of the Council under the general supervision of the Director.

(3) The Council 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.

16. (1) No person shall, without the consent in writing given by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

(2) Any person who knowingly contravenes the provision of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand kwacha or to imprisonment not exceeding twelve months, or to both.

(3) If any person having information which to his knowledge has been published or discloses in contravention of subsection (1) unlawfully published or communicates any such information to any other person, shall be liable upon conviction, to a fine not exceeding ten thousand kwacha or to imprisonment not exceeding twelve months, or to both.

#### PART IV

##### FINANCIAL AND OTHER PROVISIONS

17. (1) The funds of the Council shall consist of such moneys as may—

Funds of Council

- (a) be appropriated by Parliament for the purposes of the Council.
- (b) be paid to the Council by way of grants or donations; and
- (c) vest in or accrue to the Council;

(2) The Council may—

- (a) accept money by way of grants or donations from any source in Zambia;
- (b) raise by way of loans or otherwise from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia, such moneys as it may require for the discharge of its functions; and
- (c) charge and collect fees in respect of programmes, publications, seminars, consultancy services, and other services provided by the Council.

(3) There shall be paid from the funds of the Council—

- (a) the salaries, allowances and loans of the staff of the Council;
- (b) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the Council when engaged on the business of the Council at such rates as the Council may, with the approval of the Minister, determine; and

(c) any other expenses incurred by the Council in the performance of its functions.

(4) The Council may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

Financial year

18. The financial year of the Council shall be the period of twelve months ending on the 31st December, in each year

Accounts

19. (1) The Council shall cause to be kept proper books of account and other records relating to its accounts.

(2) The accounts of the Council shall be audited annually by independent auditors appointed by the Council with the approval of the Minister.

(3) The auditors' fees shall be paid by the Council.

Annual report

20. (1) As soon as practicable, but not later than six months after the expiry of the financial year, the Council shall submit to the Minister a report concerning its activities during that financial year.

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

(a) an audited balance sheet;

(b) an audited statement of income 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.

Regulations

21. The Minister may, by statutory instrument, make regulations for the better carrying out of the purposes of this Act.