

CHAPTER 306

THE BROADCASTING SERVICES ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 306

THE BROADCASTING SERVICES ACT

An Act to make provisions for the management and regulation of broadcasting and for related matters.

[15th November, 1993]

[G.N. No. 256 of 1993]

Act No. 6 of 1993

PART I

PRELIMINARY PROVISIONS (ss 1-4)

[PCh306s1]1. Short title

This Act may be cited as the Broadcasting Services Act.

[PCh306s2]2. Interpretation

In this Act, unless the context requires otherwise—

"broadcaster" means a person who is licensed under this Act to carry on a broadcasting service;

"broadcasting apparatus" means an apparatus for the reception of television broadcasts or for the reception of sound broadcasts, and where an apparatus is designed or constructed for the reception of both television and sound broadcasts (other than those relating to television broadcasts) such apparatus shall be deemed to comprise two sets of apparatus, one for the reception of television broadcasts and one for the reception of sound broadcasts, as the case may be;

"broadcasting service" means a radio communications service in which the transmissions are intended for direct transmissory reception by members of the general public, and "broadcast" used as a verb shall be construed accordingly;

"broadcasting station" means all premises whatsoever used for the purpose of carrying on a broadcasting service together with the transmitters, apparatus and equipment, including vehicles, required in connection with them;

"Commission" means the Tanzania Broadcasting Commission established by section 5;

"dealer" means a person who—

(a) carries on a trade, business or industry in which broadcasting apparatus is assembled, manufactured, imported, bought, sold, hired, or exchanged; or

(b) deals in motor vehicles in which broadcasting apparatus is installed;

(c) auctions broadcasting apparatus;

"inspector" means any person appointed under section 16 to be an inspector for the purposes of this Act;

"Minister" means the Minister for the time being responsible for information;

"licence" means a licence issued under the provisions of this Act;

"licensed premises" means premises in respect of which a broadcaster's licence, dealer's licence or repairer's licence is in force;

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

"repair" in relation to broadcasting apparatus includes providing maintenance service of any kind and fitting spare parts;

"repairer" means a person who by way of trade, business or industry carries out repairs to or provides maintenance services for broadcasting apparatus.

[PCh306s3]3. Application

(1) This Act shall have effect notwithstanding but without prejudice to the provisions of the Tanzania Communications Act *.

(2) This Act shall apply to all persons carrying on business which involves—

(a) the offering for sale, selling, letting on hire or dealing otherwise in broadcasting apparatus;

(b) the ownership and operation of a broadcasting service.

(3) The Minister may, by order published in the Gazette, exempt from the provisions of this Act—

(a) any business or any category of businesses involving broadcasting;

(b) any person carrying on any business or any category of such persons.

(4) No licence under this Act shall be required or be necessary for the carrying on of any part of its business which involves broadcasting—

(a) to which business the provisions of subsection (2) do not apply;

(b) which is exempt from the provisions of this Act by an order under subsection (3);

(c) which is being carried on by any person to whom an order made under subsection (3) applies.

(5) Nothing in this section shall be construed as exempting from the provisions of this Act any business to which subsection (4) does not apply and which is carried on together with any business to which that subsection applies.

[PCh306s4]4. Tanzania Broadcasting Services

(1) The Minister may—

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

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

(c) carry on or operate such other services including diffusion services and such undertakings in connection with these services as he may deem necessary or expedient;

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

(2) For the purposes of this section, the Tanzania Broadcasting services may be constituted in two branches as follows–

(a) a branch to be known as Radio Tanzania, which shall be responsible for radio broadcasting; and

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

PART II

THE TANZANIA BROADCASTING COMMISSION (ss 5-8)

[PCh306s5]5. Establishment of Commission

(1) There is hereby established a commission to be known as the Tanzania Broadcasting Commission.

(2) The Commission shall–

(a) be a body corporate with perpetual succession and a common seal;

(b) in its corporate name, be capable of suing and being sued;

(c) for and in connection with the purposes of this Act, be capable of acquiring, holding and disposing of movable and immovable property in its corporate name.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Commission and otherwise in relation to the Commission.

(4) The Minister may, by order published in the Gazette, amend, add to, vary or revoke and replace the provisions of the Schedule to this Act.

[PCh306s6]6. Functions of the Commission

(1) Subject to this Act and to any regulations made under it, the functions of the Commission shall be—

(a) to issue broadcasting licences;

(b) to regulate and supervise broadcasting activities, including but limited to, the relaying of sound, radio and televisions programmes from places in Tanzania to places outside Tanzania with the intention that such broadcasts are received regularly in the United Republic or any part of it;

(c) to maintain a register of all persons licensed as broadcasters, dealers in broadcasting apparatus or operators of broadcasting stations;

(d) to regulate the activities of broadcasters and their conduct of broadcasting as well as that of dealers in broadcasting apparatus;

(e) to be responsible for the standardisation, planning and management of the frequency spectrum available for broadcasting and to allocate such spectrum resources in such manner as to ensure the widest possible diversity of programming and optimal utilisation of the spectrum resources, giving priority where possible to the broadcaster transmitting the maximum number of hours per day and to community-based broadcasters.

(2) The Commission shall perform any other function which may be assigned to it by the President in writing under his hand or by or under any other written law.

(3) The Commission shall, in the performance of its functions under this Act, establish and maintain, as far as may be practicable, a system of consultation, co-ordination and co-operation with the Tanzania Posts and Telecommunications Corporation and with any other body or organisation established by or under any other written law and having functions similar to those specified in subsection (1) or having functions which relate to broadcasting or radio-communication generally.

[PCh306s7]7. Limitation of liability of members

No member of the Commission shall be held personally liable for any act or default of the Commission done or omitted bona fide in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon, the Commission.

[PCh306s8]8. Registrar and Secretariat of the Commission

(1) There shall be a full-time Secretariat of the Commission which shall be under the direction of the Registrar.

(2) The Minister shall, after consultation with the Commission, appoint a Registrar who may be a person holding an office of emolument in the public service and who shall hold and vacate office in accordance with the terms of his appointment.

(3) The Registrar shall not be a member of the Commission.

(4) The Commission, may, from time to time, with the prior approval of the Minister, appoint any person with expert knowledge in a particular field to assist the Commission with advice in connection with any matter connected with its functions.

(5) A person appointed under subsection (4) shall be paid such remuneration as may be determined by the Commission with the approval of the Minister.

(6) The Commission may from time to time and subject to such directions as the Minister may give in that behalf, appoint at such salaries and upon such terms and conditions as it may think fit, such other officers and employees of the Secretariat of the Commission as it may deem necessary for the proper and efficient conduct of the business and activities of the Commission.

PART III

BROADCASTING LICENSING (ss 9-12)

[PCh306s9]9. Prohibition on unlicensed broadcasting

No person shall transmit or receive and transmit, or otherwise operate a broadcasting service, deal in broadcasting apparatus or do or permit anything to be done for which a licence is required under this Act, unless he is in possession of an appropriate licence.

[PCh306s10]10. Qualification and application for licence

(1) An application for a licence under this Act may be made only by–

- (a) a citizen of the United Republic;
- (b) a company at least 51% of whose shareholding is beneficially owned by a citizen or citizens of the United Republic which is not, directly or indirectly, controlled by persons who are not citizens of the United Republic and whose principal place of business or registered office is in the United Republic.

(2) Any application for the grant of a licence under this Act shall be made to the Commission in such form and manner and shall contain or be accompanied by–

- (a) a prescribed application fee;
- (b) a prescribed deposit;
- (c) the applicant's proposals in relation to the policy and nature of service and a programme schedule in regard to the daily transmission time allocated to different programmes;
- (d) network plan, technical specifications of the equipment and studio and installations programme;
- (e) the training programme involving local staff;
- (f) statement of account setting out the financial resources available to the application to conduct a broadcasting service; and
- (g) such other information as the Commission may deem necessary in order to decide on the ability of the applicant to provide a technically viable and socially acceptable broadcasting service.

(3) When considering an application for the grant of a broadcasting licence, the Commission shall have regard to—

- (a) the expertise, experience and financial resources available to the applicant;
- (b) the desirability or otherwise of allowing any person, or association of persons, to have control of a substantial interest in—
 - (i) more than one broadcasting service;
 - (ii) more than one radio station and one television station and one registered newspaper which share a common coverage and distribution area or significantly overlapping coverage and distribution areas;
- (c) compliance with the prescribed technical broadcasting standards;
- (d) whether the conditions of a broadcasting licence shall unjustly benefit one holder of a broadcasting licence above another;
- (e) the allocation of spectrum resources in such a manner as to ensure the widest possible diversity of programming and the optimal utilisation of such resources, provided that priority may be given to broadcasters transmitting the maximum number of hours per day;
- (f) the reservation of spectrum resources for future use;
- (g) the desirability of giving priority to community-based or national development broadcasts;
- (h) the extent to which the applicant is determined and has planned to train local staff in matters concerning radio or television broadcasting.

(4) The Commission shall publish in the Gazette and in any newspaper published in the United Republic a notice in respect of every application for the issue of a licence which it has received.

(5) Any person may, within fourteen days of publication of a notice under subsection (4), lodge with the Commission written representations if he wants to oppose the grant of a licence to the applicant, and such representations shall be taken into account when the Commission considers the application.

(6) Money paid to the Commission along with an application under this section shall not be refundable.

[PCh306s11]11. Issue of licence

(1) Where the Commission is satisfied that a particular applicant meets the requirements of this Act for a licence holder it shall grant him a licence in the prescribed form and subject to payment of the prescribed fee.

(2) Upon the grant by the Commission of an application under section 10, it shall cause notice of that decision to be published in the Gazette and in any newspaper published in the United Republic, as well as to be given to the applicant.

(3) Where the Commission decides to grant an application for a licence, it may attach conditions to the licence in relation to—

(a) the frequencies that may be used in the operation of a station, the power limitations in respect of a station, the technical servicing and inspection of a station and any other technical specifications;

(b) the prevention of electric and other disturbances of radio reception or the transmission over any telegraph line;

(c) the broadcasting or non-broadcasting of reports, announcements, news or other information which is required to be broadcast in the public interest; and

(d) the location of a transmitter station, when applicable, and the specific geographical area to which the broadcast may be made.

(4) The Commission may, in respect of any particular broadcasting licence, and after giving the licence holder an opportunity to make written representation to the Commission in that behalf, amend any of the prescribed conditions, including adding further conditions—

(a) if the Commission is of the opinion that it is in the interest of orderly spectrum management; or

(b) in order to give effect to any international treaty in relation to broadcasting to which Tanzania is a party; or

(c) at the request of the licence holder.

(5) Any person aggrieved by a decision of the Commission granting or refusing an application may appeal to the Minister in the form and manner to be prescribed in regulations.

(6) The Minister may, from time to time, upon advice of the Commission, specify other matters or activities connected to broadcasting or apparatus in relation to which a licence shall be required in accordance with this Act.

(1) A broadcasting licence a dealer's licence, a repairer's licence and any other licence shall be issued for such period as the Commission may determine, but which shall not—

- (a) in the case of a radio broadcasting licence, exceed three years;
- (b) in the case of a television broadcasting licence, exceed five years.

(2) The Commission may upon application by the holder renew a licence upon its expiry for such period not exceeding five years as it may determine.

(3) An application for the renewal of a licence shall be made within the three months preceding the last three months before the date of expiry of the existing licence.

(4) The Commission may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

(5) If at the date of expiry of a licence the Commission has not yet reached a decision in respect of an application to renew it the licence shall continue to be of effect until the application for its renewal is granted or refused by the Commission.

(6) If after a broadcasting licence is granted a prescribed period elapses before any broadcast is made under the licence, that licence shall lapse.

PART IV

CO-ORDINATION AND SUPERVISION OF BROADCASTING (ss 13-16)

[PCh306s13]13. Duties of licence holder and programme content

(1) It shall be the duty of every person holding a licence granted under this Act to comply with all conditions subject to which the licence was granted.

(2) The Commission may from time to time and with the prior approval of the Minister by notice published in the Gazette specify such duties or further duties to be discharged by holders of such licences as may be specified by the Commission.

(3) Subject to this section, it shall be the duty of every person holding a broadcasting licence under this Act—

(a) to present all news in a factually accurate, impartial and non-partisan manner;

(b) to present current affairs in a balanced, clear, factual, accurate and impartial manner;

(c) to encourage the development of Tanzanian and African expression by providing a wide range of programming that reflects Tanzanian and African attitudes, opinions, ideas, values and artistic creativity by displaying Tanzanian and African cultures and entertainment programmes;

(d) to serve the needs and interests and reflect the circumstances and aspirations of Tanzanian men, women and children in a democratic Tanzania society;

(e) to produce and maintain programmes of high standards;

(f) to make maximum use of Tanzanian creative and other resources in the creation and presentation of programmes;

(g) to limit advertisements to a maximum of 30 percent of the total daily broadcasting time;

(h) to contribute through programming to shared national consciousness, identity and continuity;

(i) to provide programming that caters for culture arts, sports and education pertaining to Tanzania and Africa;

(j) to comply with generally accepted standards of journalistic ethics, in the editing of any programme to be broadcast as formulated in the Code of Conduct for the Media Professions;

(k) to keep and store sound and video recordings of all programmes broadcast for a minimum period of three months after the date of transmission of the broadcast, or for such further period as the Commission may direct;

(l) to disclose the name of the producer of every programme at the end of transmission of a programme;

(m) to respect copyright and neighbouring rights obligations in respect of any broadcast material.

[PCh306s14]14. Where breach of conditions occurs

(1) The Commission shall supervise compliance by licence holders with the conditions and duties pertaining to licences held under this Act.

(2) Where the Commission, as a result of inspection or of complaint by any person is of the opinion that conditions or duties under this Act have been materially breached by a licence holder, it shall request him in writing to make written representations to the Commission regarding the alleged breach.

(3) If after considering the written representations made by a licence holder, the Commission is of the opinion that he has materially contravened a condition or duty, it may issue an order—

- (a) warning the licence holder;
- (b) directing the licence holder to effect a programme change within a period not longer than thirty days from the date of receipt of the directions;
- (c) directing the licence holder to disclose, free of charge and in such manner as the Commission may direct, the finding of the Commission;
- (d) imposing a fine on the licence holder, not exceeding one million shillings;
- (e) suspending the broadcasting licence for a period determined by the Commission; or
- (f) revoking the broadcasting licence.

[PCh306s15]15. Rights and obligations of broadcasters

(1) A licence holder shall broadcast a counterversion presented by any person or body of persons affected by an assertion of fact in any programme transmitted that the assertion of fact is in fact false.

(2) Notwithstanding subsection (1), a licence holder shall not transmit a counterversion if—

- (a) the person or organisation concerned has no direct interest in the transmission of the counterversion; or

(b) the counterversion is not of reasonable length, and in particular, if it is substantially longer than the part of the broadcast which dealt with the false assertion of fact.

(3) The counterversion referred to in subsection (1) shall—

- (a) be limited to a factual account;
- (b) not contain any material which may reasonably be anticipated to expose the licence holder to legal action if such material were to be broadcast;
- (c) be made in writing;
- (d) specify the programme and the assertions to which objection is raised; and
- (e) be signed by the person affected or, in the case of an organisation, by the chief executive officer thereof.

(4) The person or body of persons affected shall not be entitled to insist on the transmission of a counterversion as contemplated in subsection (1) if the counterversion is presented to the licence holder after the expiry of a period of thirty days from the date of broadcasts of the false assertion of fact.

(5) The licence holder shall subject to subsections (2) and (4)—

(a) at the first opportunity, but not later than ten days from receipt of a counterversion referred to in subsection (1) broadcast the counterversion within the same programme or programme section as the one in which the false assertion was made and at the same time of day or, should that not be possible, at time equal in value to that of the programme objected to;

(b) broadcast the counterversion without any omissions and interruptions; and

(c) broadcast the counterversion free of charge.

(6) A licence holder shall immediately upon receipt of the counterversion referred to in subsection (1) inform the Commission of that fact, and shall keep and store the programme objected to and the counterversion until he receives a notice to the contrary from the Commission.

(7) This section shall not apply to a broadcast of public meeting or of the National Assembly.

[PCh306s16]16. Power to investigate

(1) The Minister may, upon advice by the Commission, by notice published in the Gazette, appoint any person or persons to be an inspector or inspectors for the purposes of this Act.

(2) An inspector or authorised officer of the Commission may carry out an inspection of broadcasting stations, licences, plant and apparatus, and premises used by licence holders to transmit or broadcast.

PART V

ACTIVITIES OF THE COMMISSION AND FINANCIAL PROVISIONS (ss 17-23)

[PCh306s17]17. Commission may delegate its functions

The Commission may after consultation with the Minister delegate any of its functions under this Act to any officer or committee of the Commission.

[PCh306s18]18. Accounts and audit

(1) The Commission shall cause to be kept proper accounts and shall, as soon as practicable after the end of each financial year, cause the accounts relating to that financial year together with—

- (a) a statement of income and expenditure during the financial year;
 - (b) a statement of the assets and liabilities of the Commission on the last day of that financial year,
- to be submitted to and audited by an auditor approved by the Government.

(2) Copies of the statements referred to in subsection (1) and a copy of the auditors' report shall be forwarded to the Minister.

[PCh306s19]19. Registrar's report

The Registrar shall, at the end of each financial year, prepare a report on the activities of the Commission during that financial year and submit the report to the Minister.

[PCh306s20]20. Funds of the Commission

The funds and resources of the Commission shall consist of—

- (a) such sums as may be provided for the purposes of the Commission by Parliament, either by way of grant or loans;
- (b) such sums as the Commission may receive by way of grant or loan from any person or organisation;
- (c) such sums as the Commission may, from time to time, with the consent of the Minister, borrow for the purposes of the Commission;

(d) such sums as may, in any manner, become payable to or vested in the Commission either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions.

[PCh306s21]21. Power to invest

The Commission may invest its fund in such investments as are authorised by and subject to such conditions as are prescribed by the Trustee Investments Act *, in relation to investment of funds by a trustee.

[PCh306s22]22. Annual report to the National Assembly

The Minister shall cause to be laid before the National Assembly, as soon as may be practicable after he has received them—

(a) copies of the statements referred to in subsection (1) of section 18 together with a copy of the auditors' report; and

(b) a copy of the Registrar's report.

[PCh306s23]23. Minister may give directions

The Minister may, by writing under his hand, give the Commission directions of a general or specific nature, and the Commission shall comply with every such direction.

PART VI

MISCELLANEOUS PROVISIONS (ss 24-27)

[PCh306s24]24. Offences

(1) Any person who—

(a) carries on the business of a broadcaster, or a dealer in broadcasting apparatus without an appropriate licence;

(b) contravenes or fails to comply with the conditions of a broadcasting or other licence under this Act;

(c) fails or refuses to furnish a return or to supply information in the manner and in the time prescribed or furnishes a false or incomplete return or supplies false or incomplete information;

(d) on being required to do so, fails or refuses to produce to an inspector or a police officer a licence or a book, record or document relating to any broadcasting apparatus which is in his possession or under his control;

(e) interferes with or obstructs the transmission or reception of any radio communication;

(f) wilfully delays or obstructs an inspector or a police or other authorised officer in the exercise of powers conferred upon him by or under this Act;

(g) fails or refuses to comply with any order or direction lawfully given to him by the Commission;

(h) fails or refuses to comply with the terms and conditions of the licence he holds; or

(i) for the purposes of obtaining, whether for himself or another person, the issue of a licence, makes a declaration or statement which he knows to be false in any 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,

is guilty of an offence and shall be liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding twenty-four months or to both that fine and that imprisonment.

(2) A court convicting a person of an offence under this Act may, in addition to any penalty that it may impose, order the forfeiture to the Government of any broadcasting apparatus or other material in relation to in connection with or by means of which the offence was committed.

(3) Notwithstanding subsection (2), no order of forfeiture shall be made if it is proved that the broadcasting apparatus in question is not owned by the person so convicted and if the owner proves that he did not have any knowledge of the unlawful use of the apparatus by the person so convicted and could not have reasonably prevented such use.

[PCh306s25]25. Provisions in relation to national security

(1) The Minister or any person authorised by the Minister may by order under his hand require any licence holder to broadcast forthwith or within or at any time and in any manner specified, any announcement which has as its content any matter which the Minister deems to be in the interest of national security or in the public interest.

(2) If the Minister is of opinion that the broadcasting of any matter or matter of any class or character, would be contrary to the national security or public interest he may, by notice in writing delivered at the principal office of the licence holder, prohibit the licence holder from broadcasting such matter or matter of such class or character and the licence holder shall comply with any notice so delivered.

[PCh306s26]26. Transfer of licence

(1) A licence issued under this Act to any person, shall not be transferred except with the approval of the Commission granted upon an application for transfer in the prescribed form.

(2) Where a company is the holder of a licence under this Act, no person other than an existing shareholder of that company, shall, except with the prior written approval of the Commission, acquire shares or any other interest in the company which results in that person directly or indirectly acquiring a controlling interest in the company.

[PCh306s27]27. Regulations

(1) The Minister may make regulations prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for the better carrying out or giving effect to the provisions of this Act.

(2) The Minister may by regulations made under subsection (1) and published in the Gazette provide for—

(a) the registration of dealers and the information to be supplied in connection with applications for registration;

(b) the keeping of books, records and documents, the furnishing of returns and the supply of information relating to dealings in receivers;

(c) the prescription of licences to be issued under this Act;

(d) the collection of licence fees payable under this Act;

(e) the form and manner in which applications for licences are to be made and the information to be supplied in connection with them;

(f) the circumstances in which and the terms and conditions subject to which licences shall be issued;

(g) the form of licences and the terms and conditions to be contained in licences;

(h) the issue of licences without charge authorising the possession of—

(i) broadcasting apparatus; or

(ii) apparatus for carrying on broadcasting services,

which are used in such institutions or categories of institution as the Minister may specify;

(i) the circumstances in which and the conditions including the payment of a fee subject to which copies of licences may be obtained; and in so doing may classify broadcasters, operators of diffusion services, dealers and listeners and otherwise make different provisions for different categories of persons;

(j) the prescription of any other matter which is required to be prescribed under this Act.

SCHEDULE

(Section 5(3))

1. Membership

(1) Subject to paragraph 2, the Commission shall consist of—

(a) a Chairman who shall be appointed by the President;

(b) not less than six nor more than eight other members appointed by the Minister.

(2) The members of the Board shall elect from amongst their number a person who shall be Vice-Chairman and shall hold office for so long as he remains a member of the Commission.

2. Qualifications for appointment

(1) A person shall not be eligible for appointment as a member of the Commission if he—

- (a) is not a citizen of Tanzania;
- (b) is an undischarged bankrupt;
- (c) has previously been convicted of an offence involving moral turpitude or for which he was sentenced to imprisonment for a term of six months or more.

(2) Three of the members shall be appointed from amongst representatives of the frequency management office, major users of broadcasting frequencies and technical, scientific and research institutions.

3. Tenure of office

(1) A member shall, unless his appointment is sooner determined 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.

(2) Where a person is a member by virtue of his holding some other office he shall cease to be a member upon his ceasing to hold that other office.

(3) The Minister shall, in appointing the first members, appoint three of them for a period of two years only; when they shall be eligible for reappointment for a period of three years.

(4) Any member may at any time resign his office by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

4. Secretary

The Registrar of the Commission appointed under section 8 shall be the Secretary of the Commission.

5. Absent member to be replaced

If a member is unable for any reason to attend a meeting, the body or the organisation which he represents may, in writing, nominate another person in his place for the purpose of that meeting.

6. Casual vacancies

Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

7. Meeting

(1) The Commission shall meet at least four times in every year at such times and places as may be determined by the Chairman.

(2) A simple majority of the members shall constitute a quorum for any meeting of the Commission, save that the quorum for a meeting at which the Commission is to determine an application for a broadcasting licence shall be not less than two-thirds of the members of the Commission as then constituted.

(3) The Chairman or, in his absence, the Vice-Chairman, shall preside at all meetings of the Commission.

(4) Notwithstanding subparagraph (1), where the Chairman so directs, a decision may be made by the Commission without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject matter is considered at a meeting of the Commission.

8. Minutes

Minutes in proper form of each meeting of the Commission shall be kept and shall be confirmed by the Commission at the next meeting and signed by the Chairman of the meeting.

9. Remuneration

A member of the Commission shall be paid such allowances and other terms as may be determined by the Minister upon advice of the Commission.

10. Council may regulate its own proceedings

Subject to this Schedule the Commission may regulate its own proceedings.