

BILLS SUPPLEMENT

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Bill No. 21 Uganda Broadcasting Corporation Bill 2004

ACC. No:
CALL NO:

THE UGANDA BROADCASTING CORPORATION BILL 2004.

2004

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MEMORANDUM.

Radio Uganda (RU) and Uganda Television (UTV), the main bodies or entities currently providing public broadcasting services in Uganda, are currently units or departments within the Office of the President.

Following the Cabinet's decision to complete the ~~divestiture~~ ^{transfer} of the public broadcasting services currently being provided by RU and UTV, it has become necessary to create a statutory corporation to manage those services more efficiently and effectively, leading to better quality of services at less cost to the Government.

The objective of the Bill is therefore to create the Uganda Broadcasting Corporation as a wholly owned statutory corporation to take over and manage the public broadcasting services currently being provided by RU and UTV.

Part I of the Bill, incorporating clauses 1 and 2 contains the Bill's short title and the interpretation of words and expressions used in the Bill.

Part II of the Bill, incorporating clauses 3 to clause 4 of the Bill deals with the establishment of the Uganda Broadcasting Corporation, its objectives and functions and the general powers of the corporation.

Part III of the Bill, incorporating clause 7 to clause 9 provides for the Corporation's Board of Directors, meetings of the Board of Directors, and the remuneration of members of the Board of Directors.

Part IV of the Bill, incorporating clauses 10, 11 and 12 of the Bill provides for the staff of the Corporation, including the post of Managing Director of the Corporation, the Secretary of the Corporation and other staff of the Corporation.

Part V of the Bill, incorporating clause 13 to clause 19 of the Bill contains the financial provisions of the Corporation, including the sources of the Corporation's funds, the Corporation's borrowing powers, the Corporation's accounts, the auditing of the Corporation's accounts, investment of its surplus funds and the requirement that the Corporation shall operate on sound financial principles.

Part VI of the Bill, incorporating clauses 20 to 27 deals with miscellaneous matters such as the status of employees of Radio Uganda and Uganda Television on the commencement of the proposed Act, transfer of assets and liabilities of Radio Uganda and Uganda Television to the proposed Uganda Broadcasting Corporation, the effective date of the corporation's operations, the Corporation's editorial policy, the requirement to avoid broadcasting material which is indecent, obscene or offensive to public morals or to the religious convictions or feelings of any section the population; and the obligation of the Board of Directors to make annual reports to the Minister on the activities of the Corporation. Lastly, clause 27 of the Bill empowers the Minister, by statutory instrument, to make Regulations generally for the better carrying out of the provisions of the proposed Act and for determining the assets of the Corporation.

DR. NSABA BUTURO, (MP)
Minister of State For Information and Broadcasting.

ARRANGEMENT OF CLAUSES.

PART I—PRELIMINARY.

Clause.

1. Short title.
2. Interpretation.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS
OF THE CORPORATION.

3. Establishment of the Corporation.
4. Objectives of the Corporation.
5. Functions of the Corporation.
6. General powers of the Corporation.

PART III—THE BOARD.

7. Board of Directors.
8. Meetings of the Board.
9. Remuneration of Directors.

PART IV—STAFF OF THE CORPORATION.

10. Managing Director.
11. Secretary.
12. Other staff.

PART V—FINANCIAL PROVISIONS.

13. Funds of the Corporation.
14. Borrowing powers.
15. Estimates.
16. Accounts.

Clause.

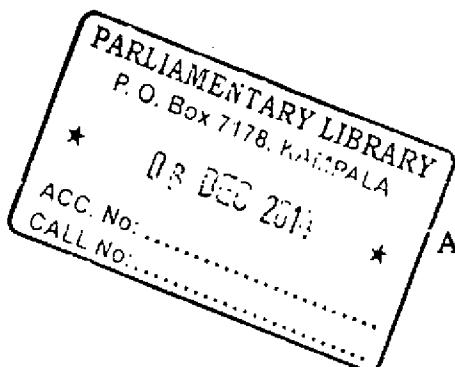
17. Audit.
18. Investment of surplus funds.
19. Corporation to operate on sound financial principles.

PART VI—MISCELLANEOUS.

20. Editorial policy.
21. Pornography.
22. Service of documents.
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PART VII—TRANSITIONAL PROVISIONS.

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26. Vesting of Property to Successor Corporation.
27. Employees of Radio Uganda and Uganda Television.
28. Pension fund and Former Employees.
29. Continuance of Operations of Radio Uganda and Uganda Television.



A Bill for an Act

ENTITLED

THE UGANDA BROADCASTING CORPORATION ACT, 2004

An Act to provide for the establishment of the Uganda Broadcasting Corporation, its functions, powers and its administration; to provide for a successor corporate body to Radio Uganda and Uganda Television; and for connected purposes.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the Uganda Broadcasting Corporation Act, 2004.

2. Interpretation

In this Act, unless the context otherwise requires—

“Board” means the Board of Directors established under section 7;

“Broadcasting” means any form of unidirectional telecommunication intended for the public or sections of the public or subscribers to any broadcasting service having appropriate receiving facilities, whether carried out by means of a radio or any other means of telecommunication;

“Broadcasting Council” has the meaning assigned to it by the Electronic Media Act, Cap. 104;

“common carrier” means a legal entity which is obliged, subject to its technological capacity, to provide broadcasting signal distribution to broadcasting licencees upon their request on an equitable, reasonable, non-preferential non-discriminatory basis;

“Corporation” means the Uganda Broadcasting Corporation, established under the provisions of section 3;

“financial year” means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June;

“Media Council” has the meaning assigned to it by the Electronic Media Act, Cap. 104;

“Minister” means the Minister responsible for information and broadcasting;

“relevant broadcasting facilities” means transmitting stations, studios, satellite uplink, stations, satellite down link stations, outside broadcasting facilities, studio to transmitter links, field measuring, reception and monitoring facilities and any other facility for broadcasting;

“signal distribution” means the process whereby the output signal of a broadcasting service is taken from the point of origin, being the point where such signal made available in its final content format, from where it is conveyed to any geographical broadcast target area by means of a telecommunications process, but excluding the use of facilities which operate on frequencies outside the broadcasting services frequency bands;

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE CORPORATION.

3. Establishment of the corporation

(1) There is established a corporation to be known as the Uganda Broadcasting Corporation.

(2) The Corporation is the successor of the state media known as "Uganda Television" and "Radio Uganda".

(3) The Corporation shall be wholly owned by the Government.

(4) The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name and, subject to the provisions of this Act, may do or suffer all such other things as a body corporate may lawfully do or suffer.

(5) The application of the seal of the Corporation on any document shall be authenticated by the signatures of the Chairman of the Board, the Managing Director and such other Director as may be authorized.

(6) In the absence of the Chairperson, two other Directors may sign in his or her place and the person performing the functions of the Managing Director may sign in the absence of the Managing Director.

(7) The signature of the Chairperson, a Director and Managing Director on a document shall be independent of the signature of any other person who may sign such document as a witness.

(8) Every document purporting to be an instrument issued by the Corporation and sealed with the seal of the Corporation and authenticated in the manner described in subsection (5) or (6) shall be received and be deemed to be such an instrument without further proof unless the contrary is shown.

4. Objectives of the Corporation

The objectives of the Corporation shall be to—

(a) develop the broadcasting bodies into a public national broadcasting centre of excellence, ~~capable of~~ providing electronic media and consultancy services that educate and guide the public;

(b) achieve and sustain comprehensive national radio and television coverage;

(c) achieve and sustain a common carrier status.

5. Functions of the Corporation

(1) The functions of the Corporation shall be to—

- (a) provide radio and television broadcasting services, ~~whether by analogue or digital means~~, and to provide radio and television programmes that contribute to a sense of national unity in culture diversity; / ** social*
- (b) reflect the Government vision regarding the objective, composition and overall management of the broadcasting services;
- (c) ~~ensure the achievement of~~ a sustainable system of gathering, analyzing, storage and dissemination of information to all Ugandans; *The media*
- (d) establish autonomy of management in rendering public broadcasting services;
- (e) carry out signal distribution as a common carrier;
- (f) ensure quality indigenous programming and to adapt foreign programmes, to suit indigenous needs;
- (g) establish ~~accountability~~ and enhance profitability in running public broadcasting services;
- (h) maintain a responsible editorial independence and set national broadcasting standards through exemplary performance;
- (i) ensure protection of the public interest in rendering broadcasting services;
- (j) provide electronic media and consultancy services that educate and guide the public; *Uganda Broadcasting Corporation*.
- (k) to establish a business model that is self sustaining through revenue generation and collection;