

Tanzania

Newspapers Act

Newspapers Regulations, 1977

Government Notice 166 of 1977

Legislation as at 31 July 2002

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PDF created on 24 February 2025 at 13:55.

Collection last checked for updates: 31 July 2002.

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FRBR URI: /akn/tz/act/gn/1977/166/eng@2002-07-31

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Newspapers Regulations, 1977 (Government Notice 166 of 1977)

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Tanzania

Newspapers Act

Newspapers Regulations, 1977

Government Notice 166 of 1977

Published in Tanzania Government Gazette

Commenced

[This is the version of this document at 31 July 2002.]

[Note: This legislation was revised and consolidated as at 31 July 2002 and 30 November 2019 by the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. All subsequent amendments have been researched and applied by Laws.Africa for TANZLLI.]

[Section 53; G.N. No. 166 of 1977]

1. Citation

These Regulations may be cited as the Newspapers Regulations.

2. Application and exclusion

These Regulations shall apply to every newspaper other than a newspaper in relation to which any notice under section 5(4) of the Act is in force.

3. Interpretation

In these Regulations, "Act" means the Newspapers Act¹.

4. Registration

Every newspaper shall be registered in accordance with these Regulations.

5. Particulars to be furnished to the Registrar

- (1) In order to effect registration, one of the persons specified in regulation 6 shall furnish, to the Registrar the particulars specified in Form N.A. 1 and N.A. 2 which are set out in the Schedule to these Regulations, and shall also furnish such other particulars (including specimen signatures) of the proprietor, printer, publisher or editor of any newspaper as the Registrar shall in his absolute discretion require, and shall certify the correctness of such particulars and of his own description.
- (2) If there is an office of an Assistant Registrar in the district in which the head office of the newspaper is situated, the particulars required under subparagraph (1) shall be furnished to that office.

6. Particulars to be furnished by proprietor etc.

The particulars specified in Form N.A. 1 and the answer to the questionnaire set out in Form N.A. 2 shall be furnished and certified by the proprietor, printer, publisher or editor of the newspaper.

7. Proprietor, etc., to furnish substituted particulars when a change occurs

If any change occurs or if any inaccuracy is discovered in any of the specified particulars, the persons named in Regulation 6 shall, within seven days furnish substituted particulars to the Registrar and shall certify the correctness of such substituted particulars and of their description.

8. Particulars to be furnished by director etc., in the case of a company or firm

If the particulars are furnished by a Company the certificate shall be given by a director, manager or secretary of the company, and if the particulars are furnished by a firm the certificate shall be given by a partner of the firm.

9. Application to be accompanied by copy of the affidavit etc.

- (1) Every application for registration shall be accompanied by a copy of the affidavit which is required under section 6 of the Act and a copy of the Bond in the case of a publisher, who under section 13 of the Act is required to execute and register a bond.
- (2) The affidavit and the bond shall be signed by a proprietor, printer or publisher of the newspaper.
- (3) The form of the affidavit and of the bond shall be as set out on Forms N.A. 3 and N.A. 4 respectively.

10. Registration of newspaper

- (1) On receipt of the particulars referred to under regulation 5 and upon the applicant fulfilling any other conditions which under these Regulations are required to be fulfilled including the payment of any fees, the Registrar shall, without prejudice to the provisions of regulation 12 register the newspaper.
- (2) Upon the registration of a newspaper, the Registrar shall issue to the applicant a certificate of registration which shall be in the form of Form N.A. 5 which is set out in the Schedule to these Regulations.
- (3) The Registrar shall forward a copy of the certificate to the Regional Director, East African Posts and Telecommunications (Tanzania Region).
- (4) Where the name of a registered newspaper is changed the Registrar, on receipt of any notification to that effect by any of the persons specified in Regulation 6, shall issue another certificate of registration on condition that the certificate then in force is surrendered to him, unless it is lost or is missing and the Registrar is satisfied that it cannot be found.
- (5) The notification of change of name of a registered paper shall be in Form N.A. 6 set out in the Schedule to these regulations.

11. Newspaper register

- (1) The particulars furnished in accordance with the provisions of these Regulations shall be kept by the Registrar as a newspaper register or registers of newspapers.
- (2) The Register may amend the newspaper register for the purpose of effecting any alteration or recording any new information as the case may be.

12. Refusal of registration

- (1) The register shall refuse to register a newspaper when—
 - (a) it appears to him that such newspaper is being or is likely to be used for any purpose prejudicial to, or incompatible with the maintenance of peace, order and good government;

- (b) he is satisfied and that the application does not comply with the provisions of the Act or any regulations made thereunder;
 - (c) he is satisfied that the newspaper does not exist; or
 - (d) the name under which the newspaper is to be registered—
 - (i) is identical to that of any other existing registered newspaper; or
 - (ii) so nearly resembles the name of such other registered newspaper as, in the opinion of the Registrar, to be likely to deceive the public; or
 - (iii) is, in the opinion of the Registrar, undesirable.
- (2) Where the Registrar refuses to register a newspaper, he shall send to the applicant his notification of such refusal and the notification shall be in the form of Form N.A. 7 set out in the Schedule to these Regulations.
- (3) Any person who is aggrieved by the refusal of the Registrar to register a newspaper may, within twenty-one days or such extended period as the Minister may allow, from the date of such refusal, appeal against such refusal to the Minister and the decision of the Minister on such appeal shall be final.

13. Publication in the *Gazette*

The Registrar shall publish in the *Gazette* notice of registration or refusal of registration of any newspaper.

14. Exemption from registration

- (1) Where the Minister grants exemption from registration of any newspaper, the exemption shall be in the form of Form N.A. 8 set out in the Schedule to these Regulations.
- (2) Where the name of an exempted newspaper is changed the Minister, on receipt of any notification to that effect by any of the persons specified in regulation 6 shall issue another certificate of exemption on condition that the certificate then in force is surrendered to him, unless it is lost or is missing and the Minister is satisfied that it cannot be found.
- (3) The Minister may by notice in the *Gazette*, rescind at any time any exemption from registration granted by him.
- (4) Where the Minister rescinds any registration or exemption from registration granted to any newspaper he shall give notice to the proprietor, printer, publisher or editor of the newspaper, in the form set out in Form N.A. 9 in the Schedule to these Regulations.
- (5) A proprietor, printer, publisher or editor of a newspaper which ceases to be exempted from registration or in relation to which the Minister has rescinded any exemption from registration granted by him, shall, within twenty-one days apply for registration of that newspaper.

15. Cancellation of registration

- (1) The Minister may by a notice in the *Gazette*, cancel the registration of any newspaper registered under these Regulations if he is satisfied that the newspaper—
 - (i) is a branch of or is affiliated to or connected with any organisation or group of a political nature, established outside Tanzania; or
 - (ii) is being used or is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government; or
 - (iii) has altered its objects or pursues objects other than the declared objects.

- (2) Before the Minister exercises his powers under this paragraph he shall notify the proprietor, printer, publisher or editor of the newspaper of his intention to do so, and shall afford him with an opportunity to make any representation if any.
- (3) The notification of cancellation shall be in Form N.A. 10 set out in the Schedule to these regulations.

16. Form N.A. 10 cessation of existence of a newspaper

- (1) If the Registrar has reason to believe that any registered newspaper or exempted newspaper has ceased to exist as a newspaper, he may publish in the *Gazette* a notification calling upon the proprietor, printer, publisher or editor of the newspaper to furnish him, within three months of such notification, with proof of its existence as a newspaper.
- (2) If at the expiration of such three months no such proof required under subregulation (1) has been given and the Registrar is satisfied that the newspaper has ceased to exist as a newspaper, a notification to that effect shall be published in the *Gazette* and the newspaper concerned shall thereupon cease to be a registered or exempted newspaper, as the case may be.

17. Change of rules, location etc.

- (1) No registered newspaper shall—
 - (a) change—
 - (i) its name or location or postal address;
 - (ii) any provision of its rules or constitution;
 - (iii) any of its objects; or
 - (b) become a branch of or affiliated to or connected with any organisation or group of a political nature established outside Tanzania, without the prior permission, in writing, of the Registrar.
- (2) Any registered newspaper desiring to obtain permission required under subregulation (1) of this regulation shall apply to the Registrar on any of the appropriate forms set out as Forms N.A. 6, 11, 12, 13, 14 and 15 in the Schedule to these Regulations; and thereupon the Registrar shall give notice in writing of his decision to such newspaper.
- (3) The Registrar may refuse any application by a registered newspaper to change its name where the proposed name—
 - (a) is identical to that of any other existing newspaper; or
 - (b) so nearly resembles the name of such other newspaper as, in the opinion of the Registrar, to be likely to deceive the public; or
 - (c) is in the opinion of the Registrar, undesirable.
- (4) The Registrar may refuse any application by a registered newspaper to change any provision of its rules where it appears to him that as a result of such change the society is likely to be used for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government.
- (5) The Registrar may in his discretion refuse any application by a registered newspaper to become a branch of or a group of a political nature established outside Tanzania.
- (6) The Registrar shall, prior to refusing any application, notify his intention to the newspaper concerned and shall give it the opportunity to submit reasons, if any, why the application should not be refused.

- (7) Any newspaper which is aggrieved by the Registrar's refusal to grant any permission, may within twenty-one days or such extended time as the Minister may allow, appeal against such refusal to the Minister.
- (8) Any appeal to the Minister under this regulation and any application for an extension of time within which to lodge such an appeal shall—
 - (a) be in writing and signed by any of the persons mentioned under regulation 6 or under regulation 8;
 - (b) set out the ground upon which the appeal or application is based.

18. Power to inspect premises

- (1) The Registrar of Newspapers, the Assistant Registrar of Newspapers or any other person authorised by the Minister in writing, may during the hours of business inspect the office, publishing house or printing premises, of a newspaper for ensuring compliance with the provisions of these Regulations.

19. Power of Registrar to inspect books, records etc.

The Registrar may require a proprietor, printer, publisher or editor of any newspaper or any of the persons mentioned under regulation 8, to produce within a time to be specified by the Registrar for his inspection —

- (a) all or any books of accounts relating to the newspaper; and
- (b) any minutes or written records of the proceedings of any committee or governing or executive body thereof and, where the Registrar so requires, the production of any such books of accounts or minutes or written records,

and if these are not produced within the time specified in such requirement, such newspaper shall be deemed to be in breach of these regulations.

20. Offences

- (1) It shall be an offence for any person to manage or assist in the management of a newspaper which is not registered and on conviction he shall be liable to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- (2) Any person who knowingly allows the publication or printing of an unregistered newspaper, in any place belonging to or occupied by him, or over which he has control shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

21. Presumptions

In any proceedings under these regulations—

- (a) where it is proved that a newspaper is in existence, it shall be presumed that such newspaper is a newspaper within the meaning of these Regulations unless the contrary is proved;
- (b) where it is alleged that a newspaper is unregistered the burden of proving that it is a registered newspaper, or an exempted newspaper, or that an application for registration under regulation 5, has been lawfully made to the Registrar and has not been refused, or that it is not a newspaper shall lie on the person charged;
- (c) where any books, accounts, writings, lists or proprietors, publishers or list of members in case of a society, seals, banner or insignia of, or relating to, or purporting to relate to, any newspaper are found in the possession of any person, it shall be presumed, until the contrary is proved, to be in

existence at the time such books, accounts, writings, list of members, seals, banners or insignia are so found;

- (d) where any books, accounts, writings, list of proprietors, publishers or list of members, in case of a society, seals, banners or insignia or, or relating to, any newspaper are found in the possession of any person, it shall be presumed until the contrary is proved, that such person assists in the running and management of such newspaper.

22. Fees

The fees² set out in the third column of Form N.A. 16 (Schedule) to these Regulations shall be charged for the several matters set out opposite thereto in the second column of that Schedule.

Schedule

Forms

[Editorial note: the forms have not been reproduced.]