

ACT No. 1 OF 2009

AN ACT TO ESTABLISH A  
CENSORSHIP AND  
CINEMATOGRAPHIC  
EXHIBITION BOARD AND  
OTHER MATTERS RELATED  
THERE TO.



**THE CENSORSHIP AND CINEMATOGRAPHIC  
EXHIBITION ACT NO. 1 OF 2009.**

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ACT NO. 1 OF 2009

I ASSENT

*Amani Abeid Karume*

{AMANI ABEID KARUME}

PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

*20th November*, 2009 .

AN ACT TO ESTABLISH A CENSORSHIP AND  
CINEMATOGRAPHIC EXHIBITION BOARD AND OTHER  
MATTERS RELATED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I  
PRELIMINARY PROVISIONS

Short title and Commencement 1. This Act may be cited as the Censorship and Cinematographic Exhibition Act, 2009 and shall come into operation on such a date as the Minister may, by notice published in the Gazette, appoint.

Interpretation 2. In this Act, unless the context otherwise requires:-

"Executive Officer" means the Chief Executive Officer of the Board appointed under section 13(1) of this Act;

"Board" means the Censorship and Cinematographic Exhibition Board established under section 3 of this Act;

"Entertainment" includes any acrobatics, puppet performance, dancing exhibition, picture, art exhibition, music, taarab, ngoma, magic works, stage play, computer games, animal or circus performance which are organized for public exhibition;



"Film" means a video pancake or CD in which a set of moving pictures are recorded therein either in a cassette or video which are intended to be shown to the public;

"Public" means a gathering of three or more persons in a public place, theatre or any other area designated for film exhibitions or entertainment;

"Members" includes a Chairperson and other members of the Board appointed in accordance with the provisions of this Act.

"Stage play" includes any tragedy, comedy, farce, opera, pantomime, dialogue, prologue, and epilogue which are shown to the public;

"Righteous Conducts" means teachings disseminated to the public which are intended to provide proper demeanor in a particular society;

"Ngoma" means any local or foreign oriental entertainment or dance whether accompanied or not by music;

"Theatre" means any building, tent or other erection of whatever nature or any other place in which cinematographic exhibition, entertainment or stage play is presented to or performed before the public either gratuitously or for reward, and includes any sea or land vessel;

"President" means President of Zanzibar and Chairman of the Revolutionary Council;

"Arts" includes stage play: cinematographic, ngoma, music and acrobatics; handcraft works: paintings, carpentry, plaiting, kneading, blacksmith, sewing, lyric poet, dialogue and showing off, photographic still picture, video picture, films, cinema and stage play; music instrumental music, songs, notes, jazz, taarab and disco;

"Censor" means inspection or review made by the Board in order to ensure and maintain righteous conducts and character of a nation;

"Government" means the Revolutionary Government of Zanzibar;



"Minister" means the Minister for the time being responsible for cultural affairs.

**PART II**  
**ESTABLISHMENT OF THE CENSORSHIP AND**  
**CINEMATOGRAPHIC EXHIBITION BOARD**

Establishment  
of the  
Board.

**3.(1)** There is hereby established a Board to be known as the Censorship and Cinematographic Exhibition Board.

(2) The Board shall be a body corporate with perpetual succession and a Common seal, and shall, in its corporate name, be capable of:

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and
- (c) entering into contracts and doing or performing all other things or acts for the proper performance of its functions under this Act.

Functions  
of the  
Board.

**4.** The functions of the Board shall be:

- (a) to censor films, video cassettes (CD,DVD,HDV) and others, business banners or special advertisement, magazines before they are used by or shown to the public;
- (b) to censor films recorded in or outside Zanzibar which are intended to be shown to the public;
- (c) to ensure that all films recorded in or outside Zanzibar are censored by the Board when making copies therefrom in order to preserve the righteous conducts and culture of Zanzibar Islands;
- (d) to censor all stage plays and all other arts entertainments;
- (e) to censor entertainment advertisements in motor vehicles and business banners;



- (f) to provide general guidance on better exhibition of stage play and other entertainments;
- (g) to suspend any cinematographic exhibition, stage play and any other entertainment which are inconsistent with righteous conducts of Zanzibaris;
- (h) to issue permit for entertainment advertisements and business banners;
- (i) to issue permit for cinematographic, video cassettes, stage play and entertainment; taarab, ngoma, music and others;
- (j) to co-operate with other government institutions which deal with artistic works and cultures; and
- (k) to do any other function relating to the function of the Board.

Composition  
of the  
Board.

5.(1) The Board shall be constituted with the following members:

- (a) Chairperson who shall be appointed by the President among respected persons who have vast knowledge in cultural affairs;
- (b) Executive Officer as an ex-officio member who shall be the secretary of the Board; and
- (c) other members not exceeding six appointed by the Minister from Zanzibar Regions who have vast knowledge in cultural affairs;

(2) The Board shall be answerable to the Minister.

Tenure of  
members of  
the Board.

6. A member of the Board, other than an ex-officio member shall be a member for a period of three years in the first instance and shall be eligible for re-appointment for such further period as the appointing authority may determine.

Suspension  
or  
termination  
of member.

7.(1) The Minister may terminate or suspend appointment of any member appointed by him under section 5(1)(c) of this Act:

- (a) for the member's inability to perform the functions of his office;



- (c) if the member is convicted of criminal offence, involving fraud, dishonesty or moral turpitude;
- (d) if the member fails to comply with the regulations relating to disclosure of interest in a particular case discussed before the Board;
- (e) if the member absents himself from three consecutive meetings of the Board without the leave of the Chairperson; and
- (f) for any other sufficient reason to be recorded in writing.

(2) A member of the Board or the Executive Officer may, at any time resign by giving notice in writing to the appointing authority and shall cease to be a member of the Board or the Executive Officer once his request is accepted.

(3) Where a post of a member of the Board or Executive Officer becomes vacant by resigning or by any one of the reasons specified in subsection (1) of this section, the appointing authority may appoint another person to hold that post.

Meetings  
of the  
Board.

**8.** (1) The Board may meet four times in a year but in case of an emergency may meet at any time.

(2) The Board may, make rules regulating its own procedures on general activities and, in respect of holding of meetings, notices, proceedings of Board meetings, production and inspection of minutes of the Board meetings and other related matters.

Powers of  
the Board.

**9.** The Board shall, in discharging of its functions, have powers to:

- (a) approve such organization structure and work procedures, determine the terms and conditions of service, salaries, allowances and other benefits for the employees of the Board in accordance with the regulations of Civil Service Commission;
- (b) approve budget, action plans, objectives and work targets, and monitor its progress in achieving them on a continuous basis; and





- (c) set out, enforce staff regulations, code of conduct, discipline and professional standards of the employees of the Board.

Appointment  
and  
Establishment  
of  
Committees.

**10.(1)** For the purpose of performing its functions, the Board may establish committees as it considers necessary with such terms of reference as it may be specified by the Board.

(2) Members of a committee established under subsection (1) of this section may be appointed from amongst members or out of the Board.

(3) The Board may revoke the appointment of any member of a committee.

(4) A member of a committee may, at any time resign by giving notice in writing to the Chairperson of the Board.

Co-option.

**11.** The Board may co-opt any person to participate in its deliberations, but the person so co-opted shall have no right to vote.

Remuneration  
of the  
Board.

**12.** Members of the Board shall be paid sitting allowances as the Board may, with prior consent of the Minister, determine.

Appointment  
of  
Executive  
Officer.

**13.(1)** There shall be Executive Officer of the Board who shall be appointed by the Minister.

(2) A person shall not qualify to be appointed an Executive Officer unless such person holds a Diploma or its equivalent in culture, administration; and has experience of not less than five years.

Responsibilities  
of the  
Executive  
Officer.

**14.** The Executive Officer shall be the chief executive officer and subject to the general directives of the Board, shall be responsible to:

- (a) the performance of the Board in all of its functions including:
- (i) the administration and day to day operations of the Board;
  - (ii) the management of funds, properties and business of the Board;
- (b) report on the activities of the Board at every meeting of the Board;



- (c) monitor and execute directives and decisions made in the meetings of the Board;
- (d) co-operate with other institutions within and outside Zanzibar which are concerned with functions of the Board; and
- (e) perform any functions and exercise powers conferred upon the Executive Officer or Board under any legislation or agreement entered by the Board.

### PART III FUNDS AND ACCOUNTS OF THE BOARD

Funds of  
the Board.

**15.** Funds of the Board for management of its own affairs shall consist of:

- (a) such sums as may be provided by the House of Representatives for the purpose of the Board; and
- (b) any sums which the Board may receive as fees or charges;
- (c) such grants or loans as the Board may from time to time, receive for exercising of its own functions.

Responsibilities  
of  
Executive  
Officer on  
Funds.

**16.** The Executive Officer shall be responsible for:

- (a) all income and expenditure of the Board;
- (b) all revenue collected by the Board; and
- (c) all assets and discharge of all liabilities of the Board.

Accounts  
and  
auditing.

**17.(1)** The Board shall keep accounts and records of all transactions and shall ensure that all money received and paid by the Board are properly accounted for.

**(2)** The annual report of income and expenditure of the Board shall be audited by the Controller and Auditor General.

Annual  
reports.

**18.(1)** The Executive Officer shall, within three months after the end of each financial year, submit annual report to the Board which shall then be submitted to the Minister in respect of that year, containing:

- (a) a summary of the Board performance during the year;



- (b) audited financial statements reflecting the Boards financial affairs during the year consisting of at least:
- (i) balance sheet;
  - (ii) an income statement;
  - (iii) an expenditure statement;
  - (iv) auditor's report; and
  - (v) a cash flow statement.

(2) The financial statements forming part of the report shall:

- (a) be prepared in accordance with national acceptable accounting practices;
- (b) fairly reflect the activities and performance of, and the state of affairs in the Board; and
- (c) draw attention to any matter that may or would probably affect the affairs of the Board.

#### **PART IV PROCEDURES, OFFENCE AND PENALTIES**

Procedures. **19.**(1) A person who intends to make exhibition by using cinematographic, video cassette, stage play, computer games, entertainment advertisement on posters, motor vehicle with public address system, banners, television or newspapers shall be required to apply for a permit from the Board.

(2) The Board shall, following its inspection and upon being satisfied by such application, issue a written permit to the applicant.

Offences and penalty. **20.** Any person who contravenes the provisions of section 19 of this Act commits an offence and upon conviction shall be liable to pay fine of not more than Five Hundred Thousands Shilling or imprisonment for a period of not more than six months, or both such fine and imprisonment.



**PART V  
MISCELLANEOUS PROVISIONS**

Responsibilities  
of the  
Board.

**21.(1)** The Board shall be responsible for all matters relating to censorship and cinematographic exhibition and co-operate with other institutions for the interests and benefits of the people of Zanzibar.

(2) The Board shall prepare the annual estimates for revenues and expenditures for twelve months of each financial year and such estimates shall be approved by the majority of Board members voting and shall be forwarded to the Minister for approval of the House of Representatives.

(3) The Board, subject to the approval of the Members of the Board, employ officers and other staffs to work in the Board and allocate duties and responsibilities as they deem fit; and set remunerations, terms of service, allowances and other benefits relating to their duties and responsibilities in accordance with the regulations of Civil Service Commission.

Regulations.

**22.** The Minister may, make and amend regulations in general to give effect to the purpose and provisions of this Act.

Correspondences  
with the  
Board

**23.** All correspondences between the Government, institutions and the Board shall be addressed to the Executive Officer, who shall be the link of communication between the Government, institutions and the Board.

Repeal of  
sections 18  
to 36 of  
Act No.6  
of 1983.

**24.** Sections 18 to 36 of the Zanzibar Arts and Music Council, Ngoma Regulations, Stage Plays and Cinematograph Act No. 6 of 1983 are hereby repealed and any thing done or action taken under the repealed sections shall so far as not inconsistent with provisions of this Act be deemed to be done or taken under the corresponding provisions of this Act.

**PASSED** in the House of Representatives of Zanzibar on 22<sup>nd</sup> day of January, 2009.

**{IBRAHIM MZEE IBRAHIM}  
CLERK OF THE HOUSE OF REPRESENTATIVES  
ZANZIBAR.**