



THE ZANZIBAR ARTS AND CENSORSHIP COUNCIL ACT, 2015

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ACT NO. 7 OF 2015

I ASSENT

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

26 September, 2015

AN ACT TO REPEAL THE ZANZIBAR ARTS AND MUSIC COUNCIL
NGOMA REGULATIONS, STAGE PLAYS AND CINEMATOGRAPH ACT,
NO. 6 OF 1983 AND THE CENSORSHIP AND CINEMATOGRAPHIC
EXHIBITION ACT, NO. 1 OF 2009 AND TO ESTABLISH A
ZANZIBAR ARTS AND CENSORSHIP COUNCIL 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 Zanzibar Arts and Censorship Council of 2015 and shall come into operation on such date as a Minister may by notice publish in the Official Gazette appoint.

Interpretation.

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

"Art" means a conscious production or arrangement of sounds, colours, forms, movements or other elements in a manner that affects the sense of beauty, specifically the production of the beautiful in a graphic such as paintings, sculpture, music, carvings, photographs, drawings, maps and other related works;



"Artistic work" means a work, art and crafts, paintings, drawings, etchings, lithographs, wood crafts, engravings, prints, maps, plans, diagrams, photographs not comprised in a cinematography film, works of artistic craftsmanship, pictorial woven tissue, articles of applied hand craft and industrial art;

"BASSFU" means the Zanzibar Art and Censorship Council;

"Charge" means the amount of money that someone has to pay for something, especially a service or activity;

"Cinematographic permit" means a permit to make the film of a cinematographic picture;

"Council" means Zanzibar Arts and Censorship Council established under section 3 of this Act;

"Cultural Inspector" means any officer or person who is employed to conduct the functions and activities of inspecting artistic works under this Act;

"Culture" means the way of life, especially the general customs and beliefs of a particular people at a particular time;

"Cultural group" means all kinds of groups which deal with culture and other related matters includes individuals, clubs, National Arts Associations, and cultural academies;

"District Arts and Censorship of Film and Cultural Committee" means a Committee of Arts and Censorship established under section 27 of this Act;

"Executive Secretary" means the Secretary of the Council appointed under section 16 of this Act;

"Fee" means an amount of money paid for a particular piece of work or for a particular right or service;

"Film" means any film made or recorded by moving camera or any other related instrument with or without sound for the purpose of public exhibition or for sale in or outside Zanzibar;

"Financial year" means a government financial year;

"Government" means the Revolutionary Government of Zanzibar;

"Hall" means any building or a large room used for meetings, concerts or other events;



"Importation of Pornography" means to involve with the importation, causation to import, abetting or distribution of pornography by means of business, entertainment, importation of prohibited internet programs or any other means of communication;

"Internet-content-provider" means a person, individual or corporate, who produces and upload or causes to be uploaded on the internet or any matter;

"Internet Services Provider" means a person with primary services to the internet, who extends internet access to other secondary users;

"License" means any license issued in accordance with provision under this Act;

"Member" means a member of the Council as mentioned under section 5 of this Act;

"Minister" means the Minister for the time being responsible for matters relating to culture;

"Music" means a vocal, instrumental, recorded or written composition and includes jazz, taarab music, choir, orchestral brass, folk music, repertoire, dancing, opera or playwriting;

"National Cultural Associations" means an Association constituted on national basis for promoting and controlling culture and recognized as such by the Council;

"Permit" means any permit granted under this Act;

"Pornography" means any representation of pornography through publication, exhibition, cinematography, indecent show, information technology or by whatever means;

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

"Registrar" means registrar of the Council appointed under section 20 of this Act;

"Theatre" means any building, tent or other structure 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.



**PART II
ESTABLISHMENT OF ZANZIBAR ARTS AND
CENSORSHIP COUNCIL.**

Establishment.

3.-(1) There is hereby established a Council to be known as the Zanzibar Arts and Censorship Council by acronym shall be known as BASSFU.

(2) The Council shall be a Government Agency with perpetual succession and a common seal, and shall, in its Council name, be capable of:

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

Seal of the Council

4.-(1) There shall be a seal of the Council in such manner, shape and form as shall be determined by the Council.

(2) The seal of the Council shall be kept by the Executive Secretary and shall be authenticated by the signature of the Executive Secretary or in his absence shall be signed by acting person or a person authorized in writing by the Executive Secretary.

Composition of the Council.

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

- (a) Chairperson who shall be appointed by the President;
- (b) Executive Secretary;
- (c) Director responsible for basic education;
- (d) Director responsible for youth;
- (e) Director responsible for culture;
- (f) Director responsible for the Local Government Authority;
- (g) Director responsible for women affairs;
- (h) two representatives from major religious organisations;
- (i) two representatives from National Arts Associations; and
- (j) a representative of Zanzibar Commissioner of Police.

(2) Members of the Council who are appointed under sub section (1) (h), (i) and (j) of this section, shall be appointed by the Minister in consultation with the respective institution;

(3) The Minister shall consider gender representation in the appointment of the members of the Council.



Qualifications of chairperson.

6. A person shall be eligible to be appointed as a chairperson of the Council if:

- (a) is a Zanzibari;
- (b) has an experience of not less than ten years in cultural related matter; and
- (c) is a person of proven integrity in the society.

Functions of the Council.

7. The Council shall have the functions to:

- (a) recognize and register all arts groups and Arts Associations in Zanzibar;
- (b) preserve, maintain and promote values and norms of the Zanzibar culture;
- (c) promote local artistic performances and exhibitions nationally and internationally and assist registered bodies in training, research and publications;
- (d) maintain the policy of the Government in matters concerning arts and culture and to disseminate that policy;
- (e) provide general guidance to the District Arts and Censorship Committees on better exhibition of stage play and other entertainments;
- (f) facilitate participation of any group or individual in representing Zanzibar in any artistic activity within or outside Zanzibar;
- (g) carry out and promote research in the development and production of artistic works in Zanzibar;
- (h) arrange effective procedures of recognizing and rewarding the former artists who contributed to the development of artistic work in Zanzibar and the current artists;
- (i) ensure that all films recorded in or outside Zanzibar are censored by the Council before they are presented to the public;
- (j) approve budget of the Council;
- (k) censor entertainment advertisements in motor vehicles and business banners and other related matter;
- (l) develop, promote, regulate and encourage all forms of amateur and professional artists and not for commercial but for developing their profession on a national basis in conjunction with their associations and Government;
- (m) regulate and monitor all national arts programmes presented in Zanzibar;
- (n) regulate and provide modalities for the award of national honours for artistic merit;



- (o) approve applications for a cultural group from outside Zanzibar which intends to perform in Zanzibar; and
- (p) do and perform such other functions as may be conducive to the development and promotions of culture, music and arts.

(2) The Council shall exercise its functions in accordance with the conditions to be issued under the Regulations and shall issue the following permits and license:

- (i) permit for the cultural groups from outside Zanzibar that wish to perform in Zanzibar;
- (ii) performance license for all registered artistic groups;
- (iii) license of theatre and its procedures;
- (iv) license of theatre and the safety of persons attending theatre; and
- (v) any other license as may deem necessary.

Powers of the Council.

8.-(1) The Council shall have powers to:-

- (a) establish Committees in order to implement and facilitate its functions as may be deemed fit;
- (b) take disciplinary measures against any person, group of persons or associations which have acted contrary to the provisions of this Act or Regulations made under this Act;
- (c) censor films, video cassettes such as CD, DVD and HDV or any other items related thereto which have been recorded in or outside Zanzibar and are intended to be presented to the public;
- (d) suspend any cinematographic exhibition, stage play and any other entertainment which are inconsistent with righteous conducts of Zanzibar;
- (e) revoke permit given by the District Art and Censorship Committee;
- (f) receive appeal against the judgment or order made by District Art and Censorship Committee; and
- (g) serve as the supreme advisory body at national level on policy and decisions on all forms of arts and culture in the Zanzibar.

Meeting of the Council.

9.-(1) The Council shall meet at least once in every three months.

(2) The Chairperson may convene extra ordinary meeting of the Council when she/he deems necessary.



(3) The members of the Council shall elect one of its members among them to be a Vice Chairperson.

(4) The Chairperson shall preside over all meetings of the Council and in his absence, Vice Chairperson shall preside over that meeting and in the absence of Chairperson and Vice Chairperson, the members of the Council shall appoint one member to preside over the meeting.

(5) The quorum of the meeting shall be more than half of the members of the Council attended.

Decision of the Council.

10.-(1) All meetings of the Council shall be determined by the consensus and, upon failure to get consensus, the matter shall be determined by vote of more than half of the members.

(2) If there is equality of votes, the Chairperson shall have a casting vote.

(3) The Registrar shall cause to be recorded and kept minutes of all the meetings of the Council.

Tenure of the Members of the Council.

11.- (1) The Members of the Council shall hold office for a period of three years from the date of appointment, and may be eligible for re-appointment, for the same period.

(2) A member shall cease to be a member if:

(a) he dies;

(b) he is absent from three consecutive meetings without sufficient cause;

(c) he is convicted of any moral offence;

(d) he resigns; and

(e) in case a member of the Council becomes a member by virtue of his post and that member ceases to hold that post.

(3) When the office of the member of the Council becomes vacant in accordance with sub section (2) of this section, the appointing authority may appoint another person in his place to hold office for the remaining period of his term of office.

Remuneration of the Members.

12. Members of the Council shall be entitled to such remuneration or allowances as recommended by the Council and approved by the Minister after consultation with the Minister responsible for finance.

Staff of the Council.

13.-(1) The Council may, on such terms and conditions as it may determine, appoint such officers and employees as it considers necessary to achieve the Council's functions and for the efficient discharge of its responsibilities according to Public Service Act.



(2) The officers and employees appointed under sub section (1) of this section shall be paid salary in a manner of such service as may be approved by the Council in accordance with the procedure set in the Public Service Act.

Secretariat of the Council.

14.-(1) There shall be the Secretariat of the Council headed by the Executive Secretary of the Council.

(2) The Secretariat shall consist of the following members:-

- (a) Executive Secretary;
- (b) accountant;
- (c) Registrar; and
- (d) any other officers of the Council except Chairperson or Vice Chairperson.

Duties of the secretariat of Council.

15. The Secretariat shall have the following duties:-

- (a) to prepare, arrange and co-ordinate the day to day functions of the Council; and
- (b) to do any other function as determined by the Council.

PART III THE ADMINISTRATION OF THE COUNCIL

Executive Secretary of the Council.

16.-(1) There shall be an Executive Secretary of the Council who shall be appointed by the President.

(2) The Executive Secretary shall be the Chief Executive Officer of the Council.

Qualification of the Executive Secretary.

17. A person may qualify to be appointed as Executive Secretary if he has the following qualifications:-

- (a) he is a Zanzibari;
- (b) a senior public officer; and
- (c) at least a holder of first degree in social science, arts, language or any other related field from a recognised University.

Function of the Executive Secretary.

18.-(1) The Executive Secretary shall have the following functions:-

- (a) in consultation with the chairperson, to convene meetings of the Council;
- (b) prepare budget, plans and annual report;
- (c) implement the decisions of the Council;
- (d) supervise the District Arts and Censorship Committees; and



- (e) do any other functions prescribed by the Council relating to the activities of the Council.

Secretary of the Council.

19. The Registrar shall be the Secretary of the Council.

Registrar.

20.-(1) There shall be a Registrar of the Council who shall be appointed by the Minister in consultation with the Chairperson of the Council.

(2) The Registrar shall hold office according to the conditions of Public Service and terms of his appointment.

(3) The Council may appoint such number of officers to assist Secretary as the Council may consider necessary.

(4) The Secretary shall have such functions as may be conferred upon him by the Council in accordance with this Act.

Qualification of Registrar.

21. Registrar of the Council shall have the following qualifications:

- (a) be a Zanzibari;
- (b) at least a holder of degree of law from a recognized University; and
- (c) has an experience of at least seven years in public service.

Duties of Registrar.

22. The registrar shall exercise the following duties:-

- (a) receive applications for registration of the cultural groups and associations;
- (b) keep separate registers in the prescribed forms in which he shall register the list of cultural groups;
- (c) ensure all registered cultural groups or associations have their constitutions;
- (d) ensure provisions of the constitution and regulation of any cultural group comply with the provisions of this Act or any other laws of Zanzibar; and
- (e) shall keep the records of associations and cultural groups which are properly registered.

Powers of Registrar.

23.-(1) The Registrar shall have the following powers:

- (a) suspend or cancel the registration of any cultural group, if willfully delays or obstructs cultural inspector or other authorized officer in exercise of power conferred upon him by or under this Act;
- (b) suspend or cancel from performing, of any cultural group, club, if it fails or refuse to comply with any order or direction lawfully given by the Council;



- (c) suspend or cancel registration or performance of any of the cultural group pending to the decision of the Council upon the occurrence of any of the following:
 - (i) if any of the cultural groups deliberately violate provision of their constitution or regulations;
 - (ii) if its establishment and leadership are against its constitution or regulations. and
 - (iii) if any cultural group violates provisions of any laws of national ethics and morals.

(2) Without prejudice to the provision of subsection (1) of this section, the Registrar shall within two weeks inform the Council of his decision and the reasons for the suspension.

(3) Without prejudice to the subsection (2) of this section, the Council, upon receipt of the decision of the Registrar, shall:-

- (a) convene a meeting within two weeks to discuss the decision reached by the Registrar;
- (b) approve or reject the decision of the Registrar; or
- (c) issue directive to the Registrar as it deems fit.

Appeal.

24.-(1) A person who is aggrieved by the decision of the Council may appeal to the Minister.

(2) The Minister after receiving the appeal may do the followings:

- (i) receive and review the decisions made by the Council;
- (ii) make directives to the Council;
- (iii) allow any appeal or alter or vary the decision of the Council; or
- (iv) make any order as he deems fit.

(3) The decision of the Minister shall be final and upon dissatisfaction with the decision, a person may apply for review of such decision by the High Court.



Application for
Registration.

25.-(1) A cultural group shall not be allowed within Zanzibar to carry any artistic activities without being registered in accordance with the terms and condition set by the Council under this Act.

(2) An application for registration of a cultural group, shall be submitted to the Registrar in a prescribed form set out in the Regulations.

Fee and Charges.

26. Every cultural group shall pay to the Council the service charges as prescribed by the Regulations made under this Act.

Establishment of
District Arts and
Censorship of
Film Committees.

27.-(1) There shall be a District Arts and Censorship of Film and Culture Committee in each District which shall be appointed by the District Commissioner in consultation with relevant Institutions.

(2) The District Committee shall hold quarterly meetings every year and may hold a special meeting if the business of committee so require.

Composition of
the District Arts
and Censorship
of Film Commit-
tee.

28.-(1). The District Arts and Censorship of Film Committee shall have the following members:-

- (a) a District Cultural Officer who shall be a Chariman;
- (b) a District Cultural Inspector who shall be a secretary;
- (c) a representative of Sheha from a respective District who shall be appointed by District Commissioner;
- (d) District women officer;
- (e) a Police Officer with the rank of OCD from a relevant District;
- (f) a District Education officer;
- (g) District legal officer;
- (h) two representatives from district cultural groups; and
- (i) a representatives from Ministry responsible for culture.

Functions of
District Arts and
Censorship of
Films Commit-
tee.

29. The District Art and Censorship Film Committee shall exercise the following functions:-

- (a) to promote arts at district and community levels and to encourage and facilitate the arts activities;
- (b) to regulate cultural festivals and encourage preserving, and reviving the Culture at District level;



- (c) to censor all artistic works including the use of local and traditional songs, poetry and traditional dancing with a view of preserving and promoting Zanzibar culture at District level;
- (d) to censor all stage plays, songs, dances and other entertainments which are presented to the public;
- (e) to censor local dances, music, video cassettes, CD, DVD and HDV recorded in or outside District before they are used by or presented to the public at District level;
- (f) to receive and make decisions on appeal of aggrieved person against the decision of Sheha;
- (g) to advise Council in the matters related to arts and culture in general in the respective District;
- (h) to do any other functions prescribed by the Council relating to the activities of the Council;

District Cultural Inspector.

30. Subject to the provision of Local Government Act, the Minister shall designate a public servant to be District Cultural Inspector.

Qualifications of the District Cultural Inspector.

31. A person shall qualify to be appointed as a District Cultural Inspector if:-

- (a) he is Zanzibari; and
- (b) at least a holder of diploma and experience in culture, arts, music or film performance for five years.

Duties of the District Cultural Inspector.

32. The District Cultural Inspector shall exercise the following functions:-

- (a) to censor all stage plays and all other arts entertainments at District level;
- (b) to ensure permits for entertainment, advertisements and business banners are valid;
- (c) to ensure permit for cinematographic, video cassettes, stage play, taarab, ngoma, music and others related matters are valid;
- (d) to co-operate with other government institutions which deal with artistic works and cultures; and
- (e) to do any other function relating to the functions of the Council.



Power of the
District Cultural
Inspector.

33. The District Cultural Inspector shall have the following powers:-

- (a) to enter for inspection at all reasonable times in any premises or theatres in which he thinks the art performance are held;
- (b) to inspect all licenses and permits granted by the Council, District Arts and Censorship Committee or Sheha for validation;
- (c) to suspend all cultural activities which are performed contrary to Zanzibar culture and the provisions of this Act; and
- (d) to do any function as prescribed by the District Arts and Censorship Committee.

(2) A person preventing or obstructing the entry of a Cultural Inspector or an officer appointed by the Council commits an offence and upon conviction shall be liable for a fine of not less than five hundred thousand Tanzania shillings or imprisonment of not less than six months or both such fine and imprisonment.

PART IV APPLICATION FOR PERMIT

Issue of Permits.

34.-(1) A Sheha shall be responsible for issuing permits for all activities related to the performance of ngoma, art performance, presentation of stage play, and entertainment to be performed in respective Sheha.

(2) Without prejudice to the provision of sub section (1) of this section, permit shall be issued under the following conditions:

- (i) a time of starting and ending of the activities;
- (ii) a place at which the activity is to be performed; and
- (iii) payment to be paid.

PART V EXHIBITION, PUBLICATION OR DISTRIBUTION OF FILM AND POSTURE

Exhibition,
Publication or
Distribution of
posture.

35. A person who intends to make a posture or exhibition or distribution of posture in the public shall make a request to the Council for censorship and shall not make any exhibition or posture without having valid licence issued by the Council.



Prohibition of
Exhibition or
Distribution of
Posture.

36.-(1) A person shall not publicly exhibit any poster or advertisement containing any illustration of scenic description of any graphic unless such poster or advertisement has been censored and approved by the Council and seek permission from other relevant institutions.

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and upon conviction shall be liable to fine of not less than five hundred thousand Tanzania shilling or imprisonment for a period of not less than six months or both such fine and imprisonment.

PART VI LICENSING OF THEATRES AND SAFETY

License of
Cultural Groups.

37.-(1) There shall be a license issued by the Council to any cultural group that uses any place as a theatre in accordance with terms and conditions set by the Council.

(2) No cultural group shall use any place as a theatre without a valid theatre license issued by the Council.

(3) The Council may grant or refuse to grant theatre license subject to such Rules and Regulations made under this Act for securing the safety, health and convenience of persons attending the theatre.

(4) The Council may grant a license on satisfying that the safety, health and convenience of persons attending a theatre are adequately provided for and that the structure, equipment and lighting thereof conform with such rules as may have been made for the purpose under this Act.

(5) Any cultural group that uses any place as a theatre without having obtained a theatre license in respect thereof, or when the theatre license has ceased to be valid by reason of its expiry, shall commit an offence and upon conviction be liable for fine of not less than seven hundred thousand Tanzania shillings or imprisonment for a term not exceeding six months.

Contravention of
Condition of
License.

38. Any cultural group that:-

- (a) uses any place as a theatre; or
- (b) presents any cinematographic exhibition; or
- (c) presents, directs or takes part or assists in any stage play or entertainment;
or
- (d) directs or takes part or assists in the making of any cinematographic picture
Commits an offence.



(2) Without prejudice to the provisions of subsection (1) of this section, any cultural group which contravenes the condition of theatre license commits an offence and upon conviction shall be liable for fine of not less than three million Tanzania shillings or imprisonment of not less than three years.

Safety of
Theatre.

39.-(1) The Council or licensing officer may grant a theatre license on condition that the theatre:

- (a) shall be used for the purposes specified in the license under the supervision of some officers or members of the Council as designated in the license;
- (b) shall be lawful, at any time, for the cultural officer or members of the Council as designated to order a cinematographic exhibition, stage play or other entertainment to cease or to give any other direction which he may think necessary for ensuring the safety of the theatre and person attending.

(2) If the owner, manager, or other persons, in charge of the theatre fails to comply with any order or directions given in pursuance of the provisions of subsection (1) of this section, commits an offence and upon conviction, shall be liable for a fine not less than one million Tanzania shillings or imprisonment of not less than seven months.

Licensing of
Theatres and
Safety of
Persons Attend-
ing Theatre.

40.-(1) No theatre shall be used for the performance of stage plays or the presentation of cinematographic exhibitions without the license of the Council.

(2) The Council may grant a license on satisfying the safety and convenience of person attending on such performance and the license may be granted either generally or in respect of any single performance as it may think fit, provided that the period shall not exceed one year.

(3) The Council may refuse to grant license or revoke any license if conditions of such license are violated.

(4) Any such license may be revoked by the Council if it considers that the safety, cleaning or convenience of persons attending such performance is not adequately provided for.

Power of Entry in
Theatre by
Inspector.

41.-(1) A Council, Cultural Inspector, a police officer, or any officer authorized for that purpose by the Council, may at all reasonable times enter any theatre to observe whether the conditions of license granted under this Act have been complied with..

(2) Any person preventing or obstructing the entry of a police officer or any officer appointed under sub section (1) of this section, commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand Tanzania shillings or imprisonment of not less than six months or both such fine and imprisonment.



Description of Cinematographic Scene. **42.** A descriptive title of every picture or series of pictures intended to be presented at any cinematographic exhibition and copies of all posters advertising the same shall be sent to the Council with an account of the theatre where and the time when the exhibition is intended to be presented.

Power to Inspect. **43.** The Council may inspect or cause to be inspected any picture, or series of pictures and such pictures shall not be presented at any cinematographic exhibition or posters advertising such exhibition be displayed without license from the Council.

PART VII OBLIGATIONS OF INTERNET SERVICE PROVIDERS

Procedures. **44.** (1) Every Internet Service Provider shall take all reasonable steps to prevent the use of their services for the hosting or distribution of pornography to children.

(2) If an Internet Service Provider has knowledge that its services are being used for the hosting or distribution of child pornography, such Internet Service Provider shall:

- (a) take all reasonable steps to prevent access to the pornography by any user;
- (b) report the presence thereof, as well as the particulars of the person maintaining or hosting or distributing or in any manner contributing to such Internet address, to police post in such area; and
- (c) preserve such evidence for purposes of investigation and prosecution by the relevant authorities.

(3) Any Internet Service Provider that fails to comply with provisions of subsections (1) and (2) of this section, commits an offence and upon conviction, shall be liable to a fine of three hundred thousand Tanzania shillings or to imprisonment for a period not less than six months or to both such fine and imprisonment.

Internet Service Provider. **45.**-(1) An Internet Services Provider who fails to comply with the provisions of this Act, permits to be uploaded or downloaded any content of a pornographic nature, commits an offence and upon conviction, shall be liable to a fine of not less than five hundred thousand Tanzania shillings or imprisonment for a term not less than six months.

(2) Where a publisher or broadcaster or internet-content-developer or dealer in telephone-related business or Internet Services Provider (ISP) commits an offence under subsection (1) of this section and upon conviction, shall be suspended to conduct his business.



(3) A person who fails to comply with an order given under subsection (2) of this section, commits an offence and upon conviction, shall be liable to a fine not exceeding five hundred thousand Tanzania shillings or imprisonment for a term not less than one year or both such fine and confinements.

PART VIII PROHIBITION OF PORNOGRAPHY

Prohibition of
Pornography.

46.- (1) A person shall not produce, traffic in, broadcast, procure, import, export, sell or abet any form of pornography.

(2) A person who produces or participates in the production of, or traffics in, publishes, broadcasts, procures, imports, exports or in any way abets pornography, commits an offence and upon conviction shall be liable to a fine not less than two millions shillings or imprisonment for a term a not less than two years.

Child
Pornography.

47. A person who produces, participates in the production of, or traffics in, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children, commits an offence and upon conviction shall be liable to a fine not exceeding two million Tanzania shillings or imprisonment for a term not exceeding two years or both.

Forfeiture and
Destruction of
Pornography.

48. where a person has committed an offence under this Act, and upon conviction the court shall order the forfeiture and destruction of all material and objects related to pornography.

PART IX FINANCIAL PROVISIONS

Fund of the
Council.

49.-(1) There shall be a fund of the Council which shall be appropriated by the House of Representatives.

(2) The Council may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained or derived, charge to the fund all remunerations, allowances, salaries, working expenses and all other charges properly arising for better performance of the function of the Council.

Estimates.

50. The Executive Secretary shall, in every three months after expiry of financial year submit a report to the Council for discussion.

Accounts and
Audit.

51.-(1) The Council shall cause to be made and kept the proper and complete books of accounts reflecting all incomes and expenses of the Council.

(2) The Executive Secretary shall, subject to such directions from the Council, prepare statement of accounts which shall include:-



- (a) annual financial statement and statement of income and expenses; and
- (b) such other information in respect of financial affairs of the Council as required under the Public Finance Act.

(3) Within three months of closing of every financial year the accounts, including the financial statement of the Council in respect of that financial year shall be submitted to the Controller and Auditor General for auditing.

PART X OFFENCES AND PENALTIES

Offences and Penalties.

52.-(1) A person who is holding or playing or taking any part in or aiding and abetting the holding of any arts performance, the holding of which is prohibited under the provisions of this Act, commits an offence.

(2) A person who willfully contravenes any obligation made under the provisions of this Act, commits an offence and shall, upon conviction be liable to fine of not less than one million shillings or imprisonment for a term of not less than six months or both such fine and imprisonment.

(3) A person who obstructs a Cultural Inspector in the execution of his duties and powers under this Act, commits an offence and upon conviction shall be liable to imprisonment for a term not less than six months or to a fine not less one million Tanzania shillings or both such fine and imprisonment.

Prohibition of Possession of Film and Publication.

53.(1) A person who:-

- (a) unlawfully possesses;
- (b) creates, produces or in any way contributes to, or assists in the creation or production of;
- (c) imports or in any way takes steps to procure, obtain or access or in any way assists in, or facilitates the importation, procurement, obtaining or accessing of; or
- (d) makes available, exports, broadcasts or in any way distributes or causes to be made available, exported, broadcasted or distributed or assists in making available, exporting, broadcasting or distributing, any film which contains depictions, descriptions or scenes of pornography or which advocates, advertises, encourages or promotes child pornography or the sexual exploitation of children, commits an offence.



(2) Subject to the provision of subsection (1) of this section, the person commits an offence and upon conviction, shall be liable to a fine not less than one million shillings or imprisonment for a term of not less than six months or both such fine and imprisonment.

(3) Any person, having knowledge of the commission of any offence under subsection (1) of this section or having reason to suspect that such an offence has been or is being committed and fails to:

- (a) report such knowledge or suspicion as soon as possible to the Council or police officer; and
- (b) furnish, at the request of the Council or Police officer, all particulars of such knowledge or suspicion,

commits an offence and upon the conviction, shall be liable to a fine of not less than two millions Tanzania shillings or imprisonment of a term not exceeding one year or both.

(4) Any person who processes facilitates or attempts to process or facilitate a financial transaction, knowing that such transaction will facilitate access to, or the distribution or possession of, child pornography, commits an offence and upon the conviction, shall be liable to a fine of not more than two millions Tanzania shillings or imprisonment of not exceeding eight months or both.

PART XI MISCELLANEOUS PROVISIONS

Regulations.

54. The Minister may, in consultation with the Council, make Regulations for carrying out the provision of this Act.

Repeals and Savings.

55.-(1) The Zanzibar Arts and Music Council Ngoma Regulations, Stage Plays and Cinematography Act No. 6 of 1983 and The Censorship and Cinematographic Exhibition Act No. 9 of 2009 are hereby repealed.

(2) Without prejudice to the repealed laws as provided under subsection (1) of this section, anything done in accordance with any repealed laws shall be deemed to have been done in accordance with the provisions of this Act.



(2) Subject to the provision of subsection (1) of this section, the person commits an offence and upon conviction, shall be liable to a fine not less than one million shillings or imprisonment for a term of not less than six months or both such fine and imprisonment.

(3) Any person, having knowledge of the commission of any offence under subsection (1) of this section or having reason to suspect that such an offence has been or is being committed and fails to:

- (a) report such knowledge or suspicion as soon as possible to the Council or police officer; and
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PASSED by the House of Representatives of Zanzibar on 23rd of January, 2015


YAHYA KHAMIS HAMAD
CLERK HOUSE OF REPRESENTATIVES
ZANZIBAR

