

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 5 OF 2018

The Independent Broadcasting Authority Act, 2002
(Act No. 17 of 2002)

The Independent Broadcasting Authority (Television
Levy) Regulations, 2018

ARRANGEMENT OF REGULATIONS

Regulation

1. Short Title
2. Interpretation
3. Application
4. Rate of levy
5. Penalty for late remittance of levy
6. Utilisation of levy
7. Inspection unit
8. Offences and penalties

IN EXERCISE of powers contained in section 47 of the Independent Broadcasting Authority Act, 2002, the following Regulations are made:

- | | |
|-------------------------------------|---|
| Short title | 1. These Regulations may be cited as the Independent Broadcasting Authority (Television Levy) Regulations, 2018. |
| Interpretation | 2. In these Regulations, unless the context otherwise requires—
“ Authority ” has the meaning assigned to the word in the Act;
“ Corporation ” has the meaning assigned to the word in the Act;
“ licensee ” means the holder of a broadcasting licence authorising the holder to provide a subscriber management service;
“ public broadcasting service ” means a terrestrial, satellite, cable or any electronic broadcasting medium that provides a broadcast signal in digital format and digital broadcast shall be construed accordingly; and
“ television levy ” has the meaning assigned to the word in the Act. |
| Application | 3. These Regulations apply to a licensee and the Corporation. |
| Rate of levy | 4. (1) The television levy payable under the Act shall be paid at the rate of five kwacha in respect of a broadcast signal or redistributed part thereof.
(2) A licensee and the Corporation shall remit to the Authority a television levy collected under sub-regulation (1) on or before the tenth day of the month following the month in which the television levy is paid.
(3) A licensee and the Corporation shall, on remitting the payments under sub-regulation (2) record the amount of the levy charged and such other particulars as the Authority may require.
(4) The Authority shall transfer the television levy to the Consolidated Fund within fourteen days of receipt of the television levy. |
| Penalty for late remittance of levy | 5. (1) Where an amount of a television levy due is not paid within the period stipulated in regulation 4 (2), a penalty equal to five percent of the unremitted amount shall be payable by a licensee or the Corporation for each month or part thereof which the television levy remains unpaid, and for the purpose of recovery and collection, such penalty shall be considered to be a part of the television levy. |

(2) The Authority may, where the Authority considers necessary, waive the whole or part of the penalty.

6. (1) The funds from the levy shall be utilised for payment of— Utilisation of levy

(a) expenses for the provision of a public broadcasting service including administrative costs; and

(b) administrative expenses to the licensee, Corporation and the Authority as may be determined by the Minister.

7. (1) The Authority shall establish an inspectorate unit and may appoint such number of inspectors as are necessary to enforce the provisions of these Regulations. Inspectorate unit

(2) An inspector appointed under the Regulations shall be issued with a certificate of appointment which shall be *prima facie* evidence of the inspector's appointment.

(3) An inspector carrying out a function under these Regulations shall on demand by a person affected by the exercise of the inspector's power under these Regulations, produce for inspection the certificate referred to in sub-regulation (2).

8. (1) A licensee or the Corporation shall not— Offences and penalties

(a) make a false declaration of subscribers;

(b) conceal information relevant to the levy;

(c) remit the levy late; or

(d) evade or avoid the payment of the levy.

(2) The Corporation or licensee that contravenes subregulation (1) commits an offence and is liable on conviction to the penalty specified in the Act.

LUSAKA
29th January, 2018
[MIBS.101/20/2]

K. MULENGA,
*Minister of Information and
Broadcasting Services*