

GOVERNMENT OF ZAMBIA

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# ACT

No. 20 of 2002

Date of Assent: 31st December, 2002

**An Act to amend the Zambia National Broadcasting Corporation Act**  
[31st December, 2002]

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Zambia National Broadcasting Corporation (Amendment) Act, 2002 and shall be read as one with the Zambia National Broadcasting Act, in this Act referred to as the principal Act.

Short title and commencement  
Cap. 154

(2) This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

2. Section *two* of the principal Act is amended—

Amendment of section 2

(a) by the insertion in the appropriate place of the following new definition:

“appointments committee” means an appointments committee appointed under section *four A*;

(b) by the deletion in the definition of “inspector” of “section *thirty-two*” and the substitution therefor of “section *twenty-six*”;

(c) by the deletion of the definition of “broadcaster” and the substitution therefor of the following new definition:

“broadcaster” means the Corporation;

(d) by the deletion of the definition of “dealer” and the substitution therefor of the following:

“dealer” means—

(a) a person who carries on a trade, business or industry in which television receivers are assembled, manufactured, imported, bought, sold, exchanged or offered or exposed for sale or exchange; or

(b) an auctioneer of television receivers; and cognate expressions shall be construed by reference, *inter alia*, to transactions or operations such as are carried on by persons referred to in paragraph (a).

Repeal and  
replacement  
of section 4

3. The principal Act is amended by the repeal of section *four* and the substitution thereof of the following:

Constitution  
of Board of  
Directors

4. (1) There is hereby constituted the Zambia National Broadcasting Corporation Board which shall, subject to the provisions of this Act, perform the functions of the Corporation under this Act.

(2) The Board shall consist of nine part-time directors appointed by the Minister on the recommendation of the appointments committee, subject to ratification by the National Assembly.

(3) A person shall not be qualified to be appointed to the Board unless the person is committed to fairness, freedom of expression, openness, and accountability and when viewed collectively the persons appointed shall be representative of a broad section of the population of the Republic.

(4) The Chairperson and the Vice-Chairperson shall be elected by the directors from amongst themselves.

(5) A person shall not be appointed as a director if that person—

- (a) is not a citizen of Zambia;
- (b) is not permanently resident in Zambia;
- (c) is a member of Parliament or local authority;
- (d) is an office bearer or employee of any political party;
- (e) is an immediate family member of a person referred to in paragraph (d);
- (f) is an undischarged bankrupt;
- (g) has been convicted of an offence involving fraud or dishonesty; or
- (h) has been convicted of an offence under any other written law and sentenced to a term of imprisonment of not less than six months, without the option of a fine.

(6) The directors shall be paid such allowances as the Board may, with the approval of the Minister, determine.

(7) Except as otherwise provided in this Act, the Board shall not be subject to the direction of any other person or authority.

4. The principal Act is amended by the insertion after section *four* of the following new section:

Insertion of  
section 4A

4A. (1) The Minister shall, for the purposes of section *four* constitute an *ad hoc* appointments committee consisting of the following:

Appointments  
committee

- (a) one member nominated by the Law Association of Zambia;
- (b) one member nominated by a non-governmental organisation active in human rights;
- (c) one member nominated by religious organisations; and
- (d) one member nominated by the Ministry responsible for information and broadcasting.

(2) The Chairperson of an appointments committee shall be appointed by the members from amongst their number.

(3) The members of an appointments committee shall be appointed on such terms and conditions as the Minister may determine.

(4) The functions of an appointments committee shall be—

- (a) to invite applications from persons with such qualifications as may be specified for appointment to the Board;
- (b) to interview the applicants and nominees referred to in paragraph (a); and
- (c) following the interview referred to in paragraph (b), to select the candidates for appointment to the Board and to submit a recommendation to the Minister.

(5) An appointments committee shall determine its own procedure.

(6) There shall be paid to the members of an appointments committee such allowances as the Minister may determine.

(7) The Corporation shall pay the expenses incurred by an appointments committee in the performance of its functions under this Act.

Repeal and  
replacement  
of section 5

5. The principal Act is amended by the repeal of section *five* and the substitution therefor of the following:

Tenure of  
office and  
vacancy

5. (1) Subject to the other provisions of this Act, a director shall hold office for a period of three years from the date of appointment and may be re-appointed for one further term of three years.

(2) On the expiration of the period for which a director is appointed, the director shall continue to hold office until the director's successor is appointed but in no case shall such further period exceed three months.

(3) The office of a director shall become vacant—

(a) upon resignation;

(b) upon the death of the director;

(c) if that director without good cause or approval of the Chairperson is absent from three consecutive meetings of the Board of which that director had notice;

(d) if that director is adjudged bankrupt;

(e) if the director is declared to be of unsound mind;  
and

(f) if the director is convicted of an offence for a period exceeding six months without the option of a fine or convicted of any offence involving dishonesty.

(4) A director may resign from office by giving one months' notice in writing to the Minister.

(5) Whenever the office of a a director becomes vacant before the expiry of the term of office the Minister may, on the recommendation of appointments committee and subject to ratification by the National Assembly, appoint another director in place of the director who vacates office but such director shall hold office only for the unexpired term.

Repeal and  
replacement  
of section 7

6. The principal Act is amended by the repeal of section *seven* and the substitution therefor of the following:

Functions of  
Corporation

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

(a) provide varied and balanced programming for all sections of the populations;

(b) serve the public interest;

(c) meet high professional quality standards;