

Draft of 29th January, 2010

A Bill for an Act

Entitled

THE PRESS AND JOURNALIST (AMENDMENT) BILL, 2010

An Act to amend the Press and Journalist Act in order to provide for registration of newspapers; to require that the editor of a newspaper shall ensure that what is published is not prejudicial to national security; to rationalize the composition of the media council; to provide for licensing of newspapers; to increase the membership of the disciplinary committee; to provide for expeditious disposal of complaints before the disciplinary committee; to provide for offences and penalties and to provide for other related matters.

BE IT ENACTED by Parliament as follows –

1. Amendment of section 1 of the Press and Journalist Act

Section 1 of the Press and Journalist Act, in this Act referred to as the principal Act is amended by inserting immediately after paragraph (b) the following –

“(ba) “Currency point” has the value assigned to it in Schedule 1A”.

2. Insertion of new section 4A of the principal Act

The principal Act is amended by inserting immediately after section 4 the following –

“4A Registration of newspapers

(1) The proprietor of a newspaper shall not operate a newspaper unless it is registered with the Council and has complied with the requirements of section 5.

(2) A person who contravenes subsection (1) commits an offence and is on conviction liable to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.”

3. Amendment of section 6 of the principal Act

Section 6 of the principal Act is amended by inserting immediately after paragraph (a) the following -

“(aa) ensure that what is published is not prejudicial to the national security;”

4. Amendment of section 8 of the principal Act

Section 8 of the principal Act is amended in subsection (2) -

(a) by inserting immediately before paragraph (a) the following –

“(aa) a chairperson of the council appointed by the Minister;”

- (b) by substituting for paragraph (b) the following -
 - “(b) one distinguished scholar in mass communication appointed by the Minister in consultation with the National Institute of Journalists of Uganda;”
- (c) by inserting immediately after paragraph (c) the following -
 - “(ca) one representative of the private sector newspaper operators;”
- (d) by substituting for paragraph (e) the following –
 - “(e) two members of the public who are not journalists appointed by the Minister;”
- (e) by substituting for paragraph (f) the following –
 - “(ee) a distinguished lawyer appointed by the Minister in consultation with the Uganda Law Society.”

5. Amendment of section 9 of the principal Act

Section 9 of the principal Act is amended by inserting immediately after subsection (1) (a) the following –

- “(aa) to register newspapers;
- (ab) to license newspapers;
- (ac) to regulate investment by print media owners in the print industry;
- (ad) to regulate foreign media ownership by limiting the involvement of foreign media in the print industry;

6. Insertion of new section 9A in the principal Act

The principal Act is amended by inserting immediately after section 9 the following -

“9A. Licensing of newspapers

- (1) A person shall not operate a newspaper unless there is in force in relation to the newspaper a license issued by the Council.
- (2) An application for a license shall be in the form prescribed by Regulations.
- (3) The Council shall before issuing a license under this section take in account the following-

- (a) that the applicant -
 - (i) in the case of an individual, is a resident of Uganda; or
 - (ii) is a locally registered partnership or company;
 - (b) proof of existence of adequate technical facilities; and
 - (c) social, cultural and economic values of the newspaper.
- (4) A license issued under this section is valid for one year and is renewable subject to the requirements under subsections (2) and (3).
- (5) Where the Council refuses to grant a license in respect of a newspaper, it shall state in writing the reasons for the refusal.
- (6) A person whose application for a license under this section has been refused may appeal to the High Court and the High Court may confirm or set aside the refusal and may give such orders as it may consider appropriate.
- (7) The Council may revoke a license issued under this section on the following grounds –
- (a) publishing material that is prejudicial to national security, stability and unity;
 - (b) publishing any matter that is injurious to Uganda’s relations with new neighbours or friendly countries;
 - (c) publishing material that amounts to economic sabotage; and
 - (d) contravention of any condition imposed in the license.
- (8) A person whose license has been revoked may appeal to the High Court against the revocation and the High Court may confirm or set aside the revocation and make such other order as it may consider appropriate.
- (9) A person who –
- (a) operates a newspaper without a license issued under this section; or
 - (b) contravenes the provision of a license issued under this section, commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.”

7. Amendment of section 30 of the principal Act

Section 30 of the principal Act is amended by inserting immediately after paragraph (c) the following –

- “(d) a distinguished lawyer nominated by the Uganda Law Society;
- (e) one representative of the private sector newspaper proprietors;
- (f) two members of the public who are not journalists;
- (g) a distinguished scholar in mass communication appointed by the Minister.”

8. Amendment of section 31 of the principal Act

Section 31 of the principal Act is amended by inserting immediately after subsection (3) the following -

“(4) The committee shall ensure that the hearing does not take more than two weeks after the date fixed for the hearing.”

9. Insertion of new section 36A in the principal Act

The principal Act is amended in Part VIII by inserting immediately before section 37, the following -

“36A Offences and penalties

(1) A person shall not publish the newspaper material that is prejudicial to national security or stability and unity or utterances that are injurious to relations between Uganda and her neighbours or friendly countries.

(2) A person shall not publish in a newspaper material that amounts to economic sabotage.

(3) A person who contravenes subsection (1) or subsection (2) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.”

10. Insertion of new section 42A in the principal Act

The principal Act is amended by inserting immediately after section 42 the following -

“42A Amendment of Schedule 1A

The Minister may by statutory instrument with the approval of Cabinet amend Schedule 1A.”

11. Insertion of Schedule 1A

The principal Act is amended by inserting immediately before the First Schedule, the following -

“SCHEDULE 1A

Currency point

Currency point is equivalent to twenty thousand Uganda Shillings.”

12. Transitional provisions

Any person operating a newspaper immediately before the commencement of this Act shall apply for registration and for a license under section 4A and 9A of the principal Act within six months after the commencement of this Act.