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S T A T U T O R Y I N S T R U M E N T S

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THE UGANDA COMMUNICATIONS (CONTENT)
REGULATIONS, 2019

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The Uganda Communications (Content) Regulations, 2019

(Under sections 5(1) (x), 14 (2) and 93 of the Uganda Communications Act, 2013, Act 1 of 2013)

IN EXERCISE of the powers conferred upon the Minister by section 93 of the Uganda Communications Act, 2013 and in consultation with the Uganda Communications Commission, these Regulations are made this 5th day of July, 2019.

PART I—PRELIMINARY

1. Title and application.

(1) These Regulations may be cited as the Uganda Communications (Content) Regulations, 2019.

(2) These Regulations apply to all content in telecommunications, data and radio communications and broadcasting and postal communications.

2. Objective of Regulations.

The objective of these Regulations is—

- (a) to regulate matters relating to content under the Act; and
- (b) to define the functions of the Contents Committee established under section 14 (2) of the Act.

3. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“advertising” means the broadcasting of any item in return for payment or other valuable consideration with the intention of—

- (a) selling to a viewer or listener, any product or service;
- (b) convincing a viewer or listener of a belief or course of action; or
- (c) promoting a product, service, belief, course of action, person or organisation;

“authorised” in relation to an officer or employee of the Commission, means a person authorised by the Executive Director to exercise the powers or perform the duties in respect of which an authorised person is required to perform;

“Board” means the Board of the Uganda Communications Commission;

“broadcaster” means a licensed person who packages and distributes or distributes television or radio programmed services for reception by subscribers or the public, regardless of the technology used;

“broadcasting” means the transmission of sound, video, or data, intended for simultaneous reception by the public;

“child” means a person under the age of eighteen years;

“Commission” means the Uganda Communications Commission established by the Act;

“communications” means telecommunications, data communication, radio communications, and postal communications; and includes broadcasting;

“content” means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically by post;

“content provider” means a person or entity providing content services, whether individually licensed or for the benefit of an operator;

“content services” means services offered by a content provider who may be a third party or operator;

- “currency point” has the value assigned to it in the Schedule to these Regulations;
- “Electoral Commission” means the Electoral Commission established by article 60 of the constitution;
- “election period” means the period determined by the Electoral Commission as the period during which nomination, update and display of vote’s registers, campaigning, voting and declaration of results shall take place;
- “infomercial” means any advertising broadcast in visual or audio form lasting for more than two minutes which may contain demonstrations of the use of the product or service advertised, entailing direct offers to the public in return for payment, and which results in the broadcaster receiving payment, in monetary terms or otherwise;
- “inspector” means a person appointed by the Commission under section 49 of the Act;
- “Media Council” means the Media Council established under the Press and Journalists Act;
- “minimum broadcasting standards” means the minimum broadcasting standards prescribed in Schedule 4 to the Act;
- “Minister” means the Minister responsible for information and communications technology;
- “operator” means a person licensed to provide a telecommunications, postal or broadcasting service;
- “ political organisation” means any free association or organisation of persons the objects of which include the influencing of the political process or sponsoring a political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level;
- “political party” means a political organisation the objects of which include the influencing of the political process or sponsoring a

political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level;

“producer” includes a person who is, at any given time, in charge of program production and transmission to the public by means of any electronic apparatus;

“programme” in relation to a broadcasting service, means sound, vision or a combination of both, intended to inform, educate or entertain; and includes text or data;

“Tribunal” means the Uganda Communications Tribunal;

“watershed” refers to the time in television schedules, between 5.00 a.m. and 10.00 p.m. or such other time as may be prescribed by the Commission by notice in the Gazette, during which content not suitable for children may not be broadcast or aired.

PART II — FUNCTIONS OF THE CONTENTS COMMITTEE

4. Functions of Contents Committee.

The Contents Committee established by the Board under section 14 (2) of the Act shall—

- (a) oversee and advise the Board on all content matters, including postal matters;
- (b) consider content regulation based on the following tiers of regulation—
 - (i) Tier 1, relating to negative content regulation including offences, accuracy, impartiality, fairness and privacy including complaints from other Government bodies;
 - (ii) Tier 2, relating to quantitative matters such as local content quotas; and
 - (iii) Tier 3, relating to the licensing of broadcasters, including content service providers and infrastructure providers;
- (c) protect and promote the interests of viewers and listeners; including working with the department responsible for

- broadcasting to set and enforce quality and standards for all content, including television and radio content;
- (d) enforce the Broadcasting Code and minimum broadcasting standards;
 - (e) develop regulations for content in light of changes to technology and consumer behavior;
 - (f) foster smooth coordination between the Commission and other departments and agencies of Government with responsibilities related to content regulation; and
 - (g) develop policies governing—
 - (i) the licensing of community broadcasting; and
 - (ii) the use of sign language and subtitling for the deaf and hard of hearing for content output by operators.

PART III — CONTENT SERVICES

5. Content services.

The Commission shall monitor all—

- (a) content carried by operators;
- (b) content service providers; including third party content providers transmitting content through an operator;
- (c) content relating to postal articles; and
- (d) advertising content.

6. Broadcasting services.

(1) All broadcasting equipment shall meet the minimum technical standards specified by the Commission.

(2) The Commission may specify additional equipment to be carried or installed by an operator with a broadcasting licence.

(3) The Commission may confiscate any broadcasting equipment that does not meet the minimum technical standards specified in subregulation (1).

(4) Every operator shall comply with guidelines for filtering content, issued by the Commission.

(5) An operator shall not, in any programme or presentation—

- (a) broadcast or publish pornographic material, obscene material; or
- (b) broadcast or publish any material which infringes upon the privacy of an individual.

(6) Every broadcaster shall comply with the minimum the broadcasting standards prescribed in Schedule 4 to Act.

(7) An operator shall ensure that all programmes and presentations comply with the Act, these Regulations, guidelines and classification rules and standards issued by the Media Council and any other applicable law.

7. Record keeping.

(1) Every operator of a broadcasting station or disseminating apparatus shall retain a record of all programmes, presentations and content that is broadcast, for a period of not less than sixty days at the operators' ordinary place of business.

(2) The operator shall ensure that the records retained under subregulation (1) are complete authentic and original.

(3) The Commission may extend the period of sixty days prescribed under subregulation (1).

(4) Every broadcast operator and producer operating disseminating apparatus shall maintain a public file in which shall be kept—

- (a) the programme line-up and copy of the programming code approved by the Commission;
- (b) written complaints received by the operator;
- (c) written correspondence between any person with a specific content complaint and the operator
- (d) a log of telephonic complaints received by the operator; and
- (e) details of how and when a content complaint referred to in paragraph (c) has been resolved.

(5) The information referred to in subregulation (4) shall be supplied, upon written request or demand by the Commission, and shall be complete and authentic.

(6) Every broadcaster shall maintain, at the ordinary place of business, personnel records including full details of all persons employed by the broadcaster a producer, the length of service and information relating to the status of each employee and whether they are employed on a full-time, part-time or temporary consulting basis.

PART IV — CONTENT

8. General requirements.

(1) An operator shall broadcast its station identity at intervals prescribed by the Commission from time to time by notice in the Gazette.

- (2) An operator shall not broadcast any material which—
- (a) uses or contains offensive language; including profanity and blasphemy;
 - (b) presents sexual matters in an explicit and offensive manner;
 - (c) glorifies violence or depicts violence in an offensive manner;
 - (d) is likely to create public insecurity or violence, incite,

perpetuate hatred or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, disability, religion or culture of that person or section of the community;

- (e) has no program rating indicated prior to the commencement of the program; or
- (f) is not in compliance with the law.

(3) An operator shall ensure that any programme which is broadcast is not contrary to public morality and does not promote violence or ethnic prejudice among the public, especially children and the youth.

(4) An operator shall ensure that—

- (a) adult-oriented programmes are appropriately scheduled in accordance with regulation 28; and
- (b) where a broadcast relates to national security, the contents of the broadcast are verified by the broadcaster before broadcasting.

9. Protection of children.

An operator shall—

- (a) not broadcast content that may disturb or be harmful to children; including content with offensive language, explicit sexual or violent material, music with sexually explicit lyrics or lyrics which depict violence during the water shed period; and
- (b) request for permission to conduct an interview with a child from the parent or guardian of the child before conducting the interview.

10. News reporting.

An operator shall ensure that—

- (a) at least one and a half hours of the daily programme and broadcast output is for news;

- (b) news and information are broadcast and presented in an objective balanced manner, without prejudice or departure from facts through distortion, exaggeration, misrepresentation or material omissions;
- (c) fair reporting, is given;
- (d) news is presented in a way that does not create public panic or unnecessary distress to the listening and viewing public;
- (e) news presented in a manner that clearly distinguishes between facts and individual opinions, comments and views;
- (f) material relating to a person's private affairs is not aired unless there is a legitimate public interest in broadcasting such information;
- (g) during the presentation of current affairs programmes, factual programmes and documentaries where issues of public importance are discussed, reasonable effort is made, and reasonable opportunity is given, to present a fair, accurate, balanced and impartial view;
- (h) subject to paragraph (g), where the broadcaster allows the expression of personal views during the programmes, the audience is informed in advance and given an opportunity to respond to the views;
- (i) the audience is advised in advance of news items containing accounts of extraordinary violence, sexual conduct or gruesome accounts of death; and
- (j) court and parliamentary proceedings are reported accurately and that the reporting does not contain premature conclusions which may prejudice the outcome of the case or parliamentary proceedings, and the broadcast complies with any other applicable law.

11. Unconfirmed reporting.

An operator shall not broadcast any report—

- (a) that is not based on fact or that is founded on opinion, rumour, supposition or allegation, unless the broadcast is carried out in a manner that indicates these circumstances clearly; or
- (b) where there is sufficient reason to doubt its accuracy and it is not possible to verify the accuracy of the report before it is broadcast.

12. Correction of errors in reports.

An operator shall broadcast the correction of any factual error—

- (a) without reservation, as soon as it is reasonably possible after it has been established that there was an error; and
- (b) with an equivalent degree of prominence and timing; and the correction shall be broadcast during a similar time-slot as the original error as soon as is reasonably possible and where appropriate or ordered by the Commission, shall include an apology.

13. Reporting on controversial issues.

An operator shall ensure that when broadcasting controversial issues of public interest during live broadcasts—

- (a) a wide range of views and opinions are represented;
- (b) a person or organisation whose views on any controversial issues of public interest have been criticised during a broadcast, and who replies to the criticism within a reasonable time, shall be offered an opportunity by the operator to reply to the criticism; and
- (c) a reply to criticism under paragraph (b) is given a similar degree of prominence and shall be broadcast in a similar time-slot, as soon as is reasonably possible, but in any case not later than 48 hours from the date the broadcast under paragraph (b) is aired.

14. Election period.

- (1) An operator shall ensure that during an election period—

- (a) where a programme that is broadcast is in respect to a contender for a public office, that each contender is given equal opportunity on the programme in accordance with these Regulations;
- (b) equitable coverage and opportunity is given to political parties and organisations participating in an election;
- (c) the name of the political party or sponsor, if any, on whose behalf a broadcast is made, is announced, immediately before the commencement and immediately after the broadcast; and
- (d) a broadcast sponsored by or made on behalf of a political party other than an advertisement of the broadcast is not permitted to be dramatised.

(2) Subregulation (1) applies to public referenda organised by the Electoral Commission.

15. Limitation on broadcasts of party elections.

A party election broadcast shall be broadcast on a broadcasting service only during an election period and, to the extent, authorised under regulation 17.

16. Broadcasting of party election broadcasts.

(1) Subject to this regulation, a broadcaster shall permit a party election broadcast only during an election period and the broadcast shall be produced on behalf of the political party concerned and authorised by its duly authorised representative.

(2) A party election broadcast shall not contain any material which may reasonably be anticipated to expose the broadcaster to legal liability if that material were to be broadcast.

(3) A party election broadcast shall comply with the requirements of these Regulations and the minimum broadcasting standards set out in Schedule 4 to the Act.

(4) No party election broadcast shall be made in contravention of the limits set by the Electoral Commission or, where the limit is not specified, later than forty eight hours before the commencement of the polling period.

(5) A commercial or community broadcaster is not required to broadcast party election broadcasts and where it elects to do so, these Regulations apply to it with necessary modifications.

17. Political advertising.

(1) A broadcaster is not required to broadcast a political advertisement, but where the operator elects to do so, the operator shall afford all other political parties or candidates, where they so request, a similar opportunity.

(2) A broadcaster may broadcast a political advertisement only during an election period and the advertisement must have been submitted to the operator on behalf of a political party by a duly authorised representative of the party or campaigns.

(3) In making advertising time available to political parties or candidates, a broadcaster shall not discriminate against any political party or candidate, or subject any political party or candidate to any prejudice.

(4) A political advertisement shall not contain any material which may reasonably be anticipated to expose the broadcaster to legal liability if that material were to be broadcast.

(5) A political advertisement must comply with the requirements of the Act, these Regulations and the minimum broadcasting standards.

(6) This regulation is subject to the provisions of any law relating to the expenditure of political parties during an election period.

18. Equitable treatment of political parties and organisations during election period.

(1) Where, during an election period, the coverage of any broadcasting service extends to the discussion of elections, political parties and related issues, the broadcaster shall afford reasonable opportunity for the discussion of conflicting views and shall treat all political parties equitably.

(2) In the event of any criticism against a political party or organisation in a particular programme of any broadcasting service—

(a) without the political party or organisation having been afforded an opportunity to respond to the criticism in the programme; or

(b) without the view of the political party or organisation having been reflected in the criticism, the broadcasting services operator shall afford that political party or organisation a reasonable opportunity to respond to the criticism.

(3) Where within forty eight hours before the commencement of the polling period or during the polling period, a broadcasting services operator intends to broadcast a programme in which a particular political party or organisation is criticised, the operator must ensure that the political party or organisation in question is given a reasonable opportunity—

(a) to respond to the criticism in the same programme; or

(b) to respond to the criticism as soon as is reasonably practicable thereafter.

(4) Subregulation (3) does not apply in relation to the contents of any party election broadcast in the circumstances contemplated in regulation 18 and to any political advertisement in the circumstances contemplated in that regulation.

19. Bias and equal coverage in election period.

(1) An operator shall not exhibit bias during election period

broadcasts or allow broadcasts that tarnish the image or reputation of candidates or political parties.

(2) A broadcaster shall give equal opportunity for all points of view in a public election.

(3) Subregulations (1) and (2) shall apply to public referenda organised by the Electoral Commission.

20. Conduct of interviews.

(1) A broadcaster shall ensure that any person to be interviewed—

- (a) is advised of the subject of the interview; and
- (b) is informed, before the interview takes place, to determine whether the interview is to be recorded or broadcast live.

(2) A broadcaster shall exercise sensitivity in conducting interviews with bereaved persons, survivors of traumatic incidents or witnesses and shall advise viewers of the same in case of disturbing footage.

21. Rules for live broadcasting.

Every operator shall—

- (a) be technically equipped to handle live programmes in order to avoid broadcasting obscene and undesirable comments from participants, callers and the audiences;
- (b) ensure that contributors and participants to a programme are treated fairly, without discrimination or denigration; and
- (c) comply with the Copyright and Neighbouring Rights Act, 2006, the Industrial Property Act, 2014, and any other applicable law.

22. Commentaries.

Any commentaries broadcast by an operator, whether the comments aired are made by the operator or by any person invited by the operator, shall be presented in a manner that clearly indicates that they are based on facts which are clearly stated.

23. Disclosure of identity of victims of sexual offences.

An operator shall—

- (a) not disclose, in a broadcast, the identity of a victim of a sexual offence unless the victim consents in writing to the disclosure; and
- (b) avoid the use of unnecessary or repetitive detail when broadcasting the circumstances of a sexual offence.

24. Consent to broadcast.

Subject to the Access to Information Act, 2005, an operator shall—

- (a) not broadcast any information acquired from a person without that person's consent; and
- (b) not broadcast any information acquired from a person using deception or fraudulent means or misrepresentation.

25. Programme sponsorship.

An operator—

- (a) may accept sponsorship of weather broadcasts, financial broadcasts or traffic reports but the operator shall retain ultimate editorial control of the sponsored programme;
- (b) shall ensure that sponsorship of an informative programme does not compromise the accuracy and impartiality of the contents of the programme;
- (c) shall not unreasonably discriminate against or favour a particular sponsor;
- (d) shall not broadcast any programme which has been sponsored by a political party except for an advertisement by a political party, in which case the advertisement must be distinctly identified so as not to be confused with normal programming; and
- (e) shall acknowledge the sponsorship of a programme immediately before and after the programme is broadcast, and any connection between the programme's subject-matter and the sponsor's commercial activities shall be identified.

26. Prohibited payments.

An operator shall not pay—

- (a) any person who has been convicted of a criminal offence, in order to obtain information; or
- (b) any person to participate in a program broadcast if the operator or producer has reason to believe that the person is benefiting from a criminal or illicit activity.

27. Advertisements.

(1) An operator shall ensure that advertisements broadcast by the operator are in compliance with the advertising standards gazetted by the commission and in addition —

- (a) are lawful, honest and decent;
- (b) conform with the principles of fair competition and any applicable law;
- (c) do not contain any descriptions, claims or other material which may directly or by implication, mislead members of the public in relation to the product or service advertised, or about their suitability for the purpose recommended; and
- (d) do not unfairly attack or discredit, directly or by implication, any other advertiser, product or advertisement.

(2) An operator shall, before broadcasting an advertisement, ensure that any descriptions or claims in the advertisement are adequately substantiated by the advertiser.

(3) An operator shall not unreasonably discriminate against or favour any advertiser.

(4) An operator shall exercise responsible judgment when scheduling advertisements that may be unsuitable for children during periods when children are expected to be watching or listening to programmes.

(5) An operator shall ensure that its presenters, when reading advertisements, make a clear distinction between the programming material and the advertisements they deliver.

(6) An infomercial shall not be broadcast for a period exceeding two hours of the performance period in any day.

(7) An operator shall ensure, through visual or audio form, that the broadcast of any infomercial is distinguishable from any other programme through the use of—

(a) a running legend at the foot of the audio-visual broadcast;

or

(b) in the case of an audio broadcast, an audio message at regular intervals, identifying the programme as an infomercial or paid broadcast.

(8) An operator shall ensure that all infomercials broadcast are lawful, honest, decent and in conformity with the principles of fair competition.

(9) Subregulations (6) and (7) shall not apply to stations which exclusively broadcast infomercials.

28. Watershed period.

(1) Any content which depicts or contains scenes that are rated by the Media Council or other Government agency as adult, or contain language intended for adult audiences shall not be aired during the watershed period.

(2) All programmes broadcast within the watershed period shall be suitable for persons of all ages.

(3) Transition from family-oriented programming after the watershed period shall have a minimum interval of at least thirty minutes.

(4) Consumer advice, including warnings, labeling, classification details and other announcements shall be given before the broadcast of a programme or its trailers outside the watershed period.

(5) All trailers and promotional material shown before the watershed period shall comply with subregulations (2) and (3).

(6) Broadcasters shall exercise responsibility in scheduling of programmes to reduce the risk of causing offence.

29. Content for persons with disabilities.

(1) The Commission shall require broadcasters to take specific steps to promote the understanding and enjoyment of programmes transmitted on any broadcasting service by persons with disabilities and in particular—

- (a) by persons who are hearing impaired; and
- (b) by persons who are blind or partially sighted.

(2) The Commission shall, by notice in the Gazette, prescribe the manner, time and percentage of programmes targeting persons with disabilities.

30. Mandatory sign language and aids for persons with disabilities.

(1) An operator who operates a television station shall use sign language or sub-titles for the benefit of persons who are hearing impaired, in newscasts at least once a day, and in live telecasts of national events as provided for under section 21(2)(a) of the Persons With Disabilities Act, 2006.

(2) All broadcast operators shall endeavor to provide special equipment for persons with disabilities.

31. Programme classification.

A content licensee or service provider shall visually display classification warning symbols throughout the viewing period and shall

give reasons for the classification in accordance with classification standards issued by the Media Council.

PART V — PROMOTION OF LOCAL CONTENT

32. Local content.

(1) Every Free-to-Air operator shall promote the incorporation of a minimum of at least 70% local content of all programme content in its programming schedule.

(2) Where a Free-to-Air broadcaster elects to provide programming that does not comply with subregulation (1), the Commission may impose a fine on the operator.

(3) Local content shall comprise of content produced within and outside the territory of the Republic of Uganda and must be content —

- (a) produced by natural persons who are citizens or permanent residents of Uganda or produced by legal persons whose legal domicile and a majority of whose shareholders and directors are citizens or permanently residing in Uganda; and
- (b) which reflects the artistic creativity, culture, socio-economic conditions and values of Uganda.

(4) The Contents Committee shall issue guidelines to benchmark a minimum percentage of local content produced and supplied to operators by independent local producers;

(5) Every broadcaster and producer of a broadcasting station or disseminating apparatus shall disseminate news that includes local and regional content at least twice in each 24 hour period; or for a total of at least one and a half hours of the daily program output.

(6) News shall be reported in an objective and balanced manner without distortion or misrepresentation, or in a manner intended to cause public panic, opprobrium or threaten public safety.

(7) Investigative reports shall be balanced, accurate, fair and complete.

PART VI — COVERAGE OF PUBLIC EVENTS

33. Parliamentary proceedings.

Broadcast operators may, with the approval of Parliament, broadcast parliamentary proceedings subject to rules, regulations and procedures issued by Parliament.

34. National events.

Broadcast operators shall cover public and national events, including airing public and national events live or through feeds from the public broadcaster.

PART VII—WATERSHED PROGRAMMING, PROGRAMMING FOR CHILDREN, PUBLIC SAFETY AND PRIVACY

35. Adult programming.

(1) Broadcasters shall not broadcast or disseminate content that is contrary to public morality.

(2) Adult programming shall be limited to the period after the watershed.

(3) Broadcasting shall take into account the community values in the areas of coverage.

(4) All adult programming in the period referred to under subregulation (2) shall carry written and verbal warnings prior to the commencement of each program and verbal warnings shall be carried and displayed on the screen during the program.

(5) Broadcasters shall obtain and operate approved equipment in handling live programs to filter obscene and undesirable comments from participants, callers and audiences.

(6) The Commission may issue guidelines for classification of adult and violent content.

(7) No film shall be broadcast without censorship and classification by the Media Council.

36. Programming for children.

Every operator shall broadcast a minimum of 3 hours per day of quality programming for the benefit of children.

37. Public safety.

(1) An operator shall not broadcast or disseminate material that is likely to encourage or incite the commission of crime or cause disorder.

(2) Material referred to under subregulation (1) includes descriptions or demonstrations of criminal techniques containing material that can be used to enable the commission of crime without editorial justification.

(3) An operator shall not offer payment in any form to a convicted offender or confessed criminal or potential witness in event of criminal proceedings in order to appear or to participate in the production of any content.

(4) A member of the public may submit a written complaint to the Commission in respect of the violation of this regulation and the complaint shall be received and reviewed by the Contents Committee

(5) The Contents Committee may, in addition to any remedy awarded by a court of law, award any remedy under the Act.

38. Privacy.

(1) A broadcaster shall not use material relating to a person's personal or private affairs or which invades an individual's privacy, except where there is compelling and legitimate public interest for the material to be broadcast.

(2) The identity of rape victims and victims of other sexual offences shall not be divulged on programme broadcasts without the prior written consent of the victim.

(3) The identity of minors who are victims of defilement, rape or any other crime shall not be divulged.

(4) A licensee shall pay due regard to the privacy of individuals in broadcasting or disseminating content and shall exclude material that may be used to kidnap individuals, subject them to physical harm, blackmail, extortion or other forms of victimization.

**PART VIII — COMPLAINTS HANDLING PROCEDURE AND
RELATED MATTERS**

39. Content complaints.

(1) The Commission may, on its own motion, on the written request of an operator or referral of a consumer complaint filed under the Uganda Communications (Consumer Protection) Regulations, 2019 or any other party who has a complaint against an operator, investigate complaints on the following matters—

- (a) false advertising;
- (b) misuse of proprietary content; including misappropriation, or intentional violation of copyright;
- (c) violation of minimum broadcasting standards or breach of the provisions of these Regulations; or
- (d) any other dispute of a non-commercial nature arising in the ordinary course of business of an operator.

(2) Upon receipt of a written request or complaint, the Commission shall investigate the complaint and where necessary, summon the complainant, the accused operator and make a determination or decision as the case may be.

40. Investigation of content complaints

(1) The Commission may investigate any consumer complaint relating to content from an aggrieved person.

(2) The Commission may, upon investigation, refer the complaint for resolution under the Uganda Communications (Consumer Protection) Regulations, 2019.

41. Directions to act on complaint and remedy breach

(1) The Commission may, after investigation of a complaint—

- (a) direct an operator to handle the complaint using the operator's complaint system under regulation 42 or to immediately remedy any breach of these Regulations; or
- (b) take any other action in accordance with the Act as it may deem appropriate.

(2) The Commission may, in the course of its investigations, demand that an operator produce any document, information or apparatus relevant to the enforcement of the Act and may examine any document or content or apparatus.

(5) Any information, document, information or apparatus referred to under subregulation (4) may be copied for purposes of completing investigations under this regulation.

(6) The information, documents, information or apparatus referred to in subregulation (4) shall not be impounded, except where there is information that is being used to further the commission of a criminal offence; or that such other exigent circumstances exist that may cause immediate danger to human life or safety or loss or destruction of evidence.

42. Complaints handling procedure.

(1) Every operator shall develop an internal complaints handling procedure to handle content complaints.

(2) The operators shall submit a copy of the complaints handling procedure to the Commission.

(3) The Commission may direct that a content complaint be referred for resolution under the operator's complaint handling procedure established under this regulation.

43. Inspection.

(1) In the conduct of its powers to investigate complaints, the Commission may authorise an inspector to enter and inspect, at any reasonable time, any place owned by or under the control of an operator in which the commission believes, on reasonable grounds, to be any document, information or apparatus relevant to the enforcement of these Regulations.

(2) An inspector or person authorised by the Commission shall not forcibly enter the premises of a broadcaster, except after obtaining a search warrant in accordance with and under the conditions specified in section 51 of the Act.

44. Appeals against decision of Commission.

(1) Any decision of the Commission under these Regulations shall be in writing.

(2) A person dissatisfied with a decision of the Commission may appeal to the Tribunal within thirty days of the decision.

PART IX — OFFENCES

45. Broadcasting prohibited content.

(1) A person who broadcasts content prohibited under these

Regulations commits an offence and is liable, on conviction, to a fine not exceeding 48 currency points or imprisonment not exceeding two years or both.

(2) The Commission shall impound and destroy any prohibited content referred to under subregulation (1).

46. Disobeying lawful orders of the Commission or Contents Committee.

A person who disobeys a lawful order issued by the Commission or the Contents Committee commits an offence and is liable, on conviction, to a fine not exceeding 48 currency points or imprisonment not exceeding two years or both.

SCHEDULE

Regulation 3

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

Cross References

The Children Act, Cap. 59
The Copyright Act, 2006, Act 19 of 2006
The Industrial Property Act, 2014, Act 3 of 2014
The Persons With Disabilities Act, 2006, Act 20 of 2006
The Press and Journalist Act, Cap. 105.

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*Minister of Information and Communications
Technology and National Guidance*

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