

STATUTORY INSTRUMENTS SUPPLEMENT

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

2019 No. 79.

THE UGANDA COMMUNICATIONS (FILM, DOCUMENTARIES AND
COMMERCIAL STILL PHOTOGRAPHY) REGULATIONS, 2019

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STATUTORY INSTRUMENTS

2019 No. 79.

The Uganda Communications (Film, Documentaries and Commercial Still Photography) Regulations 2019 *(Under sections 5(1) (b), (k) and (x) and 93 of the Uganda Communications Act, 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.

These Regulations may be cited as the Uganda Communications (Film, Documentaries and Commercial Still Photography) Regulations, 2019.

2. Application.

These Regulations apply to—

- (a) permits for production of films, documentaries, commercial still photography and other content produced in Uganda;
- (b) permits for exhibitions of films, documentaries commercial still photography and content to the public, whether through fixed public entertainment infrastructure, broadcast media or any other communications platform;
- (c) the monitoring and regulation of photography and display of areas and sites of national interest; including public buildings, nature and wildlife;
- (d) the monitoring and regulation of content accompanying film production, documentaries and commercial still photography in Uganda; and

- (e) the advertising of exhibitions of films, documentaries, commercial still photography, and content to the public.

3. Objective of Regulations.

The objective of these Regulations is to provide for—

- (a) the powers and functions of the Commission under section 5(1)(x) of the Act;
- (b) the application for filming licences under section 5(1)(x) of the Act;
- (c) the application for licences and permits for film production, documentaries and commercial still photography;
- (d) the advertising of exhibitions of film production, documentaries and commercial still photography; and
- (e) the withdrawal of permits issued for any of the purposes of these Regulations.

4. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“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;

“cinematograph theatre” means any building, structure, tent or other erection of whatever nature or any place or land in or on which a cinematograph or video exhibition is presented to the public either gratuitously or for reward;

“commercial still photography” means photography by a photographer for profit or economic gain, using public property including official government property, national game parks or national monuments, to the exclusion of other members of the public;

“Commission” means the Uganda Communications Commission;

“communications” means services performed or consisting of the dissemination or interchange of audio, visual or data content using any mechanical, digital or electronic means; and includes broadcasting;

“communications services” means services performed consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media and data communication; and includes broadcasting;

“currency point” has the value assigned to it in Schedule 1 to these Regulations.

“Executive Director” means the Executive Director of the Commission;

“exhibition” means an exhibition of art, video or data to the public, with or without sound by means of any electronic apparatus;

“filming” means producing for exhibition to the public, a motion picture or producing a still photograph for commercial use;

“film producer” means a person engaged in the business of filming;

“inspector” means an authorised person appointed by the Commission under section 49 of the Act;

“Media Council” means the council established under section 8 of the Press and Journalist Act;

“Minister” means the Minister responsible for information and communications technology;

“poster” means any picture, drawing, painting, photograph, figure or other device advertising any stage play or public entertainment;

“prescribed fees” means the fees charged by the Commission under the Uganda Communications (Fees and Fines) Regulations, 2019;

“public entertainment” includes any concert, animal or circus performance, waxworks, puppet performance, dancing exhibition, picture or art exhibition, games of skill or chance, acrobatics or other exhibitions of skill, professional wrestling and boxing bouts to which the public are admitted either gratuitously or otherwise but does not include athletics or sports.

PART II— POWERS OF THE COMMISSION

5. Powers of Commission.

The Commission shall—

- (a) classify activities under these Regulations for purposes of issuing permits;
- (b) regulate classes of content of filming, including making of documentaries and commercial still photography;
- (c) prescribe licences for the content in paragraph (b);
- (d) prescribe fees for permits granted under these Regulations;
- (e) set content standards for material produced under these Regulations;
- (f) prescribe fees to be paid for attendance of any officer of the Commission to attend the exhibition of a film, commercial still photography display or documentary;

- (g) inform the public in instances where permits are withdrawn under the regulations;
- (h) monitor content produced and exhibited to ensure it meets minimum broadcasting standards;
- (i) confiscate apparatus which is owned, installed, connected or operated unlawfully.

PART III – FILMING AND COMMERCIAL STILL PHOTOGRAPHY

6 Licence for film production and film producer.

(1) A person shall not, without a licence issued by the Commission—

- (a) engage in any works to produce a film or motion picture;
or
- (a) engage in the business of film producer.

(2) A person who intends to carry out an activity referred to under subregulation (1) may apply to the Commission for a licence.

7. Contents of application for film or documentary production licence.

(1) An application for a licence under regulation 6 shall—

- (a) be accompanied by the prescribed fees;
- (b) be accompanied by a full description of the scenes and a full text of the audio-visual content of the entire film or documentary;
- (c) if any of the audiovisual content is in a language other than English, include a full translation in English of that content;
- (d) if part of the film is to be made in Uganda; include a statement describing which parts are to be filmed in Uganda and which parts are to be filmed outside Uganda;

- (e) include a statement of the net worth of assets and a statement of financial responsibility of the film producer; and
- (f) include a statement of proposed expenditure; including remuneration of actors, musical artists, stage technicians and other professionals retained by the film producer.

(2) The application for a licence shall be in the form set out in Schedule 2 to these Regulations.

(3) The Commission may issue a licence under these Regulations on terms and conditions the Commission may consider necessary including—

- (a) public safety;
- (b) the capacity of the applicant to carry out the intended activity;
- (c) any content guidelines applicable to the intended activity.

8. Licence for commercial still photography.

(1) A person shall not engage in commercial still photography without a licence issued by the Commission.

(2) A person who intends to engage in commercial still photography under subregulation (1) may apply to the Commission for a licence.

(3) The Commission may, from time to time, publish a list of monuments, public installations, restricted sites and any other public property subject to a licence requirement in the Gazette and in a newspaper of national circulation.

9. Contents of application for commercial still photography licence.

(1) Every application for a licence under regulation 8 shall include—

- (a) a statement of particulars of the applicant;
- (b) a list of sites proposed for the commercial still photography activity;

- (c) the proposed period for conducting the still photography activity; and
- (d) a list of outlets for the commercial still photography produced.

(2) The application shall be in the form set out in Schedule 2 to these Regulations.

(3) The Commission may, upon consideration of the application grant or reject the application.

10. Commission may require a bond.

The Commission may require an applicant to enter into a bond drawn on a registered financial institution, of an appropriate sum to ensure that the applicant meets the obligations of the licence.

11. Conditions on production licence.

The Commission may, in granting a film or documentary production licence issued under these Regulations, impose conditions including restricting content that may be used in the specified activity.

12. Content guidelines.

The Commission may in addition to the minimum broadcasting standards prescribed in Schedule 4 to the Act, issue content guidelines for the exhibition of films or documentaries or commercial still photography.

PART IV – MISCELLANEOUS

13. Prohibited content.

The production, display and exhibition of the following content is prohibited—

- (a) content depicting or promoting cruelty or maltreatment of animals in any form; and the display and performance of animals shall conform to guidelines issued by the Commission;

- (b) content prohibited by the Uganda Communications (Content) Regulations, 2019.
- (c) content likely to prejudice national security;
- (d) content obtained illegally;
- (e) content negatively portraying the weak, vulnerable in society, minors and other vulnerable people; and
- (f) content likely to promote sectarianism, and stereotypes without a public education purpose.

14. Authorisation to advertise films, documentaries and commercial still photography.

(1) A person shall not, without the authorisation of the Commission, use any poster or any other means to advertise the exhibition of—

- (a) any film;
- (b) documentary; or
- (c) commercial still photography.

(2) A person who wishes to advertise an activity under subregulation (1) shall apply in writing to the Commission stating —

- (a) that the exhibition is authorised by the owners of the film, documentary or commercial still photography; and
- (b) that permission has been granted by the local government in the area of display, to put up posters advertising the exhibition.
- (c) The authorisation shall be in the Form C set out in Schedule 2 to these Regulations.

15. No exclusion from public entertainment or stage play.

No person shall be excluded from any exhibition advertised under regulation 14 on the grounds of race, ethnic background, gender, religious or social belief.

16. Permits for performances in cinematograph theatres.

A person shall not use a theatre licensed under the Act for the private performance or presentation of any film, documentary or commercial still photography without a permit issued by the Commission.

17. Powers of inspectors.

(1) An inspector may enter and inspect any place where an activity under these Regulations is taking place; to monitor and ensure compliance.

(2) An inspection under subregulation (1) may be subject to payment of an inspection fee prescribed in the Uganda Communications (Fees and Fines) Regulations, 2019.

(3) An inspector or authorised person may impound any apparatus or equipment used to conduct any activity prohibited by these Regulations.

18. Offences and penalties.

(1) Any person who violates any provisions of these Regulations commits an offence.

(2) A person who commits an offence under subregulation (1) is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

SCHEDULES

SCHEDULE 1

CURRENCY POINT

Regulation 4.

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Regulations 7 and 8.

FORM A

APPLICATION FOR FILMING, DOCUMENTARY PRODUCTION AND
COMMERCIAL STILL PHOTOGRAPHY LICENCE

1. Name of applicant: _____
2. Full address of applicant _____
Legal status of applicant _____

Indicate any one of the following:

- (a) *Limited company;*
- (b) *Partnership;*
- (c) *Joint Venture;*
- (d) *Sole proprietorship.*

3. Principal activity for which licence is sought: _____

4. Indicate secondary activity for which licence is sought: _____

- (a) *Film making;*
- (b) *Film editing, reproduction in any other form, including translation;*
- (c) *Film producer;*
- (d) *Content distributor;*
- (e) *Commercial still photography; or*
- (f) *value added services.*

5. Districts in which the proposed filming or commercial still photography is to be undertaken and copies of relevant local government permits to be attached.

In the case of Kampala, attach authorisation from KCCA.

In the case of filming or photography of a "protected area", "protected group", national security installation attach the relevant authorisation from the responsible Government department.

Any other district include permit of city or district local government.

6. Are you presently licenced by UCC for any of the following activities below: *Indicate Yes/No*

- (a) Producer;
- (b) Content service producer;
- (c) Content distributor;
- (d) Signal distributor;
- (e) Video and cinema hall operator;
- (f) Public entertainments operator.

7. If Yes submit a copy of licence registration and most recent annual renewal by the Commission.

8. Has your proposed content been reviewed by the following bodies (*tick the bodies that have reviewed the proposed material proposed to be produced*).

- _____ Uganda Communications Commission.
- _____ Media Council.
- _____ Ministry of Gender, Labour and Social Development.
- _____ Ministry of Education and Sports.
- _____ Any other body.

II. Financial Particulars.

9. Tax Identification number: _____

Attach copy of tax clearance certificate from URA for duration of the activity.

10. NSSF Registration number:

Attach copy of NSSF tax clearance certificate.

11. Proposed budget of activity in respect of which licence is sought.

12. Statement of net worth of assets of producer.

13. Statement of financial responsibility for film producer

14. Summary of employment terms for key employees.

III: Content details.

15. Provide a description of scenes and a full text of the audio-visual content of the entire film or documentary.

16. If a foreign film is subject of proposed activity in Uganda for adaptation or reproduction. Attach copies of censorship certificate from country of origin.

17. List of foreign actors (including Ugandans domiciled outside Uganda).

18. List of domestic actors.

19. Where actors are minors (attach details of their employment and security of their income and clearance from the National Council for Children (or the Children Authority, where applicable).

20. Duration of proposed activity.

21. Statement of outlets for proposed activity.

**STATEMENT OF FURTHER PARTICULARS FOR COMMERCIAL
STILL PHOTOGRAPHY LICENCE**

(Applicants must fill the form and in addition provide the following information).

1. List of sites proposed for commercial still photography.
2. Proposed period for conducting commercial still photography.
3. Distribution outlets for photography.

FORM C

Regulation 14.

FORM OF AUTHORISATION BY THE COMMISSION TO ADVERTISE
ANY FILM, DOCUMENTARY, OR COMMERCIAL STILL
PHOTOGRAPHY EXHIBITION.

Date.....

To: _____

(*"Authorised person or agent"*)

With a copy to: _____

(*"Licence holder"*)

You are hereby authorised to advertise the exhibition of:

- (a) Film
- (b) Documentary
- (c) Commercial still photography.

Dates of the exhibition are from _____ 20_____

to _____ 20_____ No. _____

exhibition is authorised from the stated date unless a fresh application has
been made to the Commission.

*Executive Director, Uganda
Communications Commission.*

Cross References

The Press and Journalist Act, Cap. 115.

The Uganda Communications (Fees and Fines) Regulations, 2019.

Frank Tumwebaze
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