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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(DIGITAL AND OTHER BROADCASTING NETWORKS AND SERVICES) (AMENDMENT)
REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

<i>Regulation</i>	<i>Title</i>
1.	Citation
2.	Amendment of Regulation 2
3.	Amendment of Regulation 3
4.	Amendment of Regulation 6
5.	Amendment of Regulation 14
6.	Amendment Part IV.
7.	Amendment of Regulation 16
8.	Amendment of Regulation 18
9.	Amendment of Regulation 23
10.	Amendment of Regulation 29
11.	Amendment of Regulation 30
12.	Amendment of Regulation 32
13.	Amendment of Regulation 35

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OTHER BROADCASTING NETWORKS AND SERVICES) (AMENDMENT)
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| Citation | 1. These Regulations may be cited as the Electronic and Postal Communications (Digital and Other Broadcasting Networks and Services) (Amendment) Regulations, 2021 and shall be read as one with the Electronic and Postal Communications (Digital and Other Broadcasting Networks and Services) Regulations, 2018, hereinafter referred to as the “principal Regulations” |
| GN No.140 of 2018 | |
| Amendment of Regulation 2 | 2. The principal regulations are amended in regulation 2 by deleting paragraph (b) and substituting it with the following-

“(b) hybrid broadcast broadband systems;” |
| Amendment of Regulation 3 | 3. The principal regulations are amended in regulation 3 by-

(a) adding in its appropriate alphabetical order the following new definitions-

“live programmes” means a segment of radio or television content that is broadcast and received at the same time as aired through various media platforms, scheduled daily, weekly, monthly or quarterly without any significant delay;

“live events” means an unscheduled segment of radio or television content on public or social occasion broadcast and received in real time without any significant delay;

(b) deleting the definition of the following words and substituting with the following-
“channel aggregator” means a person licensed to package content service channels into a specific basket of channels for distribution to consumers by subscription;
“hybrid network” means a multiplatform network which distributes signals using a number of digital electronic media which can be used in part or a combination of terrestrial, satellite, combination of terrestrial, satellite and |

internet platform;
“support services” means a service which consists of the provision of management services to enable consumers to subscribe to content services provided by a channel aggregator;

- (c) deleting the following words-
- “analogue broadcasting”
 - “Amplitude Modulation”
 - “existing content services provider”
 - “frequency assignment”
 - “Frequency Modulation”
 - “licence period”
 - “Live”
 - “Local entities”
 - “Motion Picture Expert Group”
 - “subscriber”

Amendment of Regulation 6

4. The principal regulations are amended in Regulation 6 by deleting paragraph (c) and substituting it with the following-

“(c)to facilitate provision of infrastructure, content aggregation and programme bouquet handling system that supports data paths embedded in the video stream based on open source (non-proprietary) multimedia system to enable Electronic Programme Guide (EPG) and Electronic Programme Information (EPI) for Free-To-Air (FTA) and Conditional Access for subscription services;”

Amendment of Regulation 14

5. The principal Regulations are amended by deleting Regulation 14 and substituting it with the following-

“Set top Box approval 14. A person who intends to import, distribute, install, assemble, or maintain integrated digital television, set top box, digital radio receiver or any other customer premise equipment for digital broadcasting reception shall apply to the Authority for a respective class licence.”

Amendment Part IV.

6. The principal Regulations are amended by deleting the title of Part IV and substituting it with the following: -

“PART IV
SUBSCRIPTION BROADCASTING SERVICES”

Amendment of Regulation 16

7. The principal Regulations are amended by deleting Regulation 16 and substituting it with the following-

“Advertising on subscription channels 16. A subscription channel may have sponsored programmes and commercial advertisements for a period not exceeding five minutes per hour.”

Amendment of
Regulation 18

8. The principal Regulations are amended by deleting Regulation 18 and substituting it with the following-

“Carriage of local free to air channels” 18. (1) Free to Air Content Service Providers shall transmit and distribute signal through licensed multiplex operators’ networks.

(2) Without prejudice to sub regulation (1), a Free to Air content service licensee may enter into commercial arrangement with any other platform for transmission and distribution of signal.

(3) Where a Free to Air content service licensee enters into commercial arrangement with any other platforms pursuant to sub regulation (2), the free to air content shall be viewed without access fees.

Amendment of
Regulation 23

9. The principal Regulations are amended by deleting Regulation 23. and substituting it with the following-

“Content services infrastructure” 23. The infrastructure for content services shall not be used for any other communication services without prior approval of the Authority.”

Amendment of
Regulation 29

10. The principal regulations are amended by deleting regulation 29 and substituting it with the following-

“Subscription television programmes” 29.-(1) A subscription content service licensee shall not broadcast news, current affairs and live programmes.

(2) subject to sub regulation (1), a subscription content service provider may broadcast live events.”

Amendment of
Regulation 30

11. The principal regulations are amended by deleting regulation 30 and substituting it with the following-

“Notification for channels aggregation” 30.-(1) A channel aggregator shall not add or remove a content service channel without prior notification to the Authority.

(2) The notification under sub regulation (1) shall be in writing and state the following: -

- (a) name of the channel;
- (b) nature of the channel and its content;
- (c) country where the channel is packaged;
- (d) full name of channel supplier;
- (e) primary language of the channel; and

(f) Duration of the channel where it is a special event channel.

(3) Upon notification under sub regulation (2) the Authority may review the channel and issue any directives as it may deem necessary.”

Amendment of Regulation 32

12. The principal regulations are amended by deleting regulation 32 and substituting it with the following-

“Licensing of multiple television channels

32. In licensing of multiple television channels locally produced, the Authority shall take into consideration that each channel has a-

- (a) separate licence; and
- (b) service level agreement with a channel aggregator.”

Amendment of Regulation 35

13. The principal regulations are amended by deleting regulation 35 and substituting it with the following-

“Resolution of Disputes on Service Level Agreements

35.-(1) Where the period for negotiations has lapsed and there is failure to reach agreement or a dispute arises between parties under a Service Level Agreement, any aggrieved party may refer the matter to the Authority for resolution.

(2) Subject to sub regulation (1), the party that refers a matter to the Authority pursuant to sub regulation (1) shall provide all relevant information concerning: -

- (a) unresolved issues;
- (b) the position of each party with respect to unresolved issues; and
- (c) any other issue discussed and resolved by the parties.

(3) A licensee against whom a matter under sub regulation (2) has been referred to the Authority shall file a reply within twenty-one days from the date the matter was referred.

(4) The Authority may request any additional information from parties that may be necessary for the Authority to determine the unresolved issues.

(5) Where any party refuses or fails to respond within thirty days from the date of any request by the Authority, the Authority may proceed to determine the matter on the basis of the information available and make a determination on the issues including imposing appropriate conditions on implementation of the terms and

conditions of parties to the agreement.”

Dodoma,
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FAUSTINE E. NDUGULILE,
*Minister for Communication and
Information Technology*