

Uganda

## Press and Journalist Act

### Chapter 105

Legislation as at 10 February 2014

FRBR URI: /akn/ug/act/statute/1995/6/eng@2014-02-10

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PDF created on 19 May 2024 at 01:23.

*Collection last checked for updates: 31 December 2000.*

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# Uganda

## Press and Journalist Act

### Chapter 105

Commenced on 28 July 1995

*[This is the version of this document from 10 February 2014.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Amended by [Press and Journalist \(Amendment of Fourth Schedule\) Instrument, 2014 \(Statutory Instrument 5 of 2014\)](#) on 10 February 2014]*

**An Act to ensure the freedom of the press, to provide for a council responsible for the regulation of mass media and to establish an institute of journalists of Uganda.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless the context otherwise requires —

- (a) “**chairperson**” means the chairperson of the council;
- (b) “**council**” means the council established under [section 8](#);
- (c) “**editor**” includes a person who is, at any given time, in charge of programme production at a radio or television station;
- (d) “**electronic media**” means communication of any message to the public by television, radio, video, cinema or by any other electronic apparatus;
- (e) “**executive committee**” means the executive committee of the institute established under [section 18](#);
- (f) “**exhibition**” means an exhibition of art, film or videotape with or without sound effects, made by means of cinematography or other means for public consumption;
- (g) “**general assembly**” means the general assembly of the institute;
- (h) “**journalist**” means a person who is enrolled as a journalist under this Act;
- (i) “**mass media**” includes newspapers, posters, banners and electronic media published for public consumption;
- (j) “**Minister**” means the Minister responsible for information;
- (k) “**newspaper**” means a publication which contains all or any of the following—
  - (i) news;
  - (ii) articles;
  - (iii) entertainment;
  - (iv) advertisements;
  - (v) reports of occurrences;
  - (vi) views; and

- (vii) comments or observations which are published for distribution to the public either daily or periodically;
- (l) “**roll**” means the roll of journalists;
- (m) “**secretary**” means secretary to the council.

## **Part II – Mass media**

### **2. Right to publish a newspaper**

- (1) A person may, subject to this Act, publish a newspaper.
- (2) No person or authority shall, on grounds of the content of a publication, take any action not authorised under this Act or any other law to prevent the —
  - (a) printing;
  - (b) publication; or
  - (c) circulation among the public, of a newspaper.

### **3. Compliance with other laws**

Nothing contained in [section 2](#) absolves any person from compliance with any law —

- (a) prohibiting the publication of pornographic matters and obscene publications insofar as they tend to offend or corrupt public morals;
- (b) prohibiting any publication which improperly infringes on the privacy of an individual or which contains false information.

### **4. Access to official information**

A person may have access to official information subject to any law in force relating to national security, secrecy or confidentiality of information.

### **5. Registration of particulars relating to an editor**

- (1) A proprietor of a mass media organisation shall, on appointing an editor, register with the council the following particulars in relation to the editor—
  - (a) his or her name and address;
  - (b) certified copies of the relevant testimonials as proof of his or her qualifications and experience;
  - (c) the name and address of the newspaper; and
  - (d) such other particulars as may be prescribed by the council.
- (2) The proprietor shall notify the council within thirty days of its coming to his or her notice of any change in any of the particulars referred to in subsection (1).
- (3) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings and, in case of failure to pay the fine, to imprisonment for a term not exceeding three months.

## 6. Functions of an editor

A proprietor and editor of a mass media organisation shall —

- (a) ensure that what is published is not contrary to public morality;
- (b) retain a copy of each newspaper published by the organisation and a copy of each supplement to it for not less than ten years;
- (c) in the case of electronic media, retain a record of all that is broadcast by a radio or television station for not less than thirty days.

## 7. Disqualification of an editor.

A person shall not be appointed an editor of a mass media organisation if —

- (a) he or she is less than eighteen years of age;
- (b) he or she is of unsound mind;
- (c) he or she is an undischarged bankrupt or insolvent;
- (d) he or she is not ordinarily resident in Uganda;
- (e) he or she does not possess the requisite qualifications prescribed by the council.

# Part III – Media Council

## 8. Establishment of the Media Council

- (1) There is established a council to be known as the Media Council.
- (2) The council shall consist of—
  - (a) the director of information or a senior officer from the Ministry responsible for information, who shall be the secretary to the council;
  - (b) two distinguished scholars in mass communication appointed by the Minister in consultation with the National Institute of Journalists of Uganda;
  - (c) a representative nominated by the Uganda Newspapers Editors and Proprietors Association;
  - (d) four representatives of whom —
    - (i) two shall represent electronic media; and
    - (ii) two shall represent the National Institute of Journalists of Uganda;
  - (e) four members of the public not being journalists, who shall be persons of proven integrity and good repute of whom —
    - (i) two shall be nominated by the Minister; and
    - (ii) one shall be nominated by the Uganda Newspapers Editors and Proprietors Association;
    - (iii) one shall be nominated by the journalists; and
  - (f) a distinguished practising lawyer nominated by the Uganda Law Society.
- (3) The persons referred to in paragraphs (c), (d), (e) and (f) shall be appointed by the Minister.
- (4) The chairperson of the council shall be elected by the members from among their number.

- (5) Members of the council shall hold office for a period of three years upon such terms and conditions as may be specified in the instruments of appointment and shall be eligible for reappointment.
- (6) A member of the council may resign his or her office in writing, addressed to the chairperson and in case of the chairperson to the Minister.

## **9. Functions of the council**

- (1) The functions of the council shall be—
  - (a) to regulate the conduct and promote good ethical standards and discipline of journalists;
  - (b) to arbitrate disputes between —
    - (i) the public and the media; and
    - (ii) the State and the media;
  - (c) to exercise disciplinary control over journalists, editors and publishers;
  - (d) to promote, generally, the flow of information;
  - (e) to censor films, videotapes, plays and other related apparatuses for public consumption; and
  - (f) to exercise any function that may be authorised or required by any law.
- (2) In carrying out its functions under subsection (1)(e), the council may refuse a film, videotape or apparatus to be shown, exhibited or acted for public consumption.

## **10. Meetings, etc. of the council**

- (1) The First Schedule to this Act shall apply to meetings and other matters of the council specified in that Schedule.
- (2) The Minister may, by statutory instrument and after consultation with the council, amend the First Schedule to this Act.

## **11. Remuneration of members of the council**

Members of the council may be paid such remuneration or allowances as may be approved by the Minister.

## **12. Annual report**

The council shall, within three months after the end of each year, submit to the Minister an annual report on all its activities; and the Minister shall lay the report before Parliament within three months after receiving it.

# **Part IV – The National Institute of Journalists of Uganda**

## **13. Establishment of the institute**

- (1) There is established an institute to be known as the National Institute of Journalists of Uganda.
- (2) The institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The institute may, subject to any limitations conferred in this Act, acquire, hold, manage and dispose of any property, movable or immovable, and enter into any contract or other transaction and do anything which may in law be entered into or done by a body corporate.



## 14. Objects of the institute

- (1) The objects of the institute are —
  - (a) to establish and maintain professional standards for journalists;
  - (b) to foster the spirit of professional fellowship among journalists;
  - (c) to encourage, train, equip and enable journalists to play their part in society;
  - (d) to establish and maintain a mutual relationship with international journalists organisations and other organisations with a view to enhancing the objectives of the institute;
  - (e) to carry on such activities as are incidental or conducive to the attainment of the objects specified in paragraphs (a), (b), (c) and (d) of this section.
- (2) Without prejudice to the general effect of subsection (1), the institute shall under that subsection have the following functions —
  - (a) to advise on courses of study, the conduct of qualifying examinations and generally on matters related to professional education for journalists in Uganda;
  - (b) to ensure the maintenance of professional education for journalists;
  - (c) to promote the usage of journalism which is not contrary to public morality;
  - (d) to encourage research in journalism for the advancement of professionalism;
  - (e) to make byelaws of the institute.

## 15. Membership of the institute

- (1) Membership of the institute shall be of the following categories—
  - (a) full membership;
  - (b) associate membership; and
  - (c) honorary membership.
- (2) A person shall be eligible for full membership of the institute if —
  - (a) he or she is a holder of a university degree in journalism or mass communication; or
  - (b) he or she is a holder of a university degree plus a qualification in journalism or mass communication, and has practised journalism for at least one year.
- (3) The general assembly may set qualifications for associate membership of the institute or may provide that a specified class of members of a society or institute may qualify for associate membership of the institute.
- (4) The general assembly may award honorary membership to a person who has made an outstanding contribution towards the realisation of the objects of the institute, except that no honorary member shall be liable to pay any subscription fee.
- (5) An associate or honorary member shall not be eligible to vote.

## 16. Application for membership of the institute

- (1) A person may apply to the executive committee for full membership or associate membership, and the committee shall, if it is satisfied that the applicant is an eligible person, inform the general assembly to approve the enrollment of the applicant as a full member or associate member of the institute on payment of the prescribed fee.

- (2) Upon the enrollment of a person under subsection (1), the general secretary shall cause to be issued to him or her a certificate of enrollment.
- (3) A person shall not be eligible for enrollment under this Act, unless that person has complied with such requirements, whether relating to instruction, examination or otherwise, as to the acquisition of professional skill and experience as may be specified in the byelaws made for that purpose by the institute.

## **17. Disqualification from membership of the institute**

A person shall not be enrolled or continue to be a member of the institute if—

- (a) he or she is of unsound mind;
- (b) he or she is an undischarged bankrupt or insolvent; or
- (c) he or she is convicted of an offence under this Act or an offence involving moral turpitude; but this paragraph shall cease to apply two years after the completion of the sentence.

## **18. Executive committee**

For the proper management of the affairs of the institute, there shall be an executive committee consisting of a president, a vice president, a general secretary, a treasurer, an assistant general secretary and three other members, all of whom shall be elected annually by the institute at a general meeting.

## **19. Functions of the executive committee**

The functions of the executive committee shall be—

- (a) to maintain and publish the roll of members of the institute;
- (b) to secure international recognition of the institute;
- (c) to ensure the maintenance of professional standards among members of the institute;
- (d) to promote the publication of a journal of the institute;
- (e) to do anything that is incidental to the functions of the council or for the furtherance of the objects of the institute.

## **20. Meetings of the committee and of the general assembly**

The Second and Third Schedules to this Act shall apply to meetings of the executive committee and the general assembly.

# **Part V – Financial provisions**

## **21. Funds of the institute**

- (1) The funds of the institute shall consist of—
  - (a) grants from the Government;
  - (b) annual subscription fees from members;
  - (c) fees and other monies paid for services rendered by the institute;
  - (d) grants, gifts or donations from sources acceptable to the institute; and
  - (e) monies borrowed by the institute for the performance of its functions.

- (2) All monies of the institute shall be managed through a fund to be established by the general assembly.
- (3) The institute may operate a bank account in a bank determined by the executive committee, and the bank account shall be operated in a manner decided by the general assembly.

## **22. Borrowing powers**

The executive committee may borrow money on terms that may be agreed upon by the Government for the performance of the functions of the institute.

## **23. Investment**

The executive committee may invest monies of the institute in any securities issued or guaranteed by the Government or in any other projects approved by the Government.

## **24. Financial year**

The financial year of the institute shall be the calendar year that is twelve months beginning from the 1st day of January and ending on the 31st day of December each year.

## **25. Accounts and audit**

- (1) The institute shall keep proper books of account and prepare an annual financial statement of account for the preceding financial year not later than the 31st day of March in the following year.
- (2) The books and account of the institute shall be submitted within three months after the end of each financial year to the Auditor General to be audited by him or her or by an auditor appointed by him or her.
- (3) The Auditor General shall report annually to the Minister, as soon as is practicable after auditing the accounts of the institute, the result of his or her examination, and the report shall state his or her opinion.
- (4) The Minister shall, within three months after receipt of the report referred to in subsection (3), lay the report before Parliament.

# **Part VI – Regulation of public practice**

## **26. Registration of journalists**

The name and particulars of a person enrolled under this Act shall, on presentation of the certificate of enrollment to the council, be entered on the register of journalists of Uganda.

## **27. Practising certificate**

- (1) The council shall, upon payment of the prescribed fees, issue a practising certificate to a person who is enrolled under this Act.
- (2) The practising certificate shall be valid for one year and is renewable upon payment of the prescribed fee.
- (3) No person shall practise journalism unless he or she is in possession of a valid practising certificate issued under this section.
- (4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings and in case of failure to pay the fine to imprisonment for a period not exceeding three months.

- (5) In this section, a person is deemed to practise journalism if he or she is paid for the gathering, processing, publication or dissemination of information; and such person includes a freelance journalist.

## **28. Refusal to grant a practising certificate**

No person shall be granted a practising certificate by the council if —

- (a) he or she is not enrolled; or
- (b) he or she has failed to comply with any order made under this Act.

## **29. Accreditation card**

- (1) No person being an employee of a foreign mass media organisation or working as a freelancer for that mass media shall practise journalism in Uganda unless he or she is in possession of an accreditation card issued by the council.
- (2) The accreditation card referred to in this section shall be issued upon payment of fees and upon such terms as may be prescribed by the council.

# **Part VII – Disciplinary committee and inquiries**

## **30. Disciplinary committee**

- (1) There is established a disciplinary committee consisting of—
  - (a) the chairperson of the council, who shall be the chairperson of the committee;
  - (b) the secretary to the council, who shall be the secretary to the committee;
  - (c) four members elected by the council from among their number.
- (2) The council shall, when hearing disciplinary cases, appoint an advocate of not less than five years' standing to advise the disciplinary committee.
- (3) Four members of the committee shall form a quorum.

## **31. Complaints against a journalist**

- (1) A complaint or an allegation against a journalist, which if proved would constitute professional misconduct, may be made to the disciplinary committee by any person, and the complaint or allegation shall be reduced into writing.
- (2) The secretary shall, upon receipt of a complaint, within thirty days refer the matter to the committee which shall fix a date for the hearing of the complaint.
- (3) The committee shall give the journalist against whom the complaint or allegation is made an opportunity to be heard and shall furnish him or her with a copy of the complaint and any other relevant document at least fourteen days before the date fixed for the hearing.

## **32. Procedure of the committee**

The procedure to be followed by the committee in the hearing of the complaint shall be as provided in the First Schedule to this Act.

### **33. Committee's decision**

After hearing the journalist to whom the complaint relates and after considering the evidence adduced, the committee may dismiss the complaint if no ground for a disciplinary action is proved, or if a ground for a disciplinary action is proved, impose any or a combination of the following penalties—

- (a) that the journalist be admonished or be required to apologise to the aggrieved party in the manner specified by the committee, including the same boldness of lettering on the page where the article appeared in the newspaper;
- (b) that the practising certificate of the journalist be suspended for a specified period not exceeding six months;
- (c) that the media organisations which published the matter that led to the complaint pay compensation to a person who suffered loss or injury as a result of the misconduct.

### **34. Appeal to the High Court**

- (1) A journalist or complainant aggrieved by the decision or order of the committee may appeal against the decision or order to the High Court within fourteen days from the date on which the report of the committee was delivered to that journalist or complainant.
- (2) An appeal made under this section shall be—
  - (a) made by petition in writing under the hand of the journalist or complainant; and
  - (b) heard and decided upon by a judge of the High Court after summary hearing.
- (3) Where the council suspends a journalist, the journalist shall not, while an appeal is pending under this section, be entitled to practise.

### **35. Implementation of the committee's orders**

- (1) The council shall be responsible for the implementation of the committee's orders.
- (2) The secretary shall ensure that an order of the committee is noted in the register against the name of the affected journalist and shall send a certified copy of the committee's decision to the National Institute of Journalists of Uganda.

### **36. Revocation of suspension of a journalist**

The council may, on receiving new facts relating to a case of a journalist on suspension, revoke the suspension.

## **Part VIII – Miscellaneous and transitional provisions**

### **37. Report, etc. to be received in evidence**

A report or order made by the council and signed by the chairperson and the secretary shall be received in any legal proceedings and shall be taken to be that particular report or order without further proof of its contents unless the contrary is shown.

### **38. Protection of source of information**

A journalist shall not be compelled to disclose the source of his or her information except with the consent of the person who gave him or her the information or on an order of a court of law.

**39. Seizure order**

- (1) Whenever criminal proceedings have been instituted for an offence against the freedom of the press, the court may, on application to it for confiscation, order that the material involved in the offence be seized or issue a ban on the publication.
- (2) A seizure order shall be effected by the police and shall relate only to those copies which were intended for dissemination.
- (3) Any person aggrieved by the decision or order of the court may appeal to a higher court against the decision within thirty days from the date on which the seizure order was issued.

**40. Professional code of ethics**

- (1) A journalist enrolled under this Act shall be subject to the professional code of ethics provided in the Fourth Schedule to this Act.
- (2) A person who contravenes any provision of the professional code of ethics commits professional misconduct and shall be dealt with by the disciplinary committee.
- (3) The Minister may, by statutory instrument and after consultation with the council, amend the Fourth Schedule to this Act.

**41. Practising journalists prior to commencement of this Act to continue to practise**

A person who is practising journalism immediately prior to the commencement of this Act may continue to practise journalism until he or she is duly enrolled as a journalist in accordance with this Act.

**42. Regulations**

- (1) The Minister may, on the advice of the council, make regulations for better carrying into effect the provisions of this Act.
- (2) Without prejudice to the general effect of subsection (1), regulations may be made under it prescribing—
  - (a) the particulars and other matters to be entered in the register;
  - (b) the fees to be paid under this Act;
  - (c) the procedure of the disciplinary committee and the manner of lodging a complaint; and
  - (d) anything which under this Act is to be or may be prescribed.
- (3) Notwithstanding the Interpretation Act, the Minister may, with the approval of Parliament, by statutory instrument, increase any fines specified in this Act.

**First Schedule (ss. 10, 32)****Meetings of the council and other miscellaneous matters****1. Meetings of the council**

- (1) The council shall meet for the discharge of its duties at least once every two months or upon a request in writing to the chairperson by at least one-third of the members of the council at such time and place as the chairperson may appoint.

- (2) A meeting of the council shall be convened by a notice issued under the signature of the secretary to the council at least fourteen days before the meeting; except that in the case of an emergency, a shorter notice may be given.
- (3) The chairperson shall preside at all meetings of the council; and in his or her absence, a person elected by the members present shall preside.
- (4) Seven members shall form a quorum at a meeting of the council.
- (5) Any decision at a meeting of the council may be determined by simple majority of the members present.
- (6) A member of the council shall have one vote; and in the event of equality of votes, the chairperson or person presiding at the meeting shall have a casting vote.
- (7) The council may invite any person to any of its meetings, but that person shall not have a voting right.
- (8) Subject to this Schedule, the council may regulate its own procedure.

## **2. Minutes**

- (1) The secretary to the council shall cause to be recorded and kept minutes of all meetings of the council in a form approved by the council.
- (2) The minutes recorded under this paragraph shall be submitted to the council for confirmation at its next meeting following that to which the minutes relate and when so confirmed shall be signed by the chairperson and the secretary in the presence of the other members present at the latter meeting.

## **3. Validity of proceedings not affected by any vacancy**

The validity of any proceedings of the council shall not be affected by any vacancy among its members or by any reason only of the fact that any person not entitled to vote at any meeting attended or voted.

## **4. Disclosure to interest**

- (1) If a person is present at a meeting of the council at which a matter is the subject of consideration and in which matter that person or his or her spouse is directly or indirectly interested in a private capacity, he or she shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the council directs otherwise, take part in any consideration or discussion or vote on any question relating to that matter.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

## **5. Committees of the council**

The council may establish committees as may be required for the efficient discharge of its functions.

## **6. Proceedings of the disciplinary committee**

- (1) For the purposes of any complaint, the disciplinary committee may administer oaths or affirmations.
- (2) A person appearing as a party before the disciplinary committee may, at any stage of the proceedings, appoint an advocate to represent him or her or otherwise to assist the disciplinary committee.

- (3) For the purpose of carrying out its duties, the disciplinary committee may interview and correspond with any person as it may deem necessary.

## **Second Schedule (s. 20)**

### **Meetings of the executive committee**

1. The executive committee shall meet as often as the business of the executive committee requires, but the executive committee shall meet at least once in three months.
2. The president shall convene a meeting of the executive committee if a request for a meeting in writing addressed to the general secretary is received by him or her, signed by at least three members of the executive committee.
3. The executive committee shall meet at a time and place that may be determined by the president.
4. Notice in writing of a meeting of the executive committee shall be given to each member of the executive committee at least seven clear days before the date of the meeting.
5. The notice under paragraph 4 shall include, as far as practicable, a statement of the business to be transacted at the meeting.
6. The nonreceipt of a notice by any member shall not affect the validity of the proceedings of the meeting.
7. Five members of the executive committee shall form a quorum.
8. No notice shall be given of an adjourned meeting unless the meeting resolved otherwise.
9. In case of emergency and with the approval of the president, or the vice president in the absence of the president, a notice calling the meeting may be given to the members at least one clear day before the date of the meeting; and the nonexistence of the emergency shall not affect the validity of the proceedings of the meeting.
10. The president or, in the absence of the president, the vice president shall preside at any meeting of the general assembly.
11. The person presiding at a meeting may, with the consent of the meeting, adjourn the meeting of the executive committee to a place that may be determined by the president.
12. Questions proposed at a meeting of the executive committee shall be determined by a majority of the votes of the members present; and in case of equality of votes, the person presiding shall have a casting vote.
13. Proper minutes of the deliberations of the meeting shall be recorded and issued by the person presiding at that meeting, and those records shall be sufficient evidence of that meeting.
14. Subject to this Schedule, the executive committee may regulate its own procedure.

## **Third Schedule (s. 20)**

### **Meetings of the institute**

#### **1. Annual general meeting**

- (1) The institute shall hold an annual general meeting which shall be held before the 30th of June in each financial year of the institute, at a time and place that may be determined by the chairperson.
- (2) The following business shall be transacted at the annual general meeting –
  - (a) reception and consideration of the accounts of the institute and the auditor's report;



- (b) election of members of the executive committee; and
- (c) any other business.

## **2. A special general meeting**

The president may convene a special general meeting of the institute whenever he or she considers it necessary and shall convene such meeting within fourteen days of giving notice of the meeting.

## **3. Notice of motion**

- (1) A member writing to bring a motion not related to the ordinary business of the annual general meeting before the meeting may give notice to the general secretary to reach him or her at least five weeks before the date of the annual general meeting.
- (2) The motion must relate to the matters of the institute or to the profession.

## **4. Notice of meeting**

- (1) The secretary shall send to each member of the institute notice of the meeting and the agenda for the meeting not less than fourteen days and not more than twenty-one days before the date of the meeting.
- (2) In the case of the annual general meeting, the secretary shall send with the notice—
  - (a) a copy of the annual report of the executive committee;
  - (b) a copy of the accounts of the institute together with the auditor's report;
  - (c) a list of persons nominated or proposed for election to the executive committee or as auditors; and
  - (d) a list of persons proposed for admission to membership of the institute.
- (3) The nonreceipt by any member of the institute of a notice of the meeting or any relevant document shall not invalidate the proceedings of the meeting to which they relate.

## **5. Associate member**

Associate members shall be entitled to notice and shall speak during a meeting but shall not be entitled to a vote.

## **6. Chairperson of the meeting**

- (1) The president or, in the absence of the president, the vice president shall preside at all meetings of the institute.
- (2) In the absence of both the president and the vice president, the members present shall elect one of the members to preside at the meeting.

## **7. Quorum of meetings**

- (1) At the annual general meeting the quorum shall be one-third of the voting members of the institute; and if after fifteen minutes from the time appointed for the meeting the quorum is not met, the meeting shall stand adjourned to that day a fortnight later the same time and place.
- (2) On the date to which the meeting is adjourned, the meeting shall proceed to business notwithstanding that there may be less than one-third of the enrolled members.

- (3) At a special general meeting the quorum shall be one-half of the enrolled members; and if after fifteen minutes from the appointed time for the meeting the quorum is not met, the meeting shall stand dissolved.

## **8. Adjournments**

- (1) A person presiding at any meeting may adjourn the meeting from time to time and from place to place.
- (2) Only the business left unfinished at the meeting from which the adjournment took place shall be transacted at the adjourned meeting.
- (3) No notice shall be given of an adjourned meeting unless the meeting resolved so.

## **9. Voting at a meeting**

- (1) Every question proposed at any meeting of the institute shall be determined by a simple majority of the members present and voting; and in case of equality of votes, the chairperson shall have a casting vote.
- (2) Voting shall be by secret ballot.

## **10. Minutes of meetings**

Minutes of the meetings of the institute shall be properly recorded and shall be confirmed by the subsequent meeting and signed by the chairperson and secretary of the meeting, and that shall be sufficient evidence of the meeting.

# **Fourth Schedule (ss. 40(3), 42)**

## **Professional code of ethics for journalists and editors**

### **1. Application of code**

This professional code of ethics applies to all persons practicing journalism and for the purposes of this code a person practises journalism if he or she is paid for the gathering, processing, publication or dissemination of information; and such person includes a freelance journalist.

### **2. Accuracy**

- (1) Journalists and editors must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (2) Any significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and, where appropriate, an apology should be published.
- (3) A journalist or editor must distinguish clearly between comment, conjecture and fact.
- (4) Journalists and editors must afford a fair opportunity for reply to inaccuracies when reasonably required.

### **3. Privacy**

- (1) Journalists and editors shall respect the constitutional right to privacy of home, correspondence, communication or other property enshrined in the Constitution.
- (2) A journalist or editor must not photograph a person in a private place without that person's consent.

- (3) A journalist or editor shall not unlawfully search the person, home or property of any person or unlawfully enter the premises of any person.
- (4) For the purposes of this paragraph, a private place is a public or private property where there is a reasonable expectation of privacy.

#### **4. Plagiarism**

It is unacceptable for any journalist or editor to plagiarise the professional work of any person or expropriate the work of any person without acknowledging the contribution of the owner of the work and naming his or her sources of information.

#### **5. Harassment**

- (1) It is unethical for a journalist or editor to engage in intimidation, harassment or corruption.
- (2) It is unacceptable for a journalist or editor to unreasonably persist in questioning, telephoning, pursuing or photographing a person who has asked the journalist or editor to desist from such acts.
- (3) A journalist or editor shall not enter the property of another without consent, and where a journalist is granted permission to enter a person's property, the journalist must not remain on the property if asked to leave the property.

#### **6. Journalist to identify himself or herself**

A journalist or editor must identify himself or herself and the media organisation he or she represents when requested to do so.

#### **7. Grotesque and gruesome pictures**

- (1) It is unacceptable for a journalist or an editor to publish any material which is grotesque or gruesome in nature.
- (2) A journalist or editor may publish a grotesque or gruesome in the public interest but should demonstrate the public interest that justifies the publication of such a grotesque or gruesome picture and must in any case warn the public that the material to be published is grotesque or gruesome.

#### **8. Obscene publications**

- (1) Journalists and editors must not publish obscene material including writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects, or any other object tending to corrupt morals.
- (2) Obscenity shall be construed in its ordinary meaning.

#### **9. Intrusion into grief or shock**

- (1) In a case involving personal grief or shock, any enquiry, approach or publication by a journalist or editor in regard such a case must be made with sympathy and discretion and publication of such a case must be handled with sensitivity.
- (2) This paragraph should not be taken to restrict the right of the journalist or editor to report legal proceedings including inquests.
- (3) Where a journalist or editor is reporting suicide or any other death, care should be taken to protect the dignity of the person and the sensibilities of the relatives and public.

## 10. Children

- (1) A journalist or editor must not unnecessarily intrude on the learning environment of a child.
- (2) A journalist or editor must not interview or photograph a child on any issue involving the child or another child unless the parent, guardian or any person having custody of a child consents.
- (3) A journalist must not approach or photograph a child at school without the permission of the school authorities.
- (4) For the purposes of this regulation, the fame, notoriety or position of a parent or guardian is not justification for publishing details of a child's private life.
- (5) A journalist must not identify a child who is a victim or witness in a case relating to a sex offence.
- (6) In a case relating to a sex offence, a journalist must not use the word "incest" where a child victim may reasonably be identified from use of such word.
- (7) A journalist must take care that his or her report relating to a sex offence does not imply a relationship between the accused and the child.

## 11. Reporting of crime

Stories, pictures or information, which seek to exploit a particular crime or to glorify or glamourise crime in general, must not be published.

## 12. Clandestine devices and subterfuge

- (1) A journalist or editor must not intercept the communications of any person without the required legal authorization.
- (2) Engaging in misrepresentation or subterfuge by a journalist or editor, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

## 13. Victims of sexual assault

A journalist or editor must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

## 14. Financial journalism

- (1) Journalists and editors must not use for their own profit financial information they receive in advance of its general publication nor should they pass such information to others.
- (2) Journalists and editors must not write or publish stories about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

## 15. Confidential sources

Journalists and editors have a moral obligation to protect confidential sources of information and shall not disclose the source of information; but they may only divulge the source in the event of an overriding consideration of public interest and within the framework of the law.

*[Fourth Schedule substituted by section 2 of [Statutory Instrument 5 of 2014](#)]*