

In the Name of Allah, the Gracious, the Merciful
The Press and Press Printed Materials Act, 2009

Be it hereby approved , by the National Assembly, assented to , and signed by President of the Republic in accordance with the provisions of the Interim National Constitution of the Republic of the Sudan, 2005, the following Act:-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the, “Press and Press Printed Materials Act, 2008 ”, and shall come into force, as of the date of signature .

Repeal and saving

2. The Press and Press Printed Materials Act, 2004, shall be repealed; provided that all the procedure, regulations and orders, made thereunder shall remain in force, until revoked, or amended under the provisions of this Act.

Application

3. The provisions of this Act shall apply to all the procedure, which are not complete, upon the commencement thereof, and likewise they shall apply to the completed procedure, at such date; on condition of rectification of the conditions of the press institutions, and the other means of producing newspapers, in accordance with the provisions of this Act, within a period, not exceeding ninety days, of the date of coming into force thereof.

Interpretation

4. In this Act, unless the context otherwise requires, :-

- “Academic institutions”, mean any academic, or research organ;
- “Act”, means the Press and Press Printed Materials Act, 2008;
- “Council”, means the Press and Press Printed Materials National Council, established under the provisions of this Act;
- “Court”, means the competent court, established under the provisions of this Act;
- “Distribution house”, means any body working in the distribution and sale of newspapers and press printed materials;
- “Government unit”, means any Government administrative, or functional organ, or company the majority of shares of which are owned by the State;
- “Journalist”, means every person, who practises journalism as a profession, and is registered with the Council, in accordance with the provisions of this Act;
- “Minister”, means the Minister of Information and Communications;
- “Ministry” , means the Ministry of Information and Communications;
- “Newspaper”, means any surface bearing a writing, or recording, which is periodically published, for public perusal, legally licensed, and does not include a wall exhibit, an academic , or specialized

	periodical, which is issued by a social association, academic institution or Government unit;
“Press company”,	means the company licensed to issue newspapers, in accordance with this Act;
“Press profession”,	means the profession of preparing newspapers and printed materials, and editing, issue and distribution of the same, by any means ;
“Printed material”,	means any means of press publication, wherein are recorded views, words or meanings, by any of the forms;
“Printing press”,	means any instrument, or machine for the production of a newspaper, or press printed material;
“Publicity agencies”,	mean any office practising advertisement and publicity business, and production of the materials thereof, and publishing , or transmission of the same by any means;
“Publisher”,	means the proprietor of the press institution, or company;
“Social association”,	means any social organization, registered, or permitted, in accordance with the law;
“Services centres”,	mean any institution, or facility working in the field of producing press materials, or distributing the same.

Basic Principles

Press and Journalists freedom

5. Without affecting the public order and morals , the Press shall practise :-
- (a) the tasks thereof freely and independently and aim at the development of the society , welfare of the nation and citizens thereof , and abide by the protection of privacy , honor and safety of its individuals and security of the society;
 - (b) no prohibition shall be on the Press , save in the cases which are specified by the Constitution and the law;
 - (c) the newspapers shall not be subject to confiscation , nor their quarters shall be closed , save in accordance with the law;
 - (d) no publisher or journalist shall be confined or detained , in the matters relating to the practice of his / her profession , otherwise than the cases which the law specifies .

Chapter II

The Council

Establishment, seat and supervision of the Council

6. (1) There shall be established a council, to be known as the, “Press and Press Printed Materials National Council”, having corporate personality, a common seal and the right to litigate in its own name .
- (2) The seat of the Council shall be in Khartoum.
- (3) The Council shall be independent in performing its business and in the budget thereof.
- (4) The Council shall be under the patronship and supervision of the Presidency and it may in the same :-
- (a) notify the Council of the general policies of the State prescribed in its strategies, with respect to the press profession;
 - (b) require information and reports, from the Council;

- (c) receive the recommendations and proposals, from the Council , with respect to the business thereof .

Functions of the Council

7. The Council shall have competence on the following, to:-
- (a) supervise the general performance of press institutions and companies , press publication houses, press printing presses, press services centres and news agencies , and review the performance of the same;
 - (b) help to provide the requisites of the press industry and press printing, and remove such impediments, as may face the same;
 - (c) ensure the appropriate minimum limit of wages of journalists and employees of press institutions;
 - (d) co-operate, and exchange expertise with the similar councils and organs, in the other states;
 - (e) supervise training journalists, in co-ordination with the press institutions;
 - (f) implement the general policies of the press and press printed materials , being guided by the general directives of the Constitution;
 - (g) strive to promote the press profession, and raise the professional standard of the employees thereof; and abide by the morals of press profession;
 - (h) authenticate the Sudanese Press and printed materials history;
 - (i) consider any contravention of the provisions of this Act , unless provided for within the functions of the competent court.

Powers of the Council

8. The Council shall have the following powers, to :-

- (a) receive a written notification from the newspapers for the purpose of licensing. The notification shall contain the name , nationality, and place of residence of the newspaper proprietor and language of publication of the same ; the name and address of the editor in chief and address of the publisher;**
- (b) permit the publishing and distribution houses and press services centres;**
- (c) grant the licences to press companies and institutions, news papers, press printing presses, press publication and distribution houses, and services centres;**
- (d) tender the necessary aid for progress of the work and activity of the press institution;**
- (e) constitute subsidiary specialized committees and organize the business thereof;**
- (f) validate foreign newspapers offices, and press agencies, and open a roll for the correspondents thereof , without affecting the functions of the Ministry;**
- (g) consider the complaints, presented by those aggrieved by the publication of press materials;**
- (h) contribute to settle the disputes inside the press community, without affecting the powers, set out in the basic rules of the Journalists General Union;**
- (i) establish a general secretariate for the Council, appoint the employees thereof and specify the terms of service of the same;**
- (J) delegate any of the powers thereof to the Chairperson or Secretary-General of the same, combined; provided that their decisions, under the delegation, shall be submitted to the Council , at the first meeting thereof, for approval, or rejection thereof;**
- (k) inflict the sanctions provided for in this Act;**

- (i) verify the extent of spreading of newspapers and press printed materials;
- (m) form the subsidiary offices in the states , without affecting the exclusive powers of the Government of Southern Sudan, and delegate, to the same , any of the powers thereof;
- (n) suspend the newspaper, or publication house, in case of their contravention of any of the conditions of licence.

Constitution ,composition and term of the Council

- 9.(1) The President of the Republic shall constitute the Press and Press Printed Materials Council , provided that due regard in its composition shall be had to represent journalists , publishers, printing presses proprietors, natural personalities and women , together with taking into consideration in the constitution of the same , the cultural, religions , ethnic and intellectual diversity.
- (2) Without affecting the provisions of sub- section(1), above , the Council shall be composed of twenty one members as follows :-
- (a) eight members , to be appointed by the President of the Republic, in consultation with the First- Vice President, from those who are witnessed to be of independence , propriety and neutrality, from those possessed of competence and expertise in the press and printed materials field;
 - (b) eight members, representing journalists, to be elected by the general assembly of the Journalists General Union , and the result shall be approved by the Work Organizations Registrar General;
 - (c) five members , to be elected by the publishers and press printing presses proprietors.
- (3) The term of session of the Council shall be four years.

The Council

10. The Organs of the Council shall consist of:-
- (a) the Council's Association;
 - (b) the General Secretariate;
 - (c) the Specialized Committees .

The Council's Association

11. The Council's Association shall, consist of the Chairperson , his/ her deputy, the Secretary-General and chairpersons of the Specialized Committees, and shall have competence on the following, to :-
- (a) organize the business of the Council;
 - (b) co-ordinate between the Council and the Specialized Committees;
 - (c) propose the internal regulations;
 - (d) any other tasks , as the Council may delegate thereto .

The Chairperson of the Council and his/ her Deputy

- 12.(1) The Council shall have a part-time chairperson, to be elected from among the members thereof, at the first sitting of the same; and such sitting shall be presided by the oldest member.
- (2) The Council shall elect a part-time deputy chairperson at the same sitting , after electing the chairperson and assuming his/ her office .

The tasks of the Chairperson and his/ her Deputy

- 13.(1) The Chairperson shall assume calling the Council for convention , presiding the sitting thereof and supervising the progress of its business.

- (2) The Deputy Chairperson shall assume the tasks of the Chairperson upon his/ her absence, and any business, as may be entrusted thereto by the Chairperson, or the Council.

The General Secretariate

14. The General Secretariate of the Council shall be composed of the Secretary General and the employees thereof. The Council shall issue a decision of the constituting and functions of the same . The Secretary General shall be the highest executive and administrative authority at the General Secretariate .

The Secretary General , his/ her tasks and functions

- 15.(1) The Secretary General shall be appointed , from those possessed of expertise and competence , to be a Secretary General, by the president of the Republic , in consultation with the First Vice –President and upon recommendation of the Council, and shall specify his/ her emoluments and shall be ex officio rapporteur of the Council.
- (2) The Secretary General shall have competence on the following , to:-
- (a) conduct administrative business , and supervise the financial and technical affairs ;
 - (b) prepare the draft of annual budget, and present the same to the Council ;
 - (c) supervise the General Secretariate;
 - (d) call the Council for convention , upon direction of the Chairperson of the Council;
 - (e) record minutes of the meetings , keep instruments and documents and follow- up the execution of the decisions of the Council;
 - (f) prepare and present to the Council, the administrative and financial reports, and the performance of the General Secretariate;

- (g) appoint employees , evaluate their performance and discipline them;
- (h) any other business , as the Council , or its Chairperson may entrust thereto .

Meeting of the Council

- 16.(1) The Council shall hold a periodical meeting, once, every month, and they may hold emergent meetings, by the initiative of the Chairperson, or upon a written request of one- third of the members .
- (2) The quorum, for meeting of the Council, shall be constituted by the attendance of more than half the members thereof.
- (3) Decisions of the Council shall be adopted by consensus; and upon the same not being possible, by the assents of the majority of the members present; and in case of equality of votes, the Chairperson shall have a casting vote.

Vacancy of the seat

- 17.(1) The seat of a member of the Council shall fall vacant in the following cases :-
 - (a) death;
 - (b) resignation;
 - (c) relief, by the appointment, or election body;
 - (d) such infirmity , as may disable him to perform the duties of membership;
 - (e) absence from three consecutive meetings, without permission, or excuse acceptable by the Council;
 - (f) conviction of an offence involving honor, or honesty, or contravention of the provisions of this Act.
- (2) Upon vacancy of the seat, it shall be filled by the body concerned , by the appointment, or election body, as the case may be, within a period, not exceeding sixty days.

Appeal of sanctions and decisions of the Council

18. The person aggrieved by any sanction, as the Council may inflict, or any decision , as may be passed thereby, may appeal, to the Competent Court, within thirty days, of the date of his notification thereof.

The financial resources

19. The financial resources of the Council shall consist of the following :-
- (a) such annual subsidy, as may be allocated thereto by the State;
 - (b) fees of licensing and renewal of newspapers, press printing presses and inputs of the same;
 - (c) such gifts, legacies and aids, as the Council may accept;
 - (d) any other resources, as the Council may approve.

The annual budget

- 20.(1) The Secretary-General shall prepare the draft annual budget and present the same to the Council.
- (2) There shall be followed, in preparing the draft budget, the financial and accountancy bases in the State.
- (3) The Council shall pass the draft budget, and then submit the same to the Presidency for approval.

Accounts and audit

- 21.(1) The Council shall keep regular and financial accounts, as to such financial and accountancy bases, as may be in use .
- (2) The National Audit Chambers, or any validated auditor, appointed by the Council, upon approval of the Auditor General shall annually audit accounts of the Council, within four months, of the end of the financial year. The Secretary General shall facilitate the audit operation.

- (3) The Auditor General shall present to the Secretary General the audit report to submit the same to the Council.

Chapter III

Newspapers, Press Publications and Press Printed

Materials issued and licensed

22. The newspapers shall be issued by :-

- (a) a company registered in accordance with the provisions of the Companies Act, 1925;
 - (b) any legally registered political association ; on condition that there shall be responsible, for the newspaper, an editor in chief, as to the conditions, set out in section 26 hereof;
 - (c) any social association, academic institution or Government unit , for the promotion of academic , or specialized activity; on condition that there shall be responsible, for the printed material, an editor in chief, as to the conditions, set out in section 26, hereof.
- (2) The foreign communities, resident in the Sudan, may issue their own publications and printed materials, after obtaining the necessary licence, from the Council, as to such conditions and safeguards, as the regulations may specify.

Newspapers, press publications and printed materials licensed

- 23.(1) There shall be required , for the issue of any newspaper, a press publication or printed material, to obtain a licence therefor, from the Council, after payment of the fees, as the regulations may specify.
- (2) The licence shall annually be renewed, after payment of the licence renewal fees, as the regulations may specify.

Conditions of granting licence to issue newspapers or press publication

24.(1) The Council shall grant the licence, to issue any newspaper, in accordance with the following conditions :-

- (a) the issue of newspapers, press publication or the information industry, shall be among the basic objects of the press institution;**
- (b) the press institution shall deposit such amount of money, as the Council may specify, in accordance with the regulations, in an independent bank account, to be specified by the Council, in the Press Work (Promotion) Regulations, together with undertaking not to spend, from the deposited amount, otherwise than for the purposes of issue; and the Council may, by a decision thereof, raise the minimum limit of depositing, whenever the circumstances, or the public interest requires the same;**
- (c) the press institution shall contract with a sufficient number of journalists, possessed of competence and experience; provided that the number and qualification for the force shall not be less than satisfaction of the minimum limits, set out in the Press Work (Promotion) Regulations;**
- (d) the press institution shall have quarters, for practice of the press activity, and the regulations shall specify the conditions and specifications of the same;**
- (e) the press institution shall have an approved information centre, and the regulations shall specify the conditions and specifications of the same;**
- (f) the newspaper, or press institution shall abide by such specialization, as may have been approved therefor .**

Chapter IV

Conditions of Work in the Press Profession

**Conditions to be satisfied by a
journalist and an editor in chief**

- 25.(1) A journalist, before practising the profession, shall be required to be enrolled in the Journalists Roll, at the Council.
- (2) An editor in chief of a newspaper shall be required :-
- (a) to be a Sudanese, whose age shall not be less than thirty five years;
 - (b) to have practised the press work professionally, for a period, not less than ten years;
 - (c) to be in possession of a university qualification, or a diploma in the press field;
 - (d) to be full time devoted to the press work;
- (3) The Council may exclude a candidate for the editing in chief of a newspaper, from the above conditions of experience and university qualification, where he satisfies the distinguished typical qualifications, or experiences.
- (4) The Council may exclude the candidates for editing in chief of any printed material, issued by the press institution, from the provisions of sub-section 2 (a) ,(b) and (c)above .
- (5) He shall have been convicted of an offence inconsistent with honor , honesty or contravention of the provisions of this Act .

The responsibility of an editor in chief

26. An editor in chief shall be the first person responsible for the good performance of editing of the newspaper, and shall also be responsible, for all what is published in the newspaper, as an actual perpetrator of the contraventions and offences, committed by the newspaper, without prejudice to the criminal responsibility, or any other responsibility of the writer, the one who placed the drawing, the publisher, the printer or distributor; and the responsibility, in such case, shall be joint .

Rights and immunity of a journalist

27.(1) A journalist shall enjoy the following rights and immunities :-

- (a) his non-subjection to any act, for the purpose of affecting his performance , chastity or his abidance by the professional duties thereof;**
 - (b) protection of the sources of his press information;**
 - (c) his non-subjection to accountability, upon his communicating public information, or expressing his opinion, saving cases of red-handedness, no journalist shall be arrested with respect to any charge, as may be connected to the practice of his press profession, save after notifying President of the Journalists General Union ,.**
- (2) Every public servant, or person, or body in whose possession are public information, relating to the State, and the community may avail such information to journalists, unless the same have previously been classified, by law, or by a decision of any competent body, as being information, which shall not be published.**
- (3) The Council shall take such appropriate measures , as may guarantee the rights and immunities of the journalist.**
- (4) A journalist shall not be dismissed, save after notifying the Journalists General Union , of the justifications of the dismissal. Where the period of one month elapses, and the Union, fails during the same, to conciliate, between the newspaper and the journalist, both parties shall be governed by the provisions of the Labour Act in force.**

Duties of the journalist

28.(1) Besides any other obligations, in any other law, a journalist shall abide by the following :-

- (a) to intend truthfulness and chastity, in the performance of his press profession, together with his abidance by such principles and values, as the Constitution and the law may contain;
 - (b) not to publish any secret information, relating to the security of the country , or the disciplined forces as to plans , training, drilling and movement ; and the information shall be taken from the official spokesman of the competent force;
 - (c) not to publish any information, which he knows that they are classified, in accordance with the provisions of section 27(2) hereof;
 - (d) abide by non- excitement or exaggeration in presenting the news of crimes , or civil contraventions;
 - (e) not to comment on the inquiries ; investigations or trials , save after final determination of the same;
 - (f) not to publish any matter inconsistent with religions, noble belief customs or science, in such way , as may lead to spreading of quackery;
 - (g) to abide by the values and rules of professional conduct, included in press covenant of honor, approved on part of the Journalists General Union .
- (2) The duties of a journalist, set out above, shall apply to every person, who assumes, or participates in the editing, publishing, or distributing of any printed material.

The right to correction

- 29.(1) An editor in chief shall publish, upon the request of any person aggrieved by the publication of any facts, or statements, a correction of such facts, or statements, at the same place of the newspaper, and in the same types, in which the matter subject of grievance is published .

- (2) The correction shall be published , within three days, of the date of receipt of the request, in case of a daily newspaper, or in the first issue, in case of any other newspaper.
- (3) Publication of correction may be refused, where the :-
- (a) request is presented, sixty days after the date of publication;
 - (b) correction involves affecting the rights, or sanctities of others;
 - (c) correction has previously been published,
 - (d) characteristic of commercial promotion, or advertisement prevails over the correction;
 - (e) correction including contravention of the provisions of the law.
- (4) The Council may inflict any of the sanctions; provided for in this Act, in case of the newspaper refraining from publishing the correction, after its being bound by the Council to publish the same, without affecting the legal rights of the aggrieved person.

The conditions to be satisfied
by the press publisher

30. A press publisher shall be a natural, or corporate person; and shall enjoy the necessary competence and experience.

Duties of a publisher

31. Every press publisher shall :-
- (a) allocate a certain percentage of the funds of the press institution, to spend on training ;provided that the Council shall specify such percentage, in the Presswork (Promotion) Regulation;
 - (b) approve remunerative terms of service, for the journalists working at the press institution, as to such just standards , as may be governed by the Labour Act, 1997, or any other law;

- (c) show, in a conspicuous way, in the first, and last page of each printed material he issues, the name of the publisher and printer, the addresses of both of them, and the date of printing;
- (d) deposit, with the General Secretariate of the Council, a number of issues, to be fixed by the Council, of every printed material, issued thereby , as the regulations may specify;
- (e) present the financial statements, and all the accounts, pertaining to the press institution, for auditing the same by the General Audit Chambers .

Chapter V

Press Services Centres and Press

Printing Presses

Licences

- 32.(1) No person shall acquire centres for press services, or press printing presses, save after obtaining a licence therefor, from the Council, as to such conditions and safeguards, as the regulations may specify.
- (2) The press services centres and press printing presses shall annually be licensed, and renewed, after payment of such fees , as the regulations may specify .

Import of press printed materials

- 33.(1) Any person may obtain a licence for importing any foreign press printed materials, or materials bodies , by licence from the Council, together with the Council reserving, the right of control and supervision.
- (2) Every person, who imports any foreign press printed material shall deposit therefrom, with the General Secretariate, such number of copies, as the Council may specify.

Licence relinquished

34. The licence may be relinquished, upon approval of the Council; provided that the person relinquished to shall satisfy the conditions, prescribed under this Act, for obtaining a licence, in the first place.

Chapter VI

Sanctions and Penalties

Sanctions

- 35.(1) The Council may inflict any of the following sanctions, upon the corporate or natural persons, licensed under the provisions of this Act, in case of contravention thereby, of any of the provisions thereof :-
- (a) reprimand;
 - (b) binding the newspaper to apologize, or publish the decision of the Council concerning the contravention;
 - (c) warning;
 - (d) deprivation of the privileges allocated by the Council;
 - (e) turning the attention;
 - (f) published reprimand;
 - (g) suspension of the newspaper, for a period, not exceeding seven days;
 - (h) revocation of the licence, in case of contravention of the conditions under which it has been granted.
- (2) The Council , before inflicting any sanction, against any person, shall avail him the right of hearing and defense .
- (3) The Chairperson of the Council, may tender advice, to the publisher, or editor in chief, about any matter, as they may deem the publication of which constitutes a contravention of this Act.
- (4) Any person aggrieved by any sanction inflicted by the Council, may appeal to the Competent Court, within thirty days, of the date of his being notified of the decision of sanction.

- (5) The Council may delegate the powers thereof, under this section, to one of the Specialized Committees of the same.

The Competent Court

- 36.(1) The Chief Justice shall specify a court to have competence to consider offences and contraventions in accordance with the provisions of this Act.
- (2) All cases relating to the press and publication shall be deemed urgent.

Penalties

- 37.(1) Whoever contravenes the provisions of this Act, and the regulations shall be deemed to have committed a contravention , and shall , upon conviction, be , punished with fine not exceeding (50,000) fifty thousand Sudanese pounds.
- (2) Notwithstanding the provisions of sub-section(1), the Court may inflict the following penalties , in case of contravention, by the journalist, the press institution , press services centres and press printing presses, of the provisions of this Act , and the regulations made thereunder :-
- (a) suspension of the printed material , for a term, not exceeding two months;
 - (b) revocation of the licence, where the printed materials has been sentenced to be suspended twice ;
 - (c) confiscation of the press printing presses and the press printed materials, in case of repetition of the contravention in accordance with the provisions of this Act , for more than twice .

Making regulations

- 38.(1) The Council may make such regulations, as may be necessary, for the organization of their business and implementation of the provisions of this Act.**
- (2) Without prejudice, to the generality of the foregoing, in sub-section (1), above, the regulations shall organize the following matters:-**
- (a) promoting the press work;**
 - (b) the conditions for granting, renewal and relinquishment of the licence;**
 - (c) the conditions for practice of the press work, and the profession safeguards;**
 - (d) organizing the business of the Council, and the Specialized Committees thereof;**
 - (e) the sanctions procedure;**
 - (f) the terms of service of the employees of the General Secretariate;**
 - (g) the financial procedure;**
 - (h) organizing training;**
 - (i) the rules for selecting and electing members of the Council.**