

THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,
(CAP. 218)

REGULATIONS

(Made under section 42A(5))

THE COPYRIGHT AND NEIGHBOURING RIGHTS (COMPOUNDING OF
OFFENCES)
REGULATIONS, 2020

<i>Regulation</i>	<i>Title</i>
1.	Citation.
2.	Interpretation.
3.	Notification of offence.
4.	Procedure after offence notification.
5.	Procedure upon dispute of offence.
6.	Payment and default.
7.	Issue of official receipt.
8.	Compounding order not appealable.
9.	Report to Director of Public Prosecutions.

SCHEDULE

GOVERNMENT NOTICE NO 621 published on 7/8/2020

THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,
(CAP. 218)

REGULATIONS

(Made under ssection 42A(5))

THE COPYRIGHT AND NEIGHBOURING RIGHTS (COMPOUNDING OF
OFFENCES) REGULATIONS, 2020

- Citation **1.** These Regulations may be cited as the Copyright and Neighbouring Rights (Compounding of Offences) Regulations, 2020.
- Interpretation
Cap 218 **2.** In these Regulations, unless the context otherwise requires-
"Act" means the Copyright and Neighbouring Rights Act;
"authorised officer" means a person authorised by the Society to compound offences under the Act;
"Minister" means Minister responsible for trade;
"Society" means the Copyright Society of Tanzania or in its acronym "COSOTA" established pursuant to section 46 of the Act;
"copyright" means the sole legal right to print, publish, perform, film or record a literary, artistic or musical work.
- Notification of offence **3.**-(1) Where a person has committed an offence which is compoundable under the Act, the Society shall notify such person in the manner provided in the Notification Form "N" set out in the Schedule.
(2) The notification referred to under this regulation shall:
(a) specify the offence committed and the relevant provision;
(b) specify the relevant penalty for the offence committed and compounded amount for the offence; and
(c) be dated and signed by an authorised officer.
- Procedure after notification of offence **4.**-(1) A person who receives a notification under regulation 3 shall, within seven days from the date of receipt of the notification, either admit the offence or state his intention to answer charge against an offence:
Provided that, the Society may, on reasonable grounds, accept admission of commission of an offence after the expiry of seven days.

Copyright and Neighbouring Rights (Compounding of Offences)

(2) Where the person admits the offence, such person shall fill in the Admission Form "O" set out in the Schedule.

(3) Where the person intends to answer charge against an offence, such person shall fill in the Intention to Answer Charge Form "P" set out in the Schedule.

Procedure upon dispute of offence

5.-(1) Where a person intends to answer a charge against an offence, the Society shall submit the Notification Form together with the Intention to Answer Charge Form "P" to the Director of Public Prosecution together with any other relevant information for further action.

(2) A person who fails or refuses to sign a Notification Form shall be deemed to have disputed commission of an offence, and the Society shall notify the Director of Public Prosecution and submit any other relevant information for further action.

Payment and default

6.- (1) A person who admits the commission of an offence shall pay the compounded amount to the Society in such manner as the Society may direct, and within the time to be specified in the Admission Form "R" set out in the Schedule.

(2) Pursuant to subregulation (1), payment of amount compounded shall be deposited into the Society's account within the time stated in the compounding order.

(3) Where a person fails to pay the compounded amount by the end of the commitment period the Society shall charge an interest at a commercial rate.

(4) Where the compounded amount and the interest thereof remain unpaid by the offender for more than ninety days, the Society shall enforce the order in the same manner as a decree of a court for the payment of the amount stated in the notification and interest.

Issue of official receipt

7. An authorised officer shall issue an official receipt for every payment received under these Regulations to a person to whom the offer to compound was made.

Compounding order not appealable

8. Any compounding order made by the Society under the Act and these Regulations and signed by an offender shall not be appealable.

Report to Director of Public Prosecutions Cap. 430

9. The Society shall, subject to section 9A of the National Prosecutions Services Act, submit monthly report of all compounded offences to the Director of Public Prosecutions which shall contain the following information-

- (a) name and particulars of the offender;
- (b) offence committed and the relevant provision;
- (c) date and place in which the offence was committed;
- (d) compounded amount; and
- (e) any other relevant information.

SCHEDULE

FORM N

NOTIFICATION OF OFFENCE

(Made under regulation 3)

To.....
Address.....

- 1. You are charged with the following offence (s):
(a)contrary to..... of
(b)contrary to..... of
(c)contrary to.....of.....
2. If you WISH to admit commission of the offence (s) you should complete "ADMISSION FORM" attached hereto and return it together with this notification to the Copyright Administrator within seven (7) days from the date of service of this notification.
3. If you DO NOT WISH to admit to have committed the offence (s) you are required to complete "INTENTION TO ANSWER CHARGE FORM" attached hereto and return it together with this notification to the Copyright Administrator together with answers, in writing, to the charges mentioned above, within seven (7) days from the date of service of this notification.
4. In the event you admit to the offence(s) listed under paragraph 1 you shall be liable to pay a compoundable amount as follows:

Table with 4 columns: S/N, Offence, Prescribed Fine under the Law (TZS), Compounded Amount (TZS)

.....
Copyright Administrator /Authorised Officer Signature

Date:

Received by: Signature: Date:

NOTIFICATION OF OFFENCE

ADMISSION FORM

(Made under regulation 4)

I of (residential or business address) being the (owner/director/manager/representative) of..... (name of company/firm, etc) admit to have committed the offence(s)

Nos.....set out in the Notification Form.

I request that the offence(s) be compounded as per regulation/section..... of the Regulations/Act

I undertake to pay the requisite compoundable amount of TZS within a period ofdays from the date hereof.

I understand that an interest at a commercial rate will be charged upon failure to pay the compounded amount within the period specified above.

Signature:

Date:

Signature of the Copyright Administrator /Authorised Officer

Date:

INTENTION TO ANSWER CHARGE FORM

(Made under regulation 5)

INTENTION TO ANSWER CHARGES FORM

I of(residential or business address) being the (owner/director/manager/representative) of..... (name of company/firm, etc) intend to answer charge (s)
Nos.....set out in the Notification Form.

I further provide my explanation attached hereto in writing in response to the charges.

Signature:

Date:

Dodoma,
3th Augst,2020

HARRISON G. MWAKYEMBE
Minister for Information, Culture, Arts and Sports