



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF COMMUNICATION AND INFORMATION
TECHNOLOGY
TANZANIA COMMUNICATIONS REGULATORY
AUTHORITY



Ref. No: EB.32/160/01/199

28th February, 2025

Managing Director,
Health Media Tanzania Limited,
Radio Maisha FM,
P.O.Box 17057,
DODOMA.

DECISION ON COMPLIANCE ORDER

(Made pursuant to the Compliance Order issued to Health Media Tanzania Limited T/A Radio Maisha FM on 3rd October 2024)

1. INTRODUCTION

- 1.1 The Tanzania Communications Regulatory Authority (hereinafter referred to as "**the Authority**") on the 27th July, 2021 issued a District Content (Radio Broadcasting) Services Licence (hereinafter referred to as "**the Licence**") and assigned Radio Frequency Spectrum to Health Media Tanzania Limited T/A Radio Maisha FM (hereinafter referred to as "**the Licensee**") for provision of Radio broadcasting services.
- 1.2 The issued Licence requires the Licensee, among other things, when providing licensed services, to comply with laws, regulations and Licence conditions;
- 1.3 Section 15(1) of the Electronic and Postal Communications Act, Cap 306 R.E 2022 read together with Regulation 10(1) of the Electronic and Postal Communications (Licensing) Regulations, 2018, require the Licensee to pay Licence fees;
- 1.4 Section 21 (h) of Cap 306 stipulates that, repeated failure of the Licensee to pay Licence fee as provided for under the law is a material breach that may lead to cancellation of a Licence under Section 22(a) of Cap 306; and

- 1.5 The Authority's records reveal that, while providing licensed services, and despite several reminders from the Authority, the Licensee has repeatedly failed to pay regulatory fees amounting to Tanzania Shillings Four Million, Eight Hundred Ninety-One Thousand, Six Hundred Sixty (TZS. 4,891,660) contrary to the requirement of section 15(1) of Cap 306 read together with Regulation 10(1) of the Electronic and Postal Communications (Licensing) Regulations, 2018.

2. **THE COMPLIANCE ORDER**

On 3rd October 2024, the Authority issued a Compliance Order to the Licensee pursuant to Section 48 of Tanzania Communications Regulatory Authority Act, Cap 172 requiring the Licensee to submit written explanations and appear before the Authority on 22nd October, 2024 at 14:00 at the Authority's Central Zone Offices to show cause as to why further legal actions should not be taken against the Licensee for failure to pay regulatory fees amounting to Tanzania Shillings Four Million, Eight Hundred Ninety-One Thousand, Six Hundred Sixty (TZS. 4,891,660) contrary to the requirement of section 15(1) of Cap 306 read together with Regulation 10(1) of the Electronic and Postal Communications (Licensing) Regulations, 2018.

3. **THE HEARING**

- (a) The Licensee submitted a written defence and appeared for the hearing before the Authority on 22nd October, 2024 as ordered, represented by Ms. Angela Peter Aweda, Assistant Chief Executive Officer for the Health Media Tanzania Limited. In their defence:
- (i) The Licensee admitted to have repetitively failed in making payment of regulatory fees amounting to Tanzania Shillings Four Million, Eight Hundred Ninety-One Thousand, Six Hundred Sixty (TZS. 4,891,660).
 - (ii) Further the Licensee stated that, their failure to pay regulatory fees was attributed to change of management and drastic business changes, such as an eviction from the business premises and termination of tenancy from their studio as a result they were forced to acquire an alternative premise at Ilazo South, Plot No. 77, Block A, Dodoma.

The renovation work took about three (3) months from March to May 2024. This information was communicated to the Authority vide a letter dated 31st May 2024.

- (iii) That having relocated to the new premises affected the Licensee in the sense that they could not proceed with the normal programs instead they were broadcasting recorded programs, playing music and few advertisements from July to October 2023 hence they were unable to generate income.
 - (iv) The Licensee committed to settle the whole outstanding regulatory fees by 31st December 2024 from their current source of income from air time and advertisements.
- (b) In their closing submission, the Licensee requested the Authority not to take legal action against them as they are determined to settle the outstanding regulatory fees and committed to providing services in accordance with the Licence conditions.

4. **CONSIDERATION OF THE LICENSEE'S DEFENCE**

Having heard the Licensee's oral submissions and read their written defense, the Authority had the following observations:

- (a) The Authority notes the Licensee's admission to have repeatedly failed to pay regulatory fees amounting to Tanzania Shillings Four Million, Eight Hundred Ninety-One Thousand, Six Hundred Sixty (TZS. 4,891,660) contrary to the requirement of section 15(1) of Cap 306 read together with Regulation 10(1) of the Electronic and Postal Communications (Licensing) Regulations, 2018;
- (b) Despite the fact that the Licensee has committed to clear the outstanding fees by 31st December 2024, the Authority notes with concern that the Licensee has been making commitments and failed to honour them. For instance, in October 2022, the Licensee outstanding fees were TZS. 7,177,660 the Licensee signed commitment to pay the whole amount by 30th October 2022 but failed. Again on 31st October 2022 the Licensee prayed to pay the amount in four equal instalments from December 2022 to March 2023 but the amount was not paid as requested;

- (c) The Authority recalls that on 13th July 2023, the Licensee was served with a Suspension Order Notice with Reference No. BA.194/358/010/7. The implementation of the said Order was temporarily halted by a letter dated 24th August 2023 with Reference No. BA.70/358/015/5 following the Licensee's promise to clear outstanding regulatory fees by 30th December 2023. Further, on 11th August 2023, after the Authority had issued an order to pay outstanding fees amounting to TZS 6,446,000/- the Licensee requested to settle the bill in one hundred and twenty (120) days. Furthermore, on 12th February 2024, the Licensee requested to pay pending regulatory fees in instalments until December 2024. All the promises made by the Licensee to the Authority were not complied with;
- (d) Therefore, based on the Licensee's tendency of not honouring their promises and commitments to pay outstanding regulatory fees, the Authority finds the Licensee pleading as repeating the vicious circle of unfulfilled promise, hence a likely perpetual non-compliant.

5. **DECISION**

- (a) Having considered the Licensee's admission and defence regarding their failure to pay regulatory fees, the Authority finds the Licensee to have breached the law and Licence conditions; and
- (b) Considering the fact that the Licensee has made full payment of the outstanding amount of Tanzania Shillings Four Million Eight Hundred Ninety-One Thousand Six Hundred and Sixty (TZS. 4,891,660) after the hearing;

NOW THEREFORE by virtual of Section 114 of the Electronic and Postal Communications Act [Cap 306 R.E.2022] and Section 48 (2) and (3) of the Tanzania Communications Regulatory Authority Act [Cap 172] hereby warns Health Media Tanzania Limited T/A Radio Maisha FM for the breach of law, regulations and Licence conditions by untimely payment of regulatory fees.

TAKE NOTICE that, should Health Media Tanzania Limited T/A Radio Maisha FM repeat the breach stated in this order, the Authority will proceed to take further stern legal and regulatory actions.

This Order is issued on28.....day of February, 2025



Digitally Signed By JABIRI KUWE
BAKARI
Fri Feb 28 22:50:01 EAT 2025

Dr. Jabiri K. Bakari
DIRECTOR GENERAL

This Compliance Order Decision was served upon and received by **Health Media Tanzania Limited T/A Radio Maisha FM** on this.....day of March, 2025.

Name: DR. WILLFREDS RUTAHOMWE

Signature: W. [Signature]

Designation: MANAGING DIRECTOR



(This Compliance Order Decision is issued in duplicate. Sign both copies and retain your copy while the other copy is to be returned to the Authority to authenticate due service of the Order.)