

Supplement No. 1 published with Gazette No. 11 of 26th May, 1997.

THE BROADCASTING LAW (30 OF 1977)

(1997 Revision)

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Law 30 of 1977-5th December, 1977

Revised this 29th day of April, 1997.

BROADCASTING LAW

(1997 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
2. Definitions
3. Establishment of Broadcasting Authority
4. Composition of Authority
5. Meetings and proceedings of Authority
6. Pecuniary interest of members to be disclosed
7. Remuneration of members
8. Acts, etc., of Authority not to be invalidated by reason of vacancies
9. Secretary and other officers of Authority
10. Application for and granting of licences under this Law
11. Suspension and revocation of licences
12. Duties of licensees
13. Power of Authority to obtain information
14. Matter broadcast to be in English language
15. Governor may cause certain announcements, etc., to be broadcast
16. Duty of Authority to make annual report
17. Penal
18. Regulations
19. Savings

BROADCASTING LAW

(1997 Revision)

1. This Law may be cited as the Broadcasting Law (1997 Revision). Short title
2. In this Law - Definitions

“Authority” means the Broadcasting Authority established by section 3;

“broadcasting station” means a station which transmits or emits for reception by the public generally signs, signals, writing, images and sounds or intelligence of any nature by wire, radio or any visual or other electromagnetic system;

“chairman” means the chairman of the Authority appointed under section 4(2);

“Governor” means Governor in Council;

“licence” means a licence under section 10;

“licensee” means a holder of a currently valid licence;

“member” means a member of the Authority appointed under section 4(1); and

“station” means one or more transmitters or receivers, or a combination of transmitters and receivers, including the equipment necessary at one location for carrying on a telecommunication service.
3. There is established a public authority called the Broadcasting Authority which, subject to this Law, shall exercise the powers conferred, and discharge the duties imposed on it, by this Law. Establishment of
Broadcasting Authority
4. (1) The Authority shall comprise five members appointed by the Governor each of whom, subject to subsection (3) and unless he earlier dies or vacates his office, shall hold office at the pleasure of the Governor. Composition of
Authority

(2) The Governor shall appoint one of the members to be the chairman thereof.

(3) A member may resign his office by giving written notice to the Governor.

(4) If the chairman ceases to be a member he ceases to be chairman.

(5) A member who ceases to be a member shall be eligible for re-appointment.

(6) The names of the members of the Authority as first constituted and particulars of every change in the membership thereof shall be published in the Gazette.

(7) If, at any time, a member is by reason of ill-health, absence from the Islands or other sufficient cause unable to perform his duties as such, the Governor may appoint another person to act as a member during the incapacity of the substantive member and any person so appointed shall, while so acting, be deemed to be a member.

Meetings and
proceedings of Authority

5. (1) The Authority shall meet at such times and places as the chairman may decide.

(2) The quorum at any meeting of the Authority shall be three members present.

(3) At all meetings of the Authority the chairman, or, in his absence, such other member as the members present select, shall preside.

(4) All questions coming or arising before a meeting of the Authority shall be decided by a majority of the members present and voting thereon at the meeting, save that the person presiding, shall not have an original vote, but in the case of an equality of votes he shall have a casting vote.

(5) Subject to subsections (1) to (4), the Authority may regulate its own procedure.

Pecuniary interest of
members to be disclosed

6. If a member has a pecuniary interest, direct or indirect, in any contract or other matter and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement, disclose the fact, which shall be recorded in the minutes of the meeting, and thereupon such member may take part in the consideration or discussion of the contract or other matter, but shall not vote or otherwise take part in the decision thereon of the Authority.

Remuneration of
members

7. A member, not being a public officer, may be paid and receive from public funds such allowances for travelling and subsistence as may, from time to time, be payable to persons serving upon public bodies.

8. No act or proceeding of the Authority shall be invalidated in consequence of there being a vacancy in the number of the members of the Authority at the time of such act or proceeding. Acts, etc., of Authority not to be invalidated by reason of vacancies
9. The Authority may, from time to time and on such terms as to remuneration and otherwise as may be approved by the Financial Secretary, appoint and employ a secretary and such other officers, including inspectors, as the Authority may, from time to time, deem necessary for the efficient discharge of its functions under this Law and may suspend or dismiss any person so appointed. All expenditure incurred under this section shall be defrayed out of sums provided for that purpose by the Legislative Assembly. Secretary and other officers of Authority
10. (1) Any person wishing to establish and operate a broadcasting station in the Islands may apply to the Governor for a licence authorising him so to do. Application for and granting of licences under this Law
- (2) An application for a licence shall be made in such form and manner as may be prescribed or, failing such prescription, as the Governor may require.
- (3) Subject to this Law, the Governor may grant a licence in respect of which an application has been made under subsection (1) but, if the Governor is of the opinion that it would not be in the public interest to grant a licence, he may refuse to grant it without giving any reason for such refusal, and such refusal shall be final and not the subject of any appeal to, or question by, any court.
- (4) Subject to this Law, a licence granted under this section shall be for such duration and subject to such terms and conditions as the Governor may see fit to impose and to the payment of such fee, if any, as may be prescribed.
11. (1) Section 10 notwithstanding, the Authority may, at any time and without notice, suspend a licence-
- (a) for any contravention of this Law or any regulation made under it;
 - (b) for the failure to comply with any condition subject to which the licence is granted;
 - (c) if, in the opinion of the Authority, the licensee has operated the relevant station in a manner, or broadcast material from it, detrimental to the public interest; or
 - (d) if the Authority has reasonable cause to believe that the licensee intends to operate the station, or to broadcast material from it, detrimental to the public interest.
- (2) Subject to subsection (3), the Authority may, at any time, revoke any licence which it has suspended under subsection (1) or it may restore such licence, Suspension and revocation of licences

either wholly or in part, subject to such further conditions, if any, as it may see fit to impose.

(3) Before revoking any licence under subsection (2), the Authority shall give the licensee concerned notice in writing of its intention to do so specifying the grounds on which it proposes to revoke the licence and shall afford the licensee an opportunity of submitting to the Authority within one month, or such longer time as it may specify, a written statement of objections to the revocation of the licence which the Authority shall take into account before reaching its decision.

(4) The Authority shall inform the licensee concerned of any decision to revoke his licence but shall not be required to give any reasons for such decision.

(5) A decision under this section to revoke a licence shall not be the subject of any appeal to, or question by, any court but an appeal against such a decision shall lie to the Governor whose decision shall be final.

Duties of licensees

12. It is the duty of a licensee to ensure that the programmes broadcast by him-

- (a) include nothing which offends against good taste or decency, is likely to encourage or incite to crime or lead to disorder or to be offensive to public feelings or which contains any offensive representation of or reference to a living person;
- (b) maintain a proper balance in their subject matter and a high general standard of quality;
- (c) present with due accuracy and impartiality any news given therein;
- (d) include no discussions or debates where persons taking part express opinions or put forward arguments of a political character which are not properly balanced by other opinions; and
- (e) comply with this Law and the regulations.

Power of Authority to obtain information

13. (1) The Authority may require any licensee, and, in any case where such licensee is a body corporate, any officer of such body corporate, to furnish such information as may be within his knowledge or power concerning all matters touching any licence issued or applied for under this Law and anything broadcast from a broadcasting station operated by a licensee.

(2) Whoever neglects or refuses to furnish to the Authority any information within his knowledge or power, within seven days of such information being required from him under subsection (1) is guilty of an offence and liable on summary conviction to a fine of one hundred dollars in respect of each day during which such neglect or refusal continues.

14. Without prejudice to any other provision of this Law, no matter, class or description of matter shall be broadcast by any licensee in any language other than the English language unless the prior consent of the Authority has been given to the broadcasting of such matter, or matter of such class or description.

Matter broadcast to be in English language

15. (1) The Governor may, if it appears necessary, or expedient to do so in the public interest at any time, by notice in writing, require any licensee to broadcast at such times as may be specified in the notice and from such of the stations used by the licensee as may be specified, any announcement so specified, with or without visual images of any picture, scene or object mentioned in the announcement, and any licensee who fails to comply with any notice is guilty of an offence and liable on conviction to a fine of two thousand dollars.

Governor may cause certain announcements, etc., to be broadcast

(2) Where any licensee broadcasts any announcement in pursuance of a notice under subsection (1), he may announce that he is doing so in pursuance of such a notice.

16. The Authority shall submit an annual report to the Governor on the operation of each broadcasting undertaking for information of the Legislative Assembly.

Duty of Authority to make annual report

17. Whoever-

Penal

- (a) establishes or operates any broadcasting station when not licensed so to do, the proof of being licensed being upon him;
- (b) unlawfully interferes with or injures any wire or apparatus used in the operation or establishment of any broadcasting station licensed under this Law;
- (c) disseminates any radio emission interfering or calculated to interfere with the reception of any programme lawfully broadcast under this Law;
- (d) attempts to commit an offence contrary to paragraph (a) or (b); or
- (e) persuades, procures or causes any person to commit an offence contrary to paragraph (a) or (b),

is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

18. The Governor may make regulations, not inconsistent with this Law, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Law, and without prejudice to the generality of this provision such regulations may-

Regulations

- (a) provide for the contents of programmes and the times when they can be broadcast;
- (b) require a licensee to allocate a minimum amount of time during his broadcasts to programmes containing matter of minority, cultural or educational interest and to specify the times during which such matter shall be broadcast;
- (c) regulate the times within which advertisements relating to particular goods or classes of goods may be advertised;
- (d) specify the maximum amount of time in any hour of broadcasting which may be used for broadcasting advertisements and the maximum length of time which can be used for that purpose;
- (e) provide for the form and manner in which applications for licences are to be made; and
- (f) provide for the fees to be paid for any matter or thing done, or required to be done, under this Law.

Savings

19. (1) Nothing in this Law shall have any application to anything done by the Government or any undertaker under any agreement with the Government entered into under the Telephone Law (1997 Revision).

1997 Revision

1996 Revision

(2) The Radio Law (1996 Revision) shall not apply to the establishment, maintenance, importation or use of a station by a licensee under and in accordance with this Law.

Publication in revised form authorised by the Governor in Council this 29th day of April, 1997.

Carmena H. Parsons
Clerk of Executive Council