

CHAPTER 274B
BROADCASTING

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CHAPTER 274B

BROADCASTING

An Act to provide for

1980-38.
2000-21.

- (a) *the proper management and control of broadcasting in Barbados;*
 - (b) *the establishment in Barbados of a Broadcasting Authority; and*
- for related matters.*

[15th August, 1980] Commence-
ment.
1980/117.

1. This Act may be cited as the *Broadcasting Act*.

Citation.

2. For the purposes of this Act

Definitions.

"Authority" means the Barbados Broadcasting Authority established under section 3(1);

"Board" means the Board of Directors established under section 3(2);

"Broadcast" means transmission by means of a radio station;

"licence" means a licence issued to a person, whether under an agreement or otherwise, permitting that person to operate a radio station or television station;

"licensee" means the holder of a licence;

"Minister" means Minister responsible for Information;

"radio station" means

- (a) a station for transmission, by means of radio waves, of matter designed for aural reception by the general public; or

(b) a station for transmission, by means of a wired network connecting a transmitting instrument to a number of receiving instruments, of matter designed for aural reception by the general public,

and includes the studio, transmitting station and technical equipment provided for use in connection with the transmission;

"radio waves" means electromagnetic waves of a frequency less than 3000GHZ propagated in free space without the use of artificial guides;

"Secretary" means the person for the time being performing the functions of Secretary to the Board;

"television station" means

(a) a station for the transmission by means of radio waves of fixed or moving images and associated sound designed for reception by the general public; or

(b) a station for the transmission by means of a wired or other guided network connecting a transmitting instrument to a number of receiving instruments of matter designed for visual reception by the general public,

and includes the studio, transmitting station and technical equipment used for the purposes of such transmission.

Establishment of Broadcasting Authority and Board of Directors. Cap. 1.

3. (1) For the purposes of this Act there is established an Authority, known as the Barbados Broadcasting Authority, which is a body corporate and to which section 21 of the *Interpretation Act* applies.

Schedule.

(2) There is established a Board of Directors for the purposes of directing the affairs of the Authority, and the *Schedule* has effect in relation to the constitution of the Board and otherwise in relation thereto.

3A. The Minister may by order amend the *Schedule*.

Power to
amend
Schedule.
2000-21.

4. (1) The functions of the Authority are

Functions of
Authority.

- (a) to advise the Minister on any matter within its knowledge or in respect of which the Minister seeks advice;
- (b) to advise the Minister in relation to the terms and conditions subject to which licences to which this Act relates are to be issued;
- (c) to require from any licensee such information as may be prescribed relating to the operations and the programmes run by that licensee;
- (d) to ensure the provision of services by radio stations and television stations in accordance with plans prepared by the Authority and approved by the Ministry;

- (e) to ensure that
- (i) the technical equipment in use at radio stations and television stations is maintained by the operators of those stations in accordance with such standards and practices as the Board considers appropriate,
 - (ii) the operations at radio and television stations are carried out in compliance with such standards and practices,
 - (iii) the terms and conditions of licence are complied with; and
- (f) to perform such other functions in relation to radio stations and television stations as may be prescribed.
- (2) The Authority may determine
- (a) the hours during which programmes may be broadcast or televised, and
 - (b) the conditions subject to which advertisements may be broadcast or advertised by licensees.
- (3) The Authority may, in exercising its functions under this section, except in the case of paragraphs (a) to (c) of subsection (1), consult with the operators of radio stations and television stations.

5. (1) Subject to subsection (2), no person shall establish or operate any radio or television station or use any apparatus or installation for the purposes of broadcasting except under and in accordance with a licence issued to him by the Minister and upon payment of such fee as the Minister prescribes.

Radio and
television
Licences.

(2) An application for a licence must be made in writing to the chairman of the Board in such form and containing such particulars as the Minister approves; and an application for permission to establish or operate a radio station or to use any apparatus or installation for the purposes of broadcasting must be made separately from an application to establish or operate a television station.

(3) The Board must, within 4 weeks from the date of its receiving an application submit that application to the Minister with a recommendation for the grant or refusal of the application, stating in either case, the reasons for its recommendation.

(4) The Minister may, upon receiving the recommendation of the Board, issue a licence to the applicant on such terms and conditions as he thinks fit or he may refuse the application.

(5) Every licence issued under this Act is effective for such period from the date of issue as the Minister may determine in each case and is renewable for a like period unless the Minister otherwise directs.

(6) No licence shall be issued to an applicant who controls a medium for the dissemination of news other than that in respect of which application is being made unless the management and operation of that other medium are being kept separate from the management and operation of the medium in respect of which the application is being made.

Under-
takings
to operate
separately.

6. Where a licensee operates a radio station as well as a television station the 2 stations are, for all financial and operational purposes, to be treated as separate undertakings.

Inspection
of records.

7. The Authority may, for the purpose of performing its functions under this Act, by notice in writing, require the operator of a radio station or television station to appear before the Authority and present such records in connection with such station as the Authority requires.

Staff.

8. The Minister may assign such public officers as are necessary to assist the Authority in the performance of its functions.

Remunera-
tion of
staff and
Board
members.

9. Members of the Board and public officers assigned under section 8 to assist the Authority are entitled to payment of such travelling and other allowances as the Minister approves.

Reports.

10. (1) The Board must, not later than 3 months after the end of each year, submit to the Minister a report of the operations of the Authority during the preceding year and the report must include

- (a) information regarding the performance of licensees during the year under review;
- (b) a summary of the decisions of the Board in respect of any matter it has acted upon; and

- (c) detailed information in respect of any matter that the Board considers to be of public importance in relation to broadcasting or television.

(2) A copy of the report referred to in subsection (1) shall be printed and laid on the tables of the Senate and of the House of Assembly and published in the *Official Gazette* not later than 3 months after those reports are completed.

11. The Authority may, with the approval of the Minister, make regulations respecting

Regulations.

- (a) station and programme identification, in the course of broadcasting and televising of programmes;
- (b) the identification of sponsors and speakers;
- (c) the records to be kept by licensees and the time, place and manner of their production to the Authority;
- (d) the control of the character and standards of programmes for broadcasting by licensees;
- (e) the proportioning of time allocated for advertising during programmes broadcast by licensees and the control to be exercised in respect of the nature of such advertising;
- (f) the allocation of time by licensees to the broadcasting of matters of religious, political or industrial controversy and the ensuring of the preservation of due impartiality in programmes relating to such matters; and
- (g) the prescribing of anything that is by this Act authorised or required to be prescribed.

12. (1) Any person who

Offences.

- (a) establishes or operates a radio station or television station or establishes or uses any apparatus or installation for the purposes of broadcasting or television without having first obtained a licence under this Act;
- (b) fails to comply with a notice given under section 7;
- (c) contravenes any of the regulations; or
- (d) fails to comply with the conditions of a licence that has been issued to him,

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or both; and the installation or apparatus in respect of which the conviction is obtained is liable to forfeiture.

(2) The Minister may, notwithstanding any penalty a court imposes on a person under subsection (1), revoke the licence issued to that person.

(3) A member of the Board who takes part in any matter in connection with his duties in which he has an interest is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months or both; and in addition thereto he is, by virtue of such conviction, disqualified from being a member of the Board.

Owner or occupier on whose premises broadcasting or television apparatus or installation is found.

13. In any proceedings in respect of an offence under section 12(1), a person in possession of premises in or on which there is found any broadcasting or television apparatus or installation in respect of which no licence has been obtained under this Act or in respect of which no licence is in force, shall, unless the contrary is proved, be deemed to be the person who established or, as the case may be, is using that apparatus or installation.

Special obligations of licensee.

14. A licensee shall, before the commencement of the operation of a broadcasting station and every year thereafter on the anniversary date of such commencement certify to the satisfaction of the Board that he has complied with all technical requirements made of him by an officer of the Ministry responsible for Telecommunications in pursuance of any law for the time being in force.

Expenses.

15. All expenses incurred in the administration of this Act are to be defrayed out of the moneys voted by Parliament for the purpose.

SCHEDULE

(Section 3(2))

1. (1) The Board comprises the Chief Information Officer *ex officio* and such number of persons as the Minister may determine. 2000-21.

(2) The Minister shall appoint one of the members of the Board to be its chairman.

2. A person who has an interest, whether direct or indirect, in

(a) a radio station or television station; or

(b) any undertaking dealing in equipment for the transmission or reception of broadcasting or television programmes,

is not eligible for appointment as a member of the Board.

3. Subject to this Schedule, each member of the Board holds office for a period of 3 years but is eligible for re-appointment.

4. A member may at any time resign his office by instrument in writing addressed to the chairman who shall immediately forward it to the Minister; and, as from the date of the receipt of the instrument by the Minister, unless some other date is mentioned in the instrument, that member ceases to be a member of the Board.

5. The chairman may at any time resign his office by instrument in writing addressed to the Minister; and as from the date of the receipt of the instrument by the Minister, unless some other date is mentioned in the instrument, the chairman ceases to be chairman and also ceases to be a member of the Board.

6. A member who is absent from Barbados without leave of the Minister or fails to attend 3 consecutive meetings of the Board ceases to be a member thereof.

7. Where a vacancy occurs in the membership of the Board, the Minister may appoint a person to fill that vacancy for the unexpired portion of the period of 3 years.

8. The Board shall meet at least once every quarter or at such shorter intervals as may be necessary for the transaction of business.

9. Meetings of the Board shall be at such places and times as the Board determines.

10. The chairman may at any time call a special meeting, and shall do so within 7 days of his being requested to do so in writing by not less than 3 members of the Board.

11. The chairman shall preside at all meetings of the Board, but, where at any meeting the chairman is absent, the members present and constituting a quorum may elect a person from among themselves to be chairman for that meeting.

12. A majority of the members of the Board constitutes a quorum.

13. Decisions of the Board shall be by a majority of votes.

14. Every member of the Board has one vote, but, in a case where the voting is equal the chairman has, in addition to his original vote, a casting vote.

15. The appointment, removal, death or resignation of a member of the Board shall be notified in the *Official Gazette*.

16. All documents made by, and decisions of, the Board, whether for issue to a licensee or otherwise, must be signed by the chairman or by any member of the Board authorised to act in that behalf or by the Secretary.

17. Subject to this Schedule, the Board may regulate its own procedure.