

CHAPTER 276

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Constitution and Procedure of the Corporation

CHAPTER 276

CARIBBEAN BROADCASTING CORPORATION

An Act to provide for the establishment of a Corporation to be known as the Caribbean Broadcasting Corporation, for the functions of the Corporation, and for purposes connected with the matters aforesaid. 1963-36.
L.N. 168/
1967.
1999-10.

[11th November, 1963] Commence-
ment.

1. This Act may be cited as the *Caribbean Broadcasting Corporation Act*. Short title.

PART I

Preliminary

2. For the purposes of this Act, the expression Interpretation.
- "broadcasting" means wireless telegraphy, whether by sound or vision, for reception by members of the general public;
- "broadcasting services" means services by which matter is sent by wireless telegraphy for general reception, either in sound or in visual images with sound;
- "chairman" means the chairman of the Corporation;
- "Minister" means the Minister responsible for Broadcasting;
- "receiving station" means a station for the receipt of messages or other matter, including matter sent by television, transmitted from a transmitting station;
- "television" means the transmission or representation by wireless telegraphy of images of objects in movement or at rest;
- "transmitting station" means a station for the transmission by wireless telegraphy of messages or other matter, including matter sent by television;

Cap. 285. "wireless telegraphy" has the meaning assigned to that expression in section 2 of the *Wireless Telegraphy Act*.

PART II

Establishment, Duties and Powers of the Corporation

Establishment and constitution of Corporation. **3.** (1) There shall be a Corporation, to be called the Caribbean Broadcasting Corporation (hereafter in this Act referred to as "the Corporation"), whose function shall be to provide, in accordance with this Act, broadcasting services of high quality both as to the transmission and as to the matter transmitted.

Schedule. (2) The provisions of the *Schedule* shall have effect as to the constitution of the Corporation and otherwise in relation thereto.

Delegation of functions. **4.** (1) The Corporation may by a vote of a majority of all the members thereof delegate to any one or more of the following persons, that is to say, the chairman, the general manager and a committee appointed by the Corporation, such of the functions of the Corporation as to enable them effectively to transact such of the day-to-day business of the Corporation as the Corporation may decide.

(2) Nothing herein contained shall authorise the Corporation to delegate to any person functions to make regulations or do any act involving extraordinary expenditure.

Disqualification for membership of the Corporation. **5.** A person shall be disqualified for being appointed or being a member of the Corporation so long as he is a whole-time employee of the Corporation.

Power of Corporation to lay down standards. **6.** (1) The Corporation shall have power by directions in writing to lay down general standards of taste, impartiality and accuracy for the contents of all programmes broadcast by the Corporation from any source within their control.

(2) It shall be the duty of all officers, employees and agents of the Corporation, and in particular of the general manager, to ensure that any standards so laid down are maintained.

7. (1) The Corporation shall, subject to this Act, have power to do all such things as are in their opinion necessary for or conducive to the proper discharge of their functions and, in particular and without limiting the generality of the foregoing provisions, they shall have power

General powers of the Corporation.

- (a) to erect, maintain and operate broadcasting, transmitting, relay and receiving stations;
- (b) to arrange for the provision and equipment of, or, if need be, themselves to provide and equip, studios and other premises for broadcasting purposes;
- (c) to make arrangements for the distribution of programmes broadcast by the Corporation and to receive programmes to be broadcast by the Corporation;
- (d) to do such things as are necessary or expedient for the purpose of turning to account any property or rights of the Corporation.

(2) Nothing in this section shall be construed as authorising the Corporation to do, otherwise than under and in accordance with a licence under the *Wireless Telegraphy Act*, anything for the doing of which such a licence is requisite under that Act, and that Act shall have effect in relation to the Corporation accordingly.

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8. The Corporation shall fix and make such charges for their services whether for advertising or otherwise as they may deem fit.

Advertisements and tariff of charges.

9. The Corporation may appoint advisory committees to advise the Corporation on any matter concerning broadcasting services and other business of the Corporation and consisting of as many persons whether or not members of the Corporation as the Corporation thinks fit.

Advisory Committees.

9A. The Minister may give the Corporation directions of a general nature in respect of the policy to be followed by the Corporation in the performance of their functions under the Act, and the Corporation shall comply with those directions.

Directions by Minister. 1999-10.

PART III

Financial Provisions, Accounts and Reports

Application of revenues. **10.** The revenues of the Corporation shall be applied for the purposes authorised by this Act in relation to the functions and powers of the Corporation.

General duty of Corporation as to finance. **11.** It shall be the duty of the Corporation as far as practicable in the conduct of their affairs to seek to secure that their revenues become, at the earliest possible date and thereafter continue, at least sufficient to meet all sums properly chargeable to revenue account (including sums required for the payment of loans and interest thereon, for provision for depreciation and for the establishment and maintenance of their reserve funds).

Financial and accounting procedures. **12.** The Corporation shall establish and maintain sound financial and accounting procedures and where such procedures relate to the following matters:

- (a) the determining rates of depreciation;
- (b) the establishing of procedures governing reserves, accumulated surpluses or deficits and the disposal of balances on net revenue account,

they shall be subject to the approval of the Minister responsible for Finance.

Borrowing powers. **13.** (1) Subject to this section, the Corporation may borrow sums required by them for meeting any of their obligations or discharging any of their functions.

L.N. 168/1967. (2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister responsible for Finance as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(4) Notwithstanding anything to the contrary, where any loan is guaranteed by the Minister responsible for Finance under section 14, the repayment of the principal moneys and interest represented by the loan so guaranteed shall, during the continuance of such guarantee, be a first charge upon such revenues and assets of the Corporation as shall be specified by the Minister responsible for Finance.

14. (1) With the approval of Parliament, the Minister responsible for Finance may from time to time grant or lend to the Corporation out of the Consolidated Fund, on such terms and conditions as the Minister responsible for Finance may approve, sums of money to finance the construction, extension or improvement of capital works and for such other purposes (including the provision of working capital) as the Minister responsible for Finance may approve, and the sums so granted shall be a charge on the Consolidated Fund.

Government loans and grants and guarantee of Corporation's borrowings.

L.N. 168/1967.

(2) With the approval of Parliament, the Minister responsible for Finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorised borrowings of the Corporation.

(3) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default and such sum shall be a charge upon the Consolidated Fund.

L.N. 168/1967.

15. The Corporation shall make to the Accountant-General, at such times and in such manner as the Minister responsible for Finance or other person designated by the Minister responsible for Finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under section 14 and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister responsible for Finance may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Repayment of, and interest on, sums issued to meet guarantees.

16. Any sums in the hands of the Corporation which are not immediately required by them for the purposes of their business may with the approval of the Minister responsible for Finance be invested by them in such manner as they think proper.

Investment of funds.

17. (1) The Corporation shall establish a reserve fund.

Reserve fund.

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(2) The management of the said fund, the sums to be carried from time to time to the credit thereof and the investment or other application thereof shall be as the Corporation may determine.

Accounts
and audit.

18. (1) The Corporation shall keep proper accounts and other records in relation to the business of the Corporation and shall prepare annually a statement of accounts in a form satisfactory to the Minister responsible for Finance, being a form which shall conform with the best commercial standards.

(2) The accounts and records shall be kept in such a manner as to secure the provision of separate information as respects each of the main activities of the Corporation and to show, as far as may be, the financial and operating results of each such activity.

(3) The accounts of the Corporation shall be audited by an approved auditor appointed annually by the Corporation.

(4) For the purposes of this section, an approved auditor is an auditor who is a member of one of the professional bodies for the time being declared by the Minister responsible for Finance by notice in the *Official Gazette* to be approved for such purposes.

L.N. 168/
1967.

(5) So soon as the accounts of the Corporation have been audited, the Corporation shall send the statement of their accounts referred to in subsection (1) to the Minister for transmission to the Minister responsible for Finance, together with a copy of any report made by the auditors on that statement or on the accounts of the Corporation.

(6) The auditor's fees and expenses of the audit shall be paid by the Corporation.

(7) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Corporation and to make such report thereon to Parliament as, in his discretion, he considers should be made.

Annual
report.

19. (1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmit

to the Minister a report dealing generally with the activities of the Corporation during the preceding financial year and containing such information relating to the proceedings and policy of the Corporation as can be made public without detriment to the interests of the Corporation.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the tables of both Houses.

(3) Copies of the Corporation's report together with the annual statement of accounts and the auditor's report on that statement or on the accounts of the Corporation shall be published in such manner as the Minister may direct and shall be made available to the public by the Corporation at a reasonable price.

PART IV

Staff

20. The Corporation may appoint and employ at such remuneration and on such terms and conditions as they think fit a general manager and a secretary and such other employees and agents as they may deem necessary for the proper carrying out of this Act: Appointment of general manager, secretary and other employees.

Provided that—

- (a) no person shall be appointed general manager without the prior approval of the Minister;
- (b) the Corporation shall have power to dismiss the general manager, subject to the prior approval of the Minister;
- (c) no salary in excess of such sum as the Minister may determine and notify in writing to the Corporation shall be assigned to any post without the prior approval of the Minister; 1973-55.
- (d) no appointment whether permanent or temporary shall be made to any post to which a salary is assigned by the Minister under paragraph (c) without the prior approval of the Minister; 1973-55.
- (e) except with the prior approval of the Minister, no person shall be dismissed from any post specified in paragraph (d).

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Regulations relating to staff.

21. Subject to section 20, the Corporation may, with the approval of the Minister, make regulations determining generally the conditions of service of employees of the Corporation and in particular may make regulations relating to—

- (a) the appointment, dismissal, discipline, hours of employment, pay and leave of such employees;
- (b) appeals by such employees against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities and other benefits to such employees and their dependants and the grant of gratuities to the estates or dependants of deceased employees of the Corporation;
- (d) the establishment and maintenance of superannuation funds and provident funds and the contributions payable thereto and the benefits receivable therefrom.

Training of employees.

22. The Corporation may for the purpose of advancing the skill of their employees provide such assistance and facilities as may be necessary for training, education and research.

SCHEDULE

s.3 (2).

Constitution and Procedure of the Corporation

Appointment of members.

1. (1) The Corporation shall consist of a chairman, a deputy chairman and such other members, not being less than five nor more than nine, as the Minister may from time to time appoint.

L.N. 168/
1967.

(2) In the case of the absence or inability to act of the chairman, the deputy chairman shall exercise the functions of the chairman.

(3) At any meeting, in the case of the absence or inability to act of both the chairman and the deputy chairman, the members of the Corporation present shall elect one of their number to act as chairman at that meeting.

Publication of membership.

2. All the members of the Corporation shall be appointed by the Minister from amongst persons appearing to him to be qualified for the office, and the names of all members of the Corporation as first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

L.N. 168/
1967.

3. The Minister may appoint any person to act temporarily in the place of any member of the Corporation in the case of the absence or inability to act of such member. Temporary appointments.

4. (1) A member of the Corporation shall, subject to this Schedule, hold office for a period not exceeding three years, but such member shall be eligible for re-appointment. Tenure of office and revocation of appointment.

(2) The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of any member of the Corporation.

5. (1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Corporation. Resignation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

6. (1) The Corporation shall be a body corporate having perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of lands and other property of whatever kind; but the Corporation shall not, without the approval of the Minister, acquire or dispose of any real or personal property, other than programme material or rights therein, for a consideration in excess of twenty-five thousand dollars or enter into a lease or other agreement relating to the use or occupation of real property for a consideration in excess of twenty-five thousand dollars or enduring for a period in excess of ten years. Incorporation.

(2) The seal of the Corporation shall be authenticated by the signature of the chairman or a member of the Corporation authorised to act in that behalf and the secretary of the Corporation, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the chairman or any member authorised to act in that behalf or the secretary of the Corporation.

(4) The Corporation may sue or be sued in their corporate name and may for all purposes be described by such name.

7. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation— Disclosure of interest.

(a) shall disclose the nature of his interest at a meeting of the Corporation; and

(b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

8. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be Procedure and meetings.

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held at such places and times and on such days as the Corporation may determine; but during a financial year not less than six meetings of the Corporation shall be held.

(2) Minutes of all meetings of the Corporation shall be recorded.

(3) The chairman may at any time call a special meeting of the Corporation and shall call a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him by any three members of the Corporation.

(4) The chairman or, in the case of the absence or inability to act of the chairman, the deputy chairman or the person elected to act as chairman in accordance with sub-paragraph (3) of paragraph 1, shall preside at the meetings of the Corporation, and when so presiding the chairman or deputy chairman or the person elected as aforesaid to act as chairman shall have an original and casting vote.

(5) The quorum of the Corporation shall be such number as the Corporation may fix from time to time not being less than one-half of the total members of the Corporation.

(6) Subject to this Schedule, the Corporation may regulate their own proceedings.

(7) The validity of any proceeding of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration of members.

9. There shall be paid from the funds of the Corporation to the chairman and other members of the Corporation and to the members of any advisory committees appointed pursuant to this Act such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine in the case of those members respectively.

Protection of members of Corporation.

10. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Corporation in respect of any act done *bona fide* in pursuance or execution or intended execution of the Corporation's functions under this or any other Act.

(2) Where any member of the Corporation is exempt from liability by reason only of this paragraph, the Corporation shall be liable to the extent they would be if the said member was an employee or agent of the Corporation.

Service of documents.

11. Any summons, notice or other document required or authorised to be served upon the Corporation under this Act or any other Act may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary of the Corporation or by sending it by registered post addressed to the secretary of the Corporation at the principal office of the Corporation.