



BELIZE

**BROADCASTING AND TELEVISION ACT
CHAPTER 227**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
BROADCASTING AND TELEVISION ACT	4
Amendments in force as at 31st December, 2000.	



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CHAPTER 227

BROADCASTING AND TELEVISION

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of Belize Broadcasting Authority and Board of Directors.
4. Functions of Authority.
5. Radio and television licences.
6. Inspection of records.
7. Remuneration of Board members.
8. Reports.
9. Regulations.
10. Offences.
11. Owner or occupier on whose premises broadcasting apparatus or installation is found.
12. Special obligations of licensee.
13. Expenses.

SCHEDULE

CHAPTER 227

BROADCASTING AND TELEVISION

CAP. 187A,
R.E. 1980-1990.
11 of 1983.
12 of 1994.
Commencement.
S.I. 18 of 1984.

[*Ist March, 1984*]

Short title.

1. This Act may be cited as the Broadcasting and Television Act.

Interpretation.

2. For the purpose of this Act-

“Authority” means the Belize Broadcasting Authority established under section 3 (1);

“Board” means the Board of Directors established under section 3(3);

“broadcast” means transmission by means of a radio station or a television station;

“licence” means a licence issued to a person permitting that person to operate a radio station or television station;

“licensee” means the holder of a licence;

“Minister” means Minister responsible for broadcasting;

“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 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 by any person or class of persons; 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 or by any person or class of persons,

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

3.-(1) For the purposes of this Act there is established an Authority, known as the Belize Broadcasting Authority, which shall be a body corporate having perpetual succession and a common seal which shall be judicially noticed and

Establishment of
Belize
Broadcasting
Authority and
Board of
Directors.

which may sue and be sued in its corporate name and may make contracts and hold and dispose of land of whatever tenure and other property for the purpose of carrying out its functions under this Act.

(2) All deeds, documents or other instruments requiring the seal of the Authority shall be sealed with the common seal of the Authority in the presence of the Chairman and one other member of the Authority who shall sign every such deed, document or other instrument to which the seal is affixed.

Schedule.

(3) There is established a Board of Directors for the purposes of directing the affairs of the Authority, and the constitution of the Board shall be as set out in the Schedule hereto.

12 of 1994.
Schedule.

(4) The Minister may, from time to time by Order published in the *Gazette*, amend the Schedule.

Functions of
Authority.

4.-(1) The functions of the Authority are-

- (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 regarding the terms and conditions subject to which licences to which this Act relates are to be issued;
- (c) to obtain from any licensee such information as may be prescribed relating to the operations and programmes run by that licensee;
- (d) to ensure that the services provided by radio stations and television stations are in accordance with plans prepared by the Authority and approved by the Minister;

- (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 stations and television stations are carried out in compliance with such standards and practices as the Board considers appropriate;
 - (iii) the terms and conditions of licences are complied with;
- (f) to institute legal proceedings in any court of law on any matter relating to the proper management and regulation of radio and television in Belize and for this purpose it shall be deemed a Public Authority within the meaning of section 2 of the Public Authorities Protection Act;
- (g) to perform such other functions in relation to radio and television stations as may be prescribed.

CAP. 31.

(2) The Authority may determine-

- (a) the hours during which programmes may be broadcast or televised;
- (b) the conditions subject to which advertisements may be broadcast or televised by licensees; and
- (c) the types of programmes which may be broadcast or televised and the use of certain programmes of an

educational, cultural, sporting or scientific nature or such programmes as the Authority may reasonably require in the public interest at such time or times as may be prescribed.

(3) The Authority may, in exercising its functions under this section, consult with the operators of radio and television stations.

Radio and
television
licences.

5.-(1) 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.

(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.

(3) The Board shall within four 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.

Inspection of
records.

6. 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.

7. Members of the Board are entitled to payment of such travelling and other allowances as the Minister may approve. Remuneration of Board members.

8.-(1) The Board shall, not later than three months after the end of each financial year, submit to the Minister a report of the operations of the Authority during the preceding year and the report shall 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 and 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 Representatives and published in the *Gazette* not later than 3 months after those reports are completed.

9.-(1) The Minister may, in consultation with the Authority, make regulations on any of the following matters- 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 and televising by licensees;

- (e) prescribing the geographic area of operation of a licence;
- (f) 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;
- (g) the allocation of time by licensees to the broadcasting and televising of matters of religious, political or industrial controversy and the ensuring of the preservation of due impartiality in programmes relating to such matters;
- (h) the allocation of time by licensees to the broadcasting and televising of matters of an educational, cultural, sporting or scientific nature; and
- (i) the prescribing of anything that is by this Act authorised or required to be prescribed.

(2) Any regulation made under this section shall be subject to negative resolution of the National Assembly.

Offences.

10.-(1) Any person who-

- (a) establishes or operates a radio or television station or establishes or uses any apparatus or installation for the purposes of broadcasting or televising without having first obtained a licence under this Act;
- (b) fails to comply with a notice given under section 6;
- (c) contravenes any of the regulations; or
- (d) fails to comply with the conditions of a licence that has been issued to him,

commits an offence and shall be liable to a fine of five thousand dollars or to imprisonment for a term of twelve months or to both; and in the case of a conviction under paragraph (a) herein the installation or apparatus in respect of which the conviction is obtained shall be 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.

11.-(1) Proceedings in respect of an offence under section 10 (1) may be instituted summarily.

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

(2) In any proceedings in respect of an offence under section 10 (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 a licence is required and none 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.

12. A licensee shall, before the commencement of the operation of a radio or television 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 the technical requirements made of him by the Telecommunications Act or any other law for the time being in force and has obtained the necessary licence or permit.

Special obligations of licensee.
CAP. 229.

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

Expenses.

SCHEDULE

- 12 of 1994. 1.-(1) The Board shall consist of eight persons appointed by the Minister, two of whom shall be the Permanent Secretary to the Ministry responsible for broadcasting and the Director of Telecommunications (appointed under the Telecommunications Act), *ex officio* and a third representing the television industry.
- CAP. 229. (2) The Minister shall appoint one of the members of the Board to be its Chairman.
2. Subject to this Schedule, each member of the Board shall hold office for a period of one year but is eligible for re-appointment.
3. 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 receipt of the instrument by the Minister, unless some other date is mentioned in the instrument, that member shall cease to be a member of the Board.
4. 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 shall cease to be Chairman and also to be a member of the Board.
5. A member who fails to attend three consecutive meetings of the Board without reasonable cause shall cease to be a member thereof.
6. 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 one year.
7. The Board shall meet at least once every quarter or at such shorter intervals as may be necessary for the transaction of business.

8. Meetings of the Board shall be at such places and times as the Board determines.
9. The Chairman may at any time call a special meeting and shall do so within seven days of his being requested to do so in writing by not less than three members of the Board.
10. 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.
11. A majority of the members of the Board shall constitute a quorum.
12. Decisions of the Board shall be by a majority of votes.
13. Every member of the Board shall have one vote but in case where the voting is equal the Chairman has, in addition to his original vote, a casting vote.
14. The appointment, removal, death or resignation of a member of the Board shall be notified in the *Gazette*.
15. Subject to the provisions of section 3 (2) of the Act, all documents made by, and decisions of, the Board shall be signed by the Chairman or by any member of the Board authorised to act in that behalf or by the Secretary.
16. Subject to this Schedule, the Board may regulate its own procedure.