

Broadcasting

BROADCASTING REGULATIONS, 2000

ARRANGEMENT OF REGULATIONS

REGULATION

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Broadcasting

Cap. 274B.

BROADCASTING REGULATIONS, 2000

2001/15.

Authority: These Regulations were made on 19th December, 2000 by the Authority under section 11 of the *Broadcasting Act*.

Commencement: 5th February, 2001.

1. These Regulations may be cited as the *Broadcasting Regulations, 2000*. Citation.

2. For the purposes of these Regulations,

Interpretation.

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

Cap. 274B.

"Government-reserved time" means the time reserved for the purpose of broadcasting programmes specially provided by Government in pursuance of regulation 12;

"licensee" means the holder of a licence issued under the Act;

"programme" means any matter broadcast by a radio station but does not include information relating only to the identification of the radio station or any advertisement.

3. (1) The licensee shall cause the radio station operated by it to be identified, at intervals of one half-hour or such other intervals as may be prescribed, during the entire period that the station is in operation. Station identification.

(2) All station identification under these Regulations shall be made by reference to local time.

(3) The frequencies on which the station is licensed to operate shall be stated at least 3 times per day.

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Log. **4.** (1) The licensee shall cause to be kept a log, in which it shall record

- (a) the day and time at which each station identification is made;
- (b) the title of each programme;
- (c) the time at which each broadcast commenced and ended;
- (d) the duration of each advertisement or other announcement, and the time at which it is given;
- (e) the name of the sponsor of any announcement or programme;
- (f) in relation to any talk or speech broadcast by the licensee,
 - (i) the name of the speaker;
 - (ii) the auspices of any organisation under which the talk or speech was given; and
 - (iii) where the speech was made on behalf of any political party or with a view to promoting the election to any public office of any person, the name of such political party or the political affiliations of such person, as the case may be;
- (g) where practicable, the time and the duration of any interruption of any programme, and the reason for such interruption; and
- (h) whether electromagnetic reproduction was used in the course of any broadcast.

(2) Symbols or abbreviations may be used for the purpose of making any record of the nature referred to in paragraph (1) of this regulation if the meaning of such symbols or abbreviations is clearly set out in the log containing such record.

(3) The log and records referred to in paragraph (1) shall be kept for not less than one year.

(4) In addition to the records required to be kept under paragraph (1) of this regulation, the licensee shall wherever practicable also keep for at least one year

- (a) a copy of the continuity used between each programme; and
- (b) a copy of any commercial matter broadcast by the licensee.

(5) All records required to be kept under this regulation shall be available at the licensee's premises for inspection at all reasonable times by the Authority or by any person authorised in writing by the Authority.

5. The licensee shall not permit to be broadcast from a radio station or television station operated by the licensee

Prohibition of certain broadcasts.

- (a) any matter in contravention of the Laws of Barbados;
- (b) any abusive or derogatory comment upon any race, creed or religion;
- (c) any obscene, indecent or profane matter;
- (d) any malicious, scandalous or defamatory matter;
- (e) any advertising matter which the licensee knows or has reasonable cause to believe to contain any false or deceptive statement;
- (f) any news that the licensee, or any servant or agent of the licensee who is concerned in the collection, editing, publication or printing of such news, knows or believes to be false or misleading;
- (g) any matter concerning colleges, schools, institutions or agencies which offer as an inducement for enrolment as a student or client thereof promises of employment, except with the prior consent of the Authority;
- (h) any matter concerning any matrimonial agency; and

- (i) any programme presenting, promoting, advocating or endorsing a person, group or institution who claims, for the purpose of or during the programme, supernatural or psychic powers or the ability to foretell the future or to analyse the character of any person by supernatural or psychic means.

News broadcasts. **6.** It shall be the duty of the licensee in relation to all news broadcasts made by it

- (a) to adhere to the principle of accuracy, impartiality and fairness in content and presentation of events and material; and
- (b) to ensure, as far as may be practicable,
 - (i) that news is not selected with a view to furthering or prejudicing the viewpoint of any party on any matter or to promoting or engendering any public controversy; and
 - (ii) that news is not coloured by the opinions of the licensee or of any employee of the licensee or any person concerned in its preparation or transmission, or, in the case of sponsored news broadcasts, of the sponsors thereof.

Broadcast of religious, political or controversial matter.

- 7.** (1) The licensee shall ensure
- (a) that there is fair and reasonable allocation of time for the broadcasting of religious or political matters and matters relating to any industrial controversy;
 - (b) that the name of the organisation concerned and the sponsor of the broadcast referred to in paragraph (a), if any, are announced immediately preceding and immediately after such broadcasts;
 - (c) that its servants present programmes on matters referred to in paragraph (a) in an impartial manner;

(d) that, where a programme concerns a political broadcast, such a broadcast is done in accordance with regulation 3 of the *Constitution (General Elections) (Allocation of Broadcasting Time) Regulations, 1990*; and 1990/38.

(e) that no dramatised political broadcast is permitted.

(2) For the purpose of this regulation, a political broadcast means a broadcast designed to promote or reduce the popularity of a political party as a whole or a sitting member of the House of Assembly or a candidate for election.

8. The licensee shall ensure that any advertisement broadcast between programmes respecting spirituous liquor, wine, beer or cigarettes shall not explicitly urge the purchase or use of such products. Prohibited advertisement.

9. The licensee shall ensure that any advertisement in relation to any drug, patent medicine or similar article broadcast from the station operated by the licensee shall comply with the provisions of the *Therapeutic Substances Act*. Advertisement of drugs. Cap. 330.

10. Subject to any exemption granted by the Minister, the licensee shall ensure Programmes to include local and regional material.

(a) that at least 60 per cent of broadcasting material is local and regional in content and character, and that such material includes programmes

(i) concerning the affairs, current and otherwise, of Barbados and the Caribbean region; and

(ii) featuring the prose and poetry, drama, music and other art of Barbados and the Caribbean region;

(b) that the time allotted for advertising in any programme does not exceed an aggregate of 15 minutes in any hour of broadcasting;

- (c) that a broadcasting day shall consist of such hours as have been indicated to the Authority for that purpose at the time of the licence, and that at any time that the licensee wishes to alter such hours he shall first notify the Authority of such alterations; and
- (d) that the library, equipment and studios of the licensee and such technical assistance and staff as may be necessary in connection therewith shall be available for the use of Government free of charge for periods not exceeding in the aggregate 3½ hours in any broadcasting day except that 1½ hours of any such period shall be between the hours of 6.00 a.m. and 6.00 p.m.

Fees.

11. (1) The fees payable by a licensee to the Government for a licence in respect of each year of the licence for a radio station shall be as follows:

- (a) an amount of \$2 500 payable yearly in advance; and
- (b) an amount computed, with reference to the gross revenue derived solely from broadcasting under the authority of this licence during such year, as follows:

on the first \$1 000 000	2½ per cent
thereafter	0.25 per cent

such amount being payable within 3 months of the end of that year;

and the maximum annual fee shall not be in excess of \$50 000.

(2) The fees payable by a licensee to the Government for a licence in respect of each year of the licence for a television station shall be as follows:

- (a) a sum of \$10 000 payable yearly in advance; and

(b) with respect to its gross revenue derived solely from broadcasting under the authority of this licence during such year, an amount representing:

on the first \$1 000 000 5 per cent

thereafter 2½ per cent

such amount being payable within 3 months of the end of that year;

and the maximum annual fee shall not be in excess of \$100 000.

(3) At the time of payment of the licence fees, the licensee shall furnish to the Government a certificate from the licensee's auditors certifying the amount of the gross revenue for the purposes of regulations 11(1)(b) and 11(2)(b).

12. (1) The licensee shall provide Government-reserved time during such periods of any day upon which the licensee is broadcasting as may be agreed upon by the Minister and the licensee; but the aggregate of such time shall not be more than 10 per cent of the total broadcasting time for any day. Licensee to provide Government-reserved time.

(2) Government-reserved time shall not be varied except by the mutual consent of the Minister and the licensee.

(3) The licensee shall not be entitled to make any charge in respect of any matter broadcast by it in Government-reserved time pursuant to this regulation.

13. (1) In addition to Government-reserved time, the Government shall have the right to require the licensee to broadcast over its transmitters any matter during times of emergency or where it is determined that the matter is of such great national importance that it should receive full Island-wide coverage. Licensee to broadcast matters of national importance.

(2) The licensee shall not be entitled to make any charge in respect of any broadcast made by it pursuant to this regulation unless the aggregate time taken for such broadcasts exceeds 2 hours in any one calendar month and, in such case, the licensee may charge and the Government shall pay for such expenses at the licensee's appropriate commercial rate in force at the time less a discount of 12¼ per cent.

(3) Government-reserved time or additional time made available pursuant to this regulation shall not be used for any matter which is likely or is intended to further the interest of any political party or to promote the election to any public office (including election to membership of the House of Assembly) of any individual.

No
advertis-
ment to be
broadcast
during
Govern-
ment-
reserved
time.

14. Except with the prior approval of the Minister, the licensee shall not broadcast any advertisement or commercial announcement during Government-reserved time or during any additional time made available to the Government pursuant to the provisions of regulation 13.

Government
to indemnify
licensee in
certain
cases.

15. The Government shall indemnify the licensee against all claims whatsoever and costs and expenses incidental thereto arising out of any matter broadcast by the licensee either during Government-reserved time or at the request of the Government pursuant to regulation 13.