CHAPTER 305

BROADCASTING

BROADCASTING RULES, 1992

S.I. 46/1992

(SECTION 18)

[Commencement 17th June, 1992]

1. These Rules may be cited as the Broadcasting Rules, 1992. Citation.

PART I
PRELIMINARY

2. (1) In these Rules — Interpretation.

"Council" means the Electoral Broadcasting Council established under the Parliamentary Elections Act, 1992; Ch. 7.

"election advertising" means broadcasting time for spot advertisements designed to support and promote the election of members of a political party who are nominated candidates for election, or the election of other individuals who are nominated candidates for election, limited to the purposes and extent specified in these Rules;

"election broadcast" means a political broadcast whether by television or radio which is to take place or takes place between the issue of a writ of election and polling day;

"election period" means in relation to —

(a) a general election, the period commencing with the date of dissolution of Parliament;

(b) a bye-election, the period commencing with the date of the issue of the respective writ,

and ending with the respective close of poll;

"the Leader of a political party" means the individual who has been elected or otherwise acclaimed as the Leader (by whatever name called) of a political party;

"political broadcast" means a broadcast whether by television or radio designed to promote or reduce the popularity of a political party or a candidate for an election;

"political party" means a political party which —

(a) has policies on a wide range of national issues;

(b) has an elected leader;

(c) holds a national conference of members of the party at least once in any period of eighteen months; and

(d) nominates candidates for not less than one sixth of the seats of the House of Assembly at the current general election.

"spot announcement" means an announcement on radio or television advertising an event which —

(a) is in a form approved by the general manager;

(b) is made by a member of the staff of the broadcasting station in the voice of that member;

(c) is paid for by or on behalf of the person making the broadcast; and

(d) does not exceed fifteen seconds in duration;

"text" includes any script whether written or recorded.

Ch. 7.

(2) Unless otherwise stated in these Rules or any other written law, words and expressions used in these Rules shall have the same respective meanings as in the Parliamentary Elections Act, 1992.

PART II
GENERAL PROVISIONS

Control of programmes.

3. (1) Subject to the provisions of rule 30 the material content of all programmes shall at all times be subject to approval by the general manager or assistant manager under such instructions as may from time to time be issued to them by the Corporation.

(2) Live talent shall not be broadcast without being auditioned and approved by the general manager or the assistant manager.

(3) No advertisement for spirits shall be accepted for broadcast, but advertisements may be accepted for beer and wines.

(4) In no case, whether the full air time rate has been paid or not, shall any solicitation for funds be made in any religious programme, except the customary announcement of the offering during a church service.

Advertising time allowed per programme.

4. The proportion of time which may be devoted to advertising in any one programme shall be as follows —

(a) eight minutes in any one hour programme (not exceeding eight announcements);

(b) six minutes in a half hour programme (not exceeding six announcements);

(c) three minutes in a quarter hour programme (not exceeding three announcements).

Control of staff.

5. The general manager shall have the supervision and control of the staff of the broadcasting station, and may employ and dismiss junior staff drawing less than $7,500 per annum subject to confirmation at the next meeting of the Corporation.

Acceptance of other employment.

6. The officers and servants of the Corporation shall not accept other employment without the approval of the Corporation.

Advisory councils.

7. The Corporation may appoint such advisory council or councils and for such periods as they may deem necessary.

Contracts for air time.

8. (1) Air time may be sold only by staff members or official sales representatives of the Corporation as appointed by them.

(2) Contracts for air time may be entered into by the general manager acting on behalf of the Corporation or in the case of contracts for international accounts the contracts may be signed by the official agents of the Corporation abroad.

Re-sale of air time.

9. It shall not be lawful for any person who has purchased air time to sell or transfer the benefit of the same or any portion of the same for the purposes of political broadcasting or advertising.

Making recordings.

10. (1) Studio and other facilities may be afforded to any person for the purpose of making recordings provided such work is carried out by the officers or the Corporation.

(2) The charges for such facilities shall be determined by the Corporation in each case.

(3) Playback facilities may be made available without charge at the discretion of the general manager as a courtesy to accredited representatives of other broadcasting stations visiting The Bahamas.

Emergency messages.

11. (1) Emergency messages may be accepted for broadcast to Family Island settlements not adequately served by a telegraph or radio telephone station.

(2) Such messages shall be limited to fifty words each and the fee fixed in the schedule of rates of the Corporation shall be payable for each message:

Provided that in the case of messages concerning illness or death confirmed by a doctor or the hospital the messages may be accepted free of charge:

Provided also that the general manager may in his discretion waive the charge in exceptional cases which shall be reported to the Corporation at their next monthly meeting.

(3) Public emergency broadcasts and broadcasts regarding missing vessels or aircraft shall be made free of charge.

Charges for outside broadcasts.

12. Programmes originating outside the studio shall be subject to special service charges for line rental, services of engineer and other related services, at special rates to be determined by the Corporation in each case.

Church services.

13. (1) The Corporation shall keep a roster of churches accepted for free religious broadcasts as prepared by the general manager each quarter.

(2) No charge shall be made for air time for one broadcast per Sunday per month from churches listed on the roster.

Cancellation of broadcasts.

14. It shall be lawful for the Corporation to cancel broadcast time or to substitute another period to accommodate broadcasts of national interest or importance.

Contract signatures.

15. It shall be lawful for the general manager to sign contracts for news services, library and programme services on behalf of the Corporation.

Contracts subject to Rules.

16. (1) All contracts entered into by or on behalf of the Corporation shall be subject to these Rules.

(2) The period of any contract shall not exceed fifty-two weeks.

PART III
POLITICAL BROADCASTS

Political broadcasts and advertisements.

17. (1) A political broadcast or advertisement shall not include —

(a) any matter in contravention of the laws of The Bahamas;

(b) any abusive comment upon any race, creed or religion;

(c) any blasphemous, obscene, indecent or profane matter;

(d) any criminally libellous, malicious, scandalous or defamatory matter;

(e) any scenes of nudity, eroticism, crime or violence;

(f) any scenes and sounds of private grief and human suffering;

(g) any harrowing sights and sounds.

(2) The Leader of a political party shall, for the purposes of the law of defamation, be deemed to be a publisher of all party broadcasts sponsored by the respective party but without prejudice to the liability of any other person.

(3) During a political broadcast or advertisement, there shall be indicated, visually or aurally as may be appropriate having regard to the mode of the broadcast or advertisement —

(a) the name of the political party or candidate (as the case may be) responsible for the broadcast or advertisement; and

(b) the fact that the broadcast or advertisement has been paid for.

Political broadcast in respect of general election.

18. (1) In respect of a general election, each political party may, during the election period purchase for use during that period, six fifteen-minute programmes of air time on radio and an equal number of such programmes on television and may appoint a member of the party who is a candidate for election to the House of Assembly to speak on such programme.

(2) A political party may appoint a different candidate to speak on each programme referred to in paragraph (1).

Political broadcasts by governing party.

19. (1) Subject to paragraph (2), the political party which is the governing party or a coalition of parties forming the Government may, in any year commencing on the 1st day of January, purchase four fifteen-minute programmes of air time on radio and an equal number of such programmes on television for the purpose of inviting support for the programme of the governing party or parties as the case may be.

(2) During an election period, no purchase may be made under paragraph (1) and no use may be made of any air time so purchased.

(3) Any programme broadcast under this rule shall be made by a Senator or a member of Parliament.

Political broadcasts by opposition parties.

20. (1) Subject to paragraph (2), a political party in opposition to the Government may, in any year commencing on the 1st day of January, purchase —

(a) two fifteen-minute programmes of air time on radio and an equal number of such programmes on television, if such party has one-third or more of the seats in the House of Assembly;

(b) one fifteen-minute programme of air time on radio and one such programme on television, if such party has less than one-third of the seats in the House of Assembly,

for the purpose of inviting support for its programme.

(2) During an election period, no purchase may be made under paragraph (1) and no use may be made of any air time so purchased.

(3) Any programme broadcast under this rule shall be made by a Senator or member of Parliament.

Political broadcasts at a bye-election.

21. Each candidate at a bye-election who is not a member of a political party may, between nomination day and polling day, purchase for use during that period, one fifteen-minute programme of election air time on radio and television for the purpose of inviting support for his candidature.

Political advertising.

22. No time for political advertising shall be made available to any person except under and in accordance with these Rules.

Convention broadcasting.

23. A political party may at any time in any year (other than during an election period) purchase broadcasting time not exceeding thirty-five hours in the aggregate for television and an equal number of hours for radio, for the broadcasting of not more than three conventions of that party.

Purchase of election advertising time.

24. (1) During an election period, a political party or an independent candidate for election who is not a member of a political party may purchase broadcasting time for election advertising prior to polling day subject to the following conditions —

(a) in the case of a political party, a maximum number of six advertisements per day, for television and an equal number for radio;

(b) in the case of an independent candidate, a maximum number of two advertisements per day, for television and an equal number for radio;

(c) no single advertisement on radio is to be of more than thirty seconds' duration, and not less than forty-eight hours' notice shall be given of the content of such advertisement and the number of advertisements to be taken for a given day;

(d) no single advertisement on television is to be of more than thirty seconds' duration, and not less than seventy-two hours' notice shall be given of the content of such advertisement and the number of advertisements to be taken for a given day;

(e) an advertisement shall be made in the voice of either a candidate or a member of the staff of the broadcasting station and shall be pre-recorded by the staff of the station.

(2) No political broadcasts or advertisements shall be permitted on Sundays or on any polling day.

Broadcasting of programme by candidate at a bye-election.

25. (1) A programme broadcast by a candidate at a bye-election shall be made in the voice of the candidate himself.

(2) Notwithstanding anything contained in paragraph (1), a candidate may, with the approval of the general manager, appoint another person to broadcast the programme on his behalf.

(3) Save as provided in this Rule there shall be no candidates broadcasts.

Advertising of political broadcasts or events.

26. (1) Subject to paragraphs (2) and (3) the General Manager shall permit each candidate or political party to advertise the broadcasting of a programme under these Rules within the period commencing at the pre-recording of the programme and ending at the broadcasting of such programme.

(2) The Spot announcements pursuant to paragraph (1) shall only be done in the voice of a member of the staff of the broadcasting station.

(3) Spot announcements by a candidate or political party pursuant to paragraph (1) shall not exceed —

(a) in the aggregate on television and each of the radio stations, five on any day; and

(b) one, in any hour,

each announcement not being more than fifteen seconds in duration.

Text of programme to be delivered to the general manager.

27. (1) The text of a programme or spot announcement referred to in this Part —

(a) shall be delivered, forty-eight hours before the programme is broadcast, to the general manager for approval by him or the assistant manager; and

(b) shall, if approved by the general manager or the assistant manager in accordance with this rule be pre-recorded by the staff of the station before payment of the broadcast fee is made.

(2) The broadcast fee shall be payable in advance and shall include the cost of the air time at the prevailing rates and a recording fee.

Right to first and last broadcast.

28. The political party which commanded the majority of the membership of the House of Assembly immediately prior to the last dissolution of Parliament shall, if it so desires, have the right of the last broadcast during an election period and in that event, the Official Opposition party shall have the right to the first broadcast.

Saving of powers of Ministers to broadcast.

29. Nothing in these Rules shall be construed as precluding a Minister from broadcasting —

(a) an explanation of legislation passed or action taken or to be taken or Government policy or policy approved by Parliament; or

(b) an appeal on a matter of national importance.

Appeal.

30. (1) A candidate or political party aggrieved by any decision of the general manager in respect of any matter provided for by these Rules may make a complaint to the Council in respect of the grievance and the Council may, after consideration of the complaint, give as soon as practicable to the general manager such instructions as the Council sees fit.

(2) The general manager shall give effect to any instructions issued by the Council under paragraph (1).

(3) The regular authority of the Corporation over the general manager shall, during an election period, be subordinate to any instructions issued by the Council in respect of any political broadcast or political advertisement.

BROADCASTING (LICENSING) RULES, 1993

S.I. 77/1993

(SECTION 18)

[Commencement 16th December, 1993]

Citation.

1. These rules may be cited as the Broadcasting (Licensing) Rules, 1993.

Interpretation.

2. In these rules —

"applicant" means a person applying for the grant of a licence, or for the renewal of a licence, as the case may be;

"Bahamian citizen" means —

(a) a citizen of The Bahamas; or