

THE OFFICIAL GAZETTE 26TH JULY, 2017

LEGAL SUPPLEMENT — C

BILL No. 10 of 2017

Wednesday 26th July, 2017

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

26th July, 2017

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



BILL No. 10 OF 2017

BROADCASTING (AMENDMENT) BILL 2017

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Insertion of new sections 21A and 21B in the Principal Act.
4. Amendment of section 22 of the Principal Act.
5. Insertion of new sections 39A to 39D in the Principal Act.
6. Amendment of section 40 of the Principal Act.
7. Insertion of new section 49 in the Principal Act.
8. Insertion of First and Second Schedules in the Principal Act.
9. Application for licence by person carrying on a broadcasting service immediately before commencement of this Act.
10. Revocation.

SCHEDULE

**A Bill
Intituled**

An Act to amend the Broadcasting Act 2011.

A.D.2017 Enacted by the Parliament of Guyana:-

Short title.

1. This Act, which amends the Broadcasting Act 2011, may be cited as the Broadcasting (Amendment) Act 2017.

Amendment of section 2 of the Principal Act.

2. Section 2 of the Principal Act is amended as follows –

(a) by the substitution for paragraph (g), of the following –

“(g) “broadcasting service” means a service providing broadcasting and includes –

- (i) a television broadcasting service; and
- (ii) a radio (sound) broadcasting service;”;

(b) by the insertion immediately after paragraph (q) of the following –

“(qA) “public service broadcast” means the broadcast of a programme produced for the purpose of informing and educating the public, and promoting policies and activities of the Government that benefit the public as a whole;”.

Insertion of new sections 21A and 21B in the Principal Act.

3. The Principal Act is amended by the insertion immediately after section 21 of the following sections –

“Classes of broadcasting services.

21A. (1) A television broadcasting service or a radio (sound) broadcasting service shall be of the following classes

- (a) commercial class;

- (b) non-commercial class; and
- (c) community class.

(2) A person shall apply for a television broadcasting service licence or a radio (sound) broadcasting service licence of one of the classes mentioned in subsection (1).

First
Schedule

(3) Without prejudice to section 23, the First Schedule Part 1 provides –

- (a) the eligibility of a person for the grant of a licence in respect of the classes of services referred to in subsection (1);
- (b) the programmes which a licensee of a community class of broadcasting service shall provide and how surplus funds from such service may be utilised.

Broadcasting
zones and
fees for
zones.

21B. (1) Subject to subsection (2), a broadcasting service licence shall be granted to a person to carry out a broadcasting service in one or more of the following broadcasting zones, the boundaries of which and other related matters are provided in the First Schedule Part 1 –

- (a) primary broadcasting zone;
- (b) secondary broadcasting zones;
- (c) tertiary broadcasting zones.

First
Schedule

(2) There are four secondary zones and three tertiary zones, each of which is a separate zone for the purpose of subsection (1).

Form 1
Second
Schedule

(3) A licensee may apply to the Authority in Form 1 in the Second Schedule to amend or vary his broadcasting service licence to increase his broadcasting zone by adding to it one or more other zones.

Table of
Fees
Second
Schedule

(4) A licensee shall pay to the Authority the application processing fee for an application under subsection (3) set out in the Table of Fees in the Second Schedule.

(5) The Authority may, after consideration of the application, grant the amendment or variation or refuse to do so.

(6) Where the Authority grants the amendment or variation of the broadcasting service licence for a licensee to broadcast in one or more additional zones, the Authority shall amend or vary the terms of the licence accordingly.

Table of
Fees
Second
Schedule

(7) On being granted an additional zone, the licensee shall make the first payment of the fee for each additional zone on a pro-rata basis from the date of issue until the 31st day of December, and then pay annually the fee set out in the Table of Fees in the Second Schedule for each additional zone for each financial year from the 1st day of January to the 31st day of December.”.

Amendment of
section 22 of
the Principal
Act.

4. The principal Act is amended by the substitution for section 22 of the following –

“Application
for licence
and fees.

22. An application for a licence under section 21(2) shall be –

Form I
Second
Schedule

(a) in Form 1, containing the particulars; and
(b) accompanied by the fees,
provided for in the Second Schedule.”.

Insertion of
new sections
39A to 39D in
the Principal
Act.

5. The Principal Act is amended by the insertion immediately after section 39, of the following sections –

“Public
service
broadcast.
First
Schedule

39A. Every broadcasting agency shall broadcast public service programmes in the manner provided in the First Schedule Part 2.

Prohibition
on broadcast
content.

39B. (1) A broadcasting agency shall not broadcast advertisements or programmes which contain hate speech, racial incitement or terror threats.

(2) A broadcasting agency which contravenes subsection (1) commits an offence.

Audited
accounts.

39C. Every licensee shall on or before 30th June of each year submit to the Authority its fully audited accounts, for the preceding financial year.

International
agreement.

39D. (1) A broadcasting agency which is a party to an international agreement for broadcasting any channel or programme as part of its local service may, where another broadcasting agency is broadcasting, without such an agreement, the same channel or programme as part of that other broadcasting agency’s local service, file a complaint with the Authority providing evidence of its international agreement.

(2) The Authority shall invite the broadcasting agency against whom the complaint is lodged to provide evidence of that broadcasting agency's international agreement to broadcast the channel or programme as part of its local broadcasting service.

(3) Where the broadcasting agency against whom the complaint is lodged does not have an international agreement, the Authority after due consideration shall issue a directive to that broadcasting agency to refrain from broadcasting the channel or programme that is the subject of the international agreement.

(4) Where the broadcasting agency fails to carry out a directive under subsection (3), the Authority may make such orders including an order for the cancellation or suspension of the agency's licence as the Authority thinks appropriate."

Amendment of section 40 of the Principal Act.

6. Section 40 of the principal Act is amended by the substitution for subsections (2) and (3) of the following –

Second Schedule

“(2) The applicant shall pay to the Authority the fees provided for in the Second Schedule, in accordance with that Schedule.

(3) The applicant shall pay to the Authority annually, an annual or renewal fee for a broadcasting service licence which is –

- (a) the base fee, which is the fee for each zone for which the applicant is licensed to serve; or
- (b) the sum equivalent to such percentage of the gross revenue of the preceding year,

whichever is the greater, provided for in the Second Schedule, in accordance with that Schedule.”.

Insertion of new section 49 in the Principal Act.

7. The Principal Act is amended by the insertion immediately after section 48 the following section –

“Amendment of the First and Second Schedules.

49. The Minister may, after consultation with the Board or the body responsible for frequency management, or both, as appropriate, amend the First and Second Schedules by Regulations subject to negative resolution of the National Assembly.”.

Insertion of First and Second Schedules in the Principal Act.
Schedule

8. The Principal Act is amended by the insertion immediately after section 49 of the First and Second Schedules, as set out in the Schedule.

Application for licence by person carrying on a broadcasting service immediately before the commencement of this Act.

9. (1) Every person carrying on a broadcasting service immediately before the commencement of this Act for which a licence had been previously issued shall apply within thirty days of the commencement of this Act for a licence in accordance with the provisions of the Principal Act as amended by this Act for the continuation of the broadcasting service.

(2) Every person carrying on a broadcasting service immediately before the commencement of this Act without a licence shall apply within thirty days of the commencement of this Act for a broadcasting service licence in accordance with the provisions of the Principal Act as amended by this Act.

(3) Where a person referred to in subsection (1) or (2) fails to make an application for a licence under that subsection within the time specified, or where the application for a licence made by him is not granted by the Authority, he shall immediately cease to carry on the broadcasting service.

(4) A person who, being a person referred to in subsection (1) or (2), continues to carry on broadcasting service after the expiry of time specified without applying for a licence or where he has applied for a licence within the time specified but his application for a licence has been rejected, commits an offence and –

- (a) is liable on summary conviction to a fine of one million dollars and imprisonment for one year; and
- (b) all machinery and equipment used, or which can be used, for broadcasting and owned by or in the possession of, the person concerned is liable to be forfeited; but property not owned by such person shall not be forfeited unless the court is satisfied that the owner of the property knew or ought to have, with reasonable diligence, known that the person convicted had no licence to carry on broadcasting service.

(5) A person who, immediately before the commencement of this Act, has an application for a broadcasting service licence pending before the Authority shall reapply in accordance with the Principal Act as amended by this Act and any fees paid shall form part of the new fees.

Revocation.

10. The Broadcasting Regulations 2014 are revoked.

SCHEDULE s. 8

In accordance with section 8, the following First Schedule and Second Schedule are inserted in the Principal Act –

“FIRST SCHEDULE ss. 21A, 21B, 39A and 49**MATTERS RELATED TO CLASSES OF SERVICES,
BROADCASTING ZONES, AND PROGRAMMES****PART 1*****CLASSES OF SERVICES***

Eligibility of persons for commercial, non-commercial and community classes of broadcasting services.

1. (1) A television or radio (sound) broadcasting service in any one or more of the broadcasting zones shall be carried out as a –

- (a) commercial class service;
- (b) non-commercial class service; or
- (c) community class service.

(2) A broadcasting licence to carry on a commercial class broadcasting service shall be granted to a person whose gross revenue is expected to be at least eighty percent of income through the sale of airtime, subscription, advertisement, or a combination of the three.

(3) A broadcasting licence to carry on a non-commercial class broadcasting service shall be granted to a person whose funding derives solely from an organisation or donors, as set out in the licensee’s Business Plan and in the case of renewals, a Business Plan as well as audited accounts by a Chartered Accountant.

(4) A broadcasting licence to carry on a community class broadcasting service shall be granted to a trust, managed and controlled by a Board elected from among members of the community in the geographic area to be served.

(5) Any company or trust which carries on a commercial class broadcasting service cannot be licensed to operate a community class broadcasting service.

Community class broadcasting service programmes; surplus funds.

2. A broadcasting agency that offers a community class broadcasting service shall –

- (a) provide programmes which reflect the cultural, religious, language and demographic needs of the people in the community; and
- (b) where there are surplus funds derived from the running of the broadcasting service, invest those funds for the development of community broadcasting.

BROADCASTING ZONES

Primary zone.

3. The **primary zone** comprises the Municipality of Georgetown, Region 3 up to the Essequibo River, all of Region 4 and Region 5 east of Region 4 to the Abary River.

Secondary zones.

4. There are four secondary zones –

- (a) **Secondary zone 1:** all of Region 1, all of Region 2 and the Essequibo Islands being part of Region 3;
- (b) **Secondary zone 2:** all of Bartica;
- (c) **Secondary zone 3:** all of Region 6 including New Amsterdam and part of Region 5 west of New Amsterdam to the Abary River;
- (d) **Secondary zone 4:** all of Region 10 including Linden and that section of the Berbice River which falls within Region 10.

Tertiary zones.

5. There are three tertiary zones –

- (a) **Tertiary zone 1:** all of Region 9 including Lethem;
- (b) **Tertiary zone 2:** all of Region 8 including Mahdia;
- (c) **Tertiary zone 3:** Region 7 not including Bartica.

Community class broadcasting service.

6. A community class broadcasting service may be provided within any of the broadcasting zones, except the primary zone, with a transmission radius of not more than five miles or of such other transmission distance as is specified in the broadcasting licence issued by the Authority.

Broadcasting coverage and quality of broadcasting.

7. A licensee shall place his antenna in a manner to ensure that, as far as is practicable –

- (a) his broadcasting coverage does not exceed the broadcasting zone he is licensed to serve; and
- (b) a viable signal in terms of clarity of picture and sound is delivered to all areas of the zone in which he is licensed to broadcast.

PART 2

PROGRAMMES

Public service programmes.

8. (1) Every broadcasting agency shall broadcast public service programmes in the following manner –

- (a) for a total of up to sixty minutes per day;
- (b) between 6:00 hrs. and 22:00 hrs; and
- (c) free of cost.

(2) The broadcasting agency may designate separate time slots any public announcement which is urgent and of national significance and for repeating such announcement.

(3) The broadcasting agency shall provide to the Authority –

- (a) a fixed schedule; or
- (b) a rotation of time slots,

it intends to set aside to broadcast public service programmes.

(4) The Authority may direct a broadcasting agency to adjust or vary its schedule under subparagraph (3) for public service programmes to ensure that the

distribution is spread across various time slots.

(5) The sixty minutes referred to in subparagraph (1)(a) shall include time allotted for any –

- (a) address to the Nation by the President;
- (b) emergency notice or disaster warning issued by the Civil Defence Commission, the Guyana Police Force, Guyana Fire Service, the Minister of Public Health and the Government generally by any agency duly authorised.

(6) A broadcasting agency shall broadcast the words, “This is a Public Service Announcement or Programme issued by...” at the end of all public service broadcast programme.

(7) With due consideration to the nature of the emergency and having regard to public safety, the Authority may direct a broadcasting agency to broadcast emergency notices or disaster warnings during peak or prime time or during a regular broadcast programme.

(8) A broadcasting agency may file a complaint with the Authority within twenty-four hours of it being asked to broadcast a programme free of cost if, in the broadcasting agency’s judgment, it is not considered a public service broadcast programme.

(9) The Authority shall investigate and determine a complaint and issue a ruling that the programme –

- (a) can be reasonably considered a public service broadcast programme and direct the broadcasting agency to air the programme free of cost; or
- (b) be granted an interim order to broadcast as a public service broadcast programme, and where the programme is not

considered to be a public service broadcast programme, order payment of regular programme cost for broadcasting the said programme.

(10) Any broadcasting agency found by the Authority to have arbitrarily refused to broadcast a public service broadcast programme without a complaint being determined by the said Authority commits an offence.

(11) The Authority shall make general guidelines on advertisements and programmes, which shall be published in the Official *Gazette*.

SECOND SCHEDULE s. 21B(3), (4) and (7), 22, 40 and 49

FORMS, PARTICULARS OF APPLICATIONS AND FEES

Form and
particulars of
an application.

1. An application for a broadcasting service licence shall be in Form 1 in this Schedule which shall contain particulars including the –

- (a) broadcasting service to be carried out;
- (b) class of broadcasting service;
- (c) method of broadcasting;
- (d) broadcasting zone in which the broadcasting service is to be carried out.

Form and
particulars of
broadcasting
service licence.

2. The Authority shall issue to an applicant a licence in Form 2 in this Schedule which shall contain particulars including the –

- (a) broadcasting service to be provided by the licensee;
- (b) class of the broadcasting service;
- (c) method of broadcasting;
- (d) broadcasting zone in which a licensee shall broadcast.

Fees.

3. (1) The following fees for and in relation to a broadcasting service licence are set out in the Table of Fees in this Schedule –

- (a) non-refundable application processing fees to be paid with an application for a broadcasting service licence;
- (b) fee for each zone for which the licence is granted;
- (c) an annual fee or renewal fee for the issued licence;
- (d) non-refundable application processing fees to be paid with an application to amend or vary a broadcasting service licence to add one or more broadcasting zones; and
- (e) fee for each zone added to the licence by amendment or variation of the licence.

(2) The broadcasting service licence shall be issued on the payment of the base fee for each zone for which the licence is granted.

(3) Where a broadcasting service licence is issued for the first time after 1st day of January of any financial year the licence fee shall be prorated from the date of issue to the 31st day of December.

(4) The annual fee or renewal fee for the broadcasting service licence shall be paid at the start of each financial year starting from the 1st day of January to the 31st day of December within the first two weeks of that year.

(5) If a licensee is operating in multiple zones, his annual or renewal fee shall be 3.5 percent of his gross revenue or the sum of the base fees of each of the zones in which he is operating or whichever is the greater.

Form 1

GUYANA NATIONAL BROADCASTING AUTHORITY

APPLICATION FOR BROADCASTING SERVICE LICENCE

Pursuant to the Broadcasting Act 2011

Application Number: _____

DATE OF APPLICATION

For Official Purposes only

(YYYY – MM – DD)

Section I – TYPE AND CLASS OF BROADCASTING SERVICE AND OWNERSHIP

- Type of Application (check one)** Radio (Sound) Television
- Classification (check one)** Commercial Non-Commercial Community
- Method of Broadcasting¹** Over the Air² Cable Satellite (DTH) Other
(check all that apply) *please state*
- ²If Over the Air (check all that apply)** Free to Air Subscription

¹All methods of Broadcasting, which utilize the radio frequency spectrum, require a valid licence (for such radio frequency spectrum use) from the National Frequency Management Unit or its successor, in addition to a Broadcasting Licence, in order to offer a Broadcasting Service.

Type of Entity (check one) Trust Company

Name of Trust / Company _____

Trust / Company Deed # _____

Broadcasting Brand Name _____

Attach document establishing rights to the brand name

Mailing Address _____ **Tel. #** _____

_____ **Fax. #** _____

Email Address _____

Contact Person _____

Section II – APPLICATION FILING

Application Filing (check one) New Variation³ Amendment³ Continuation

³*Reason for Variation / Amendment* _____

Section III – ZONE / COVERAGE

Zone within which broadcasting service is to be provided (select all that apply)

Primary	<input type="checkbox"/> Primary	Municipality of Georgetown; Region 3 up to the Essequibo River; all of Region 4 and Region 5 east of Region 4 to the Abary River.
Secondary	<input type="checkbox"/> Zone 1	All of Region 1, all of Region 2, and the Essequibo Islands being part of Region 3
	<input type="checkbox"/> Zone 2	All of Bartica
	<input type="checkbox"/> Zone 3	All of Region 6 including New Amsterdam and part of Region 5 west of New Amsterdam to the Abary River
	<input type="checkbox"/> Zone 4	All of Region 10 including Linden and that section of the Berbice River which falls within Region 10
Tertiary	<input type="checkbox"/> Zone 1	All of Region 9 including Lethem
	<input type="checkbox"/> Zone 2	All of Region 8 including Mahdia
	<input type="checkbox"/> Zone 3	Region 7 not including Bartica

Section IV – TECHNICAL DATA

1. Preferred Frequency / Channel

	<input type="checkbox"/> Primary	<u>Frequency (MHz)</u>	<u>Link Frequency (MHz)</u>
Primary	<input type="checkbox"/> Primary		State Frequency / Channel or other Technology to be used for linking studio and primary transmitter or linking transmitters between two or more zones.
Secondary	<input type="checkbox"/> Zone 1		
	<input type="checkbox"/> Zone 2		
	<input type="checkbox"/> Zone 3		

	<input type="checkbox"/> Zone 4	_____	_____
Tertiary	<input type="checkbox"/> Zone 1	_____	_____
	<input type="checkbox"/> Zone 2	_____	_____
	<input type="checkbox"/> Zone 3	_____	_____

2. Antenna Description⁴

Zone	Make	Model number	Number of sections	Gain (dBi)	Coordinates (Longitude/Latitude)

4 - You are required to provide an attached copy of the radiation pattern of the proposed antenna. If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wave length) between bays or the antenna is directional or specialized, an exhibit must be attached.

Exhibit No.

<i>Antenna Specifications</i>	<i>Zone</i>			
Polarization				
Effective Isotropic Radiated Power (dBm)				
Beam tilt effective radiated power (dBm):				
Azimuth (deg.):				
Horizontal ERP (W)				
Vertical ERP (W)				
Radiation center above ground level (m)				
Radiation center above mean sea level (m)				
Elevation (deg)				
Beamwidth_E (deg)				
Beamwidth_H (deg)				

3. Details of Mast / Tower where Antennae are mounted

<i>Mast / Tower Details</i>	<i>Zone</i>			
Type (state whether self-supporting or guyed tower)				
New Tower ⁵ or Existing				
⁵ If new, List Agencies granting permission(permission certificates must be attached)				
Height of Tower (m)				
Location of Mast / Tower				
Latitude				
Longitude				

If more space is needed, please attach exhibit

Exhibit No.

4. Transmission Line Description

(a) Transmission Line(s):

Zone	Make	Model Number	Length in meters (m)	Total losses (dB)	Efficiency (%)

If more space is needed, please attach exhibit

Exhibit No.

(b) Additional losses (Filters, Multiplexers, etc.) in transmission line system:

Zone	Description	Losses in dB	Efficiency (%)

If more space is needed, please attach exhibit.

Exhibit No.

(c) Total loss in transmitter line: _____

5. Transmitter Specifications

TV Equipment Data	Fixed Station
Make	
Model No.	
Power at flange (W)	
System Compliance Standard (NTSC/M, PAL, SECAM)	
Frequency stability (Normal, Precision, Relaxed)	
Audio Carrier Power (ERP)	
Video Carrier Power (ERP)	
Audio Carrier Frequency	
Video Carrier Frequency	
Sound Offset (kHz)	
Vision Offset (kHz)	
Vision/Sound Power Ratio (dB)	
Nominal width of main side band (MHz)	
Width of vestigial side band (MHz)	
Carrier noise level	
TV Equipment Data	Fixed Station
Type and polarity of sound modulation	
Type and polarity of Vision modulation	
Audio frequency deviation	
Modulation (%)	
Input impedance	

Radio(Sound) Equipment Data	Fixed Station
Make	
Model No.	
Power at flange (W)	
Carrier Frequency	
Carrier Noise Level	
Offset Frequency	
Audio Input Impedance	
Audio Frequency Response	
Frequency Stability	
Audio Distortion	
Output Impedance	
Frequency Separation	
Spurious and Harmonics	
Modulation Type	
Modulation (%)	
Radio(Sound) Equipment Data	Fixed Station
Maximum Frequency Deviation	

Location of Transmitter

Address where Transmitter is located (Main)

Coordinates where Transmitter is located (Main)

.....

.....- Latitude

.....
.....
.....

.....- Longitude

Address where Transmitter is located (Auxiliary)

Coordinates where Transmitter is located (Aux)

.....
.....
.....

.....- Latitude

.....- Longitude

Address where Transmitter is located (Link)

Coordinates where Transmitter is located (Translator)

.....
.....
.....

.....- Latitude

.....- Longitude

Geographic area – you are required to provide an Exhibit of a map showing the expected coverage area of the proposed station.

Exhibit No.

Section V – TECHNICAL RESPONSIBILITY

(a) Planning of the Station

(b) Maintenance of the Station

Name.....
Address.....
.....
Phone #
Nationality.....

Name.....
Address.....
.....
Phone #
Nationality.....

Technical Qualifications:

Technical Qualifications:

.....
.....
.....

.....
.....
.....

Applicant's Signature

Technical Representative's Signature

.....
Date

.....
Date

Signature of Person filling out the Form, if different from Applicant:

.....
Date:

Section VI – DECLARATION AND SIGNATURE

I, the undersigned, do hereby declare that I am duly authorized to sign this application and that the information provided herein is true and correct to the best of my knowledge, information and belief.

Name: _____

Designation: _____

Signature: _____

Date: _____

Please attach a power of attorney or board resolution that authorizes you to sign and submit this application.



**FORM 2
BROADCASTING SERVICE LICENCE**

Issued under the Broadcasting Act 2011



Licence No.

Issued to: _____
Name of Licensee

Of: _____
Address of Licensee

For: _____
Type of Broadcasting

Class: _____
Classification

Via: _____
Method of Broadcasting¹

Within: _____
Zone(s)

With effect from _____ to _____

1 – All methods of Broadcasting, which utilize the radio frequency spectrum, must have a valid licence (for such radio frequency spectrum use) from the National Frequency Management Unit or its successor, in order for this Broadcasting Licence to be valid.

Dated this day of20...

CEO, GNBA

Board Secretary / Chairman, GNBA

Table of Fees

	TELEVISION	RADIO	CABLE
Annual or renewal fee for licence	Same as the base fee for each zone Or 3.5% of gross revenue of the preceding year whichever is greater	Same as the base fee for each zone Or 3.5% of gross revenue of the preceding year whichever is greater	Same as the base fee for each zone Or 3.5% of gross revenue of the preceding year whichever is greater
Application processing fee; application to amend/vary licence	G\$25,000	G\$50,000	G\$25,000
ZONE	TELEVISION	RADIO	CABLE
Primary Zone (same fee if granted as an additional zone)	G\$1,200,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater	G\$2,500,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater	G\$1,200,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater
Each Secondary Zone (same fee if granted as an additional zone)	G\$600,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater	G\$1,250,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater	G\$600,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater
Each Tertiary Zone (same fee if granted as an additional zone)	G\$300,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater	G\$625,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater	G\$300,000 (base fee) Or 3.5% of gross revenue of the preceding year whichever is greater
Community Broadcasting Service	G\$150,000	G\$150,000	

”

Explanatory Memorandum

The Bill amends the Broadcasting Act 2011 to introduce three classes of broadcasting services namely, commercial, non-commercial and community classes; and three types of broadcasting zones, namely, primary, secondary and tertiary broadcasting zones. The Bill provides for public service programmes, the prohibition of programmes containing hate speech. It addresses an international agreement for broadcasting any channel or programme as part of the local service.

Clause 2 amends the Principal Act to clarify the definition of broadcasting service and gives a definition of public service broadcast.

Clause 3 in the inserted section 21A(1) provides for the classes of broadcasting services, namely, commercial, non-commercial and community classes. It provides for the eligibility of persons for the grant of a licence in respect of any class and mentions the programmes which a licensee of a community class broadcasting service shall provide. The inserted section 21B provides for the broadcasting zones, namely the primary, secondary and tertiary broadcasting zones. There are one primary zone, four secondary zones and three tertiary zones. A licensee may be granted an amendment to his broadcasting licence to include one or more zones.

Clause 4 substitutes a new section for section 22 in the Principal Act dealing with form of application for licences and payment of fees.

Clause 5 amends the Principal Act to insert four new sections, sections 39A to 39D. Section 39A provides for every broadcasting agency to broadcast public service programmes. Section 39B exhorts non-publication of programmes containing hate speech and racial incitement or terror threats. Section 39C provides for audited accounts. Section 39D deals with international agreement for broadcasting any channel or programme as part of our local service.

Clause 6 amends section 40 of the principal Act relating to the payment of fees. The applicant for a licence shall pay the fees provided for in the Second Schedule.

Clause 7 in the inserted section 49 empowers the Minister by Regulations subject to negative resolution of the National Assembly to amend the First and Second Schedules.

Clause 8 inserts the First and Second Schedules in the Principal Act.

Clause 9 deals with persons carrying on broadcasting services immediately before the commencement of this Act. Every person carrying on a broadcasting service immediately before the commencement of this Act has to apply for a broadcasting service licence.

Clause 10 provides for the revocation of the Broadcasting Regulations 2014.

The First and Second Schedules are most useful being attached as they are to the Principal Act and forming part of that Act. They provide details for the implementation of the new measures introduced into the Act by clauses 2, 3, 4, 5 (in the inserted section 39A, providing for public service programmes), 6 and 7.



.....
HON. MOSES NAGAMOOTOO, M.P.
PRIME MINISTER AND FIRST VICE PRESIDENT