

THE OFFICIAL GAZETTE 28TH FEBRUARY, 2014
LEGAL SUPPLEMENT — C

BILL No. 19 of 2013

Friday 28th February, 2014

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

28th February, 2014.

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

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



GUYANA

BILL No. 19 of 2013

BROADCASTING (AMENDMENT) BILL 2013

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Amendment of section 3 of the Principal Act.
3. Amendment of section 4 of the Principal Act.
4. Amendment of section 5 of the Principal Act.
5. Amendment of section 12 of the Principal Act.
6. Amendment of section 10 of the Principal Act.

7. Amendment of section 14 of the Principal Act.
8. Amendment of section 16 of the Principal Act.
9. Amendment of section 18 of the Principal Act.
10. Amendment of section 19 of the Principal Act.
11. Amendment of section 24 of the Principal Act.
12. Amendment of section 32 of the Principal Act.
13. Amendment of section 35 of the Principal Act.
14. Amendment of section 36 of the Principal Act.
15. Amendment of section 37 of the Principal Act.
16. Amendment of section 38 of the Principal Act.
17. Amendment of section 40 of the Principal Act.
18. Amendment of section 44 of the Principal Act.
19. Amendment of section 48 of the Principal Act.

A BILL
Intituled

AN ACT to amend the Broadcasting Act.

A.D. 2013	Enacted by the Parliament of Guyana:-
Short title.	1. This Act which amends the Broadcasting Act, may be cited as the Broadcasting (Amendment) Act 2013.
Amendment of section 3 of the Principle Act.	2. Section 3 of the Principal Act is amended as follows - (a) by inserting, immediately after the words “Guyanese public” the following words- “as guaranteed by the Guyana Constitution and by the International Covenant on Civil and Political Rights.”
Amendment of section 4 of the Principal Act.	3. Section 4 of the Principal Act is amended as follows- (a) by substituting for subsection (2) the following subsection- “(2) The President shall appoint the Chairman and all members of the board as determined under section 4(3).” (b) by substituting for subsection (3) the following subsection- “(3) The members of the Board shall be nominated by the Parliamentary Parties in proportion to their relative seat allocation in the National Assembly. (c) by substituting for subsection (4) the following subsection- “(4) The Chairman of the Board shall be elected by a simple majority; by the appointed Board members at the first meeting of the Board.” (d) by inserting the following subsection- “(5) The Managing Director of the National Frequency Management Unit or its successor shall be an <i>ex-officio</i> member of the Board without the right to vote.”
Amendment of section 5 of the Principal Act.	4. Section 5 of the Principal Act is amended as follows- (a) by deleting section 5(2)(g) (b) (b) by substituting for subsection (5) the following subsection- “(5) The members shall be paid such emoluments and allowances, as may be determined by Parliament or a Committee thereof.”
Amendment of section 10 of the Principal Act.	5. Section 10 of the Principal Act shall be amended as follows – (a) by deleting section 10(1), 10(2) and 10(3).
Amendment of section 12 of the Principal Act.	6. Section 12 of the Principal Act shall be amended as follows- (a) by deleting the following words from subsection 12(1) – “subject to the approval of the Minister.”
Amendment of section 14 of the Principal Act.	7. Section 14 of the Principal Act shall be amended in the following manner – (a) by deleting for the words “after consultation with and the approval of the

- Minister” in subsection 14(2)(b)
- Amendment of section 16 of the Principal Act.
8. Section 16 of the Principal Act shall be amended as follows –
- (a) by substituting for the words “to the Minister” in subsection 16(1), the following words-
“to the National Assembly”
 - (b) by substituting for the words “the Minister” in subsection 16(2)(c), the following words —
“the National Assembly”
 - (c) by substituting for the word “Minister” in subsection 16(3), the following words—
“National Assembly”
- Amendment of section 18 of the Principal Act.
9. Section 18 shall be amended in the following manner —
- (a) by deleting the following words -
“unless this is impracticable”
 - (b) by substituting for the words “the Minister”, the following words -
“the National Assembly”
 - (c) by substituting for the words “as public information deems appropriate as a public service at no cost”, the following words -
“as a public service at no cost, but not to the extent that undermines the financial viability of operations of Licensees.”
- Amendment of section 19 of the Principal Act.
10. Section 19 of the Principal Act shall be amended in the following manner –
- (a) by substituting for the words “state-owned media”, the following words –
“public service broadcasting”
- Amendment of section 24 of the Principal Act.
11. Section 24 of the Principal Act shall be amended as follows-
- (a) by deleting the following words-
“and at the beginning and end of each broadcasting programme”
- Amendment of section 32 of the Principal Act.
12. Section 32 of the Principal Act shall be amended as follows-
- (a) by substituting for the words “five years”, the following words —
“no more than six months”
 - (b) by deleting the following subsections —
32(i); 32(j); 32(k) and 32(n)
 - (c) by inserting the following subsection —
“32(i) All applicants for new and renewed licences shall indicate in their proposals, required under 32(b), how their programming will achieve such standards of fairness, balance and accuracy as defined by the Guyana National Broadcasting Authority on all matters of public interest and importance.”
- Amendment of section 35 of the Principal Act.
13. Section 35 of the Principal Act shall be amended in the following manner —
- (a) by deleting the following words –
“after consultation with the Minister”

Amendment
of section 36
of the
Principal Act.

14. Section 36 of the Principal Act shall be amended in the following manner-
- (a) by deleting the following words –
“after consultation with the Minister”
 - (b) by substituting for the words “from time to time consult the Minister as to”, the following word-
“determine”

Amendment
of section 37
of the
Principal Act.

15. Section 37 of the Principal Act shall be amended as follows -
- (a) by substituting for subsection 37(1), the following subsection –
“37(1) The Minister responsible for broadcasting may at any time by notice to the Authority direct specified in the notice to broadcast such announcements as are so specified, and the Authority and the licensees shall comply with the notice.”
 - (b) by deleting subsection 37(3).

Amendment
of section 38
of the
Principal Act.

16. Section 38 of the Principal Act shall be amended in the following manner-
- (a) by substituting for the words “exceeding five years”, the following words-
“less than six months”

Amendment
of section 40
of the
Principal Act.

17. Section 40 of the Principal Act shall be amended in the following manner—
- (a) by substituting for the word “Minister”, the following words —
“National Assembly”

Amendment
of section 44
of the
Principal Act.

18. Section 44 of the Principal Act shall be amended as follows —
- (a) by substituting for section 44 the following section —
“Any person who contravenes any provision of this Act or any subsidiary legislation commits an offence and is liable on summary conviction, where no penalty is prescribed, to a fine of two hundred thousand dollars.”

Amendment
of section 48
of the
Principal Act.

19. Section 48 of the Principal Act shall be amended as follows—
- (a) by substituting for the word “Minister”, the following words —
“National Assembly”
 - (b) by substituting for the words “after consultation with”, the following words —
“on the advice of”
 - (c) by deleting entirely subsection 48(2)

EXPLANATORY MEMORANDUM

The proposed Amendments are informed by the provisions of the Constitution of Guyana Article 146(1) which guarantees the freedom of expression and freedom to receive and disseminate information.

The amendments also give effect to the Report of the 2001 Hoyte-Jagdeo Joint Committee on Broadcast and State Media the recommendations of which were ignored in sections of the Act.

The Amendments further seek to reduce the overarching influence of the Minister responsible for Broadcast in the appointment and functioning of the Guyana National Broadcast Authority.



Joseph Hamton