

# THE OFFICIAL GAZETTE      11<sup>TH</sup> JULY, 2014

## LEGAL SUPPLEMENT — C

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**BILL No. 13 of 2014**

*Friday 11<sup>th</sup> July, 2014*

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.

11<sup>th</sup> July, 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.



**BILL No. 13 of 2014**

**BROADCASTING (AMENDMENT) BILL 2014**

**ARRANGEMENT OF SECTIONS**

### **SECTION**

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 3 of the Principal Act.
4. Amendment of section 4 of the Principal Act.
5. Amendment of section 10 of the Principal Act.
6. Amendment of section 12 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 44 of the Principal Act.
18. Amendment of section 48 of the Principal Act.

**A BILL**  
**Intituled**

AN ACT to amend the Broadcasting Act.

A.D. 2014	Enacted by the Parliament of Guyana:-
Short title.	1. This Act, which amends the Broadcasting Act, may be cited as the Broadcasting (Amendment) Act 2014.
Amendment of section 2 of the Principal Act.	2. Section 2(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 3 of the Principal Act.	3. Section 3 (1) of the Principal Act is amended as follows-  (a) By inserting after the words “which shall be” the following words “an independent and autonomous”.
Amendment of section 4 of the Principal Act.	4. Section 4 of the Principal Act is amended as follows -  (a) by substituting for subsection 4(2) the following subsection — “4(2) The President shall appoint the Chairman and all members of the board as determined under section 4(3).”  (b) by substituting for subsection 4(3) the following subsection — “4(3)(a) The members of the Board shall be nominated by the Parliamentary Committee on Appointments.”  “4(3) (b) The Chairman of the Board shall be elected by a simple majority; by the appointed Board members at the first meeting of the Board.”
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 as follows-  (a) by deleting 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 “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 “Chairman of the GNBA”.
- Amendment of section 18 of the Principal Act.
9. Section 18 (1)(e) shall be amended as follows –
- (a) by deleting the following words “unless this is impracticable”;
- Section 18(2)(k) 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 operators of Licences.”
- Amendment of section 19 of the Principal Act.
10. Section 19(c) of the Principal Act shall be amended as follows –
- (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(8) 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(c) 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 proposal, 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(1) 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(1) of the Principal Act shall be amended in the following manner -

- (a) by deleting the following words “after consultation with the Minister”;

Section 36(3) 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(1) 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 , where it appears to be necessary or expedient in times of declared national emergency or threat, may at any time by notice to the Authority direct licensees 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(2)(a) of the Principal Act shall be amended as follows –

- (a) by substituting for the words “exceeding five years”, the following words- “less than six months”.

Amendment of section 44 of the Principal Act.

17. 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 up to two hundred thousand dollars.”

Amendment of section 48 of the Principal Act.

18. Section 48(1) of the Principal Act shall be amended as follows -

- (a) by substituting for the words “after consultation with”, the following words “on the advice of”;

- (b) 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 Harmon