

CHAPTER 278

THE BROADCASTING ACT
(incorporating amendments of 1/1992; 28/1992 & 25/1994)

ARRANGEMENT OF SECTIONS

SECTION.

1. **SHORT TITLE.**
2. **INTERPRETATION.**
3. **THE CORPORATION.**
4. **MEMBERSHIP OF THE CORPORATION.**
5. **MEETINGS AND PROCEEDINGS.**
6. **RELATIONS OF MINISTER WITH CORPORATION.**
7. **APPOINTMENT AND DUTIES OF OFFICERS AND SERVANTS.**
8. **DUTY OF CORPORATION.**
9. **POWERS OF CORPORATION.**
10. **ADVERTISING.**
- II. **PROVISION OF SERVICES BY THE BAHAMAS TELECOMMUNICATIONS CORPORATION.**
12. **PROVISIONS OF TIME FREE OF CHARGE TO MINISTER.**
13. **BORROWING POWERS.**
14. **CORPORATION TO ADMINISTER FUNDS.**
15. **CORPORATION TO RETAIN MONEYS RECEIVED.**
16. **ASSETS AND LIABILITIES OF BROADCASTING BRANCH OF TELECOMMUNICATIONS DEPARTMENT.**
17. **PROCEEDINGS TO BE TAKEN SUMMARILY.**
18. **RULES.**
19. **POWERS OF MINISTER TO PROHIBIT BROADCASTING OF PARTICULAR MATTER.**
20. **SAVING.**
21. **APPLICATION AND GRANT OF LICENCES.**
22. **EXEMPTION FROM CERTAIN DUTIES OF CUSTOMS.**

SCHEDULE.

EQUIPMENT FOR BROADCASTING.

18 of 1956.
4 of 1957.
35 of 1958.
20 of 1959.
27 of 1961.
5 of 1963.
48 of 1963.
43 of 1964.
35 of 1969.
17 of 1971.
24 of 1972.
E.L.A.O., 1974.
6 of 1977.

CHAPTER 278.

THE BROADCASTING ACT

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A CORPORATION TO CARRY ON A BROADCASTING AND TELEVISION SERVICE IN THE BAHAMAS AND FOR MATTERS CONNECTED THEREWITH.

[17th May, 1956.]

incorporating

Section 114 of the Parliamentary Elections Act 1992

[Date of Assent: 10th January, 1992]

and

1 of 1992

THE BROADCASTING (AMENDMENT) ACT 1992

[Date of Assent: 2nd October, 1992]

and

28 of 1992

THE BROADCASTING (AMENDMENT) ACT 1994

[Date of Assent: 10th October, 1994]

25 of 1994

Short title.

1. This Act may be cited as the Broadcasting Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“broadcasting” means the sending out by radio of any message or other matter for the information, education or entertainment of the public or any section of the public;

24 of 1972, s. 4.

“Corporation” means the Broadcasting Corporation of The Bahamas established by section 3 of this Act;

E.L.A.O., 1974.

“Minister” means the Minister responsible for relations with the Broadcasting Corporation of The Bahamas;

“radio” means the transmission over any distance without connecting wires of programmes of television or sound, or both, by means of Hertzian waves and includes the reception of such programmes;

“Standard Broadcast Band” means that portion of the radio spectrum between 540 kilocycles and 1600 kilocycles;

“television” means the instant production at a distance of a transient visible image of an actual or recorded scene by means of any electrical system of telecommunication;

“televising” means the process of television.

The Corporation.
48 of 1963, .s. 3.
24 of 1972, s. 5.

3. For the purposes of this Act there shall be established a Corporation to be called the Broadcasting Corporation of The Bahamas which shall be a body with perpetual succession and a common seal, having capacity to acquire, hold and dispose of property to contract and to sue and be sued in its corporate name:

Provided that, subject to any existing contractual obligations, the Corporation shall not—

(a) mortgage, charge or demise any of its immovable property without the approval of the Minister; or

17 of 1971. s. 3.

(b) sell or otherwise alienate any of its immovable property in fee simple without the approval of both Houses of Parliament signified by resolution.

Membership of the Corporation.
48 of 1963, s. 4.

4.—(1) The Corporation shall consist of five members appointed by the Governor-General by notice in the Gazette. The members of the Corporation shall hold office at the Governor-General’s pleasure and subject to this, shall be appointed for such period, not exceeding three years nor less than one year, as the Governor-General may fix in relation to each member at the time of his appointment:

Provided that no person shall be qualified to be appointed or to hold office as a member of the Corporation under this section if he is—

35 of 1969, s. 2.

(a) a Minister; or

(b) a member of the public service.

17 of 1971, s. 4.

(2) The Governor-General shall appoint one of the members of the Corporation to be Executive Chairman and another to be Vice-Chairman.

Meetings and proceedings.

17 of 1971, s. 5.

5.—(1) A quorum at all the meetings of the Corporation shall be three members.

(2) At all meetings of the Corporation the Executive Chairman shall preside, but in his absence the Vice-Chairman shall act as acting Chairman of the Corporation with power to preside at any meeting; and in the absence of both of them the Governor-General may appoint another member of the Corporation so to act.

17 of 1971, s. 5.

(3) There shall be paid to the Executive Chairman or any acting Chairman or any other members of the Corporation such remuneration (if any) whether by way of salary, honorarium or fees and such allowances (if any) as the Minister may determine, and in the exercise of his powers under this subsection it shall be competent for the Minister to make different provision respecting different members of the Corporation.

(4) All questions coming or arising before a meeting of the Corporation shall be decided by a majority of the members present and voting thereon at the meeting and in the case of an equality in votes the person presiding shall have a second or casting vote.

48 of 1963, s. 5.

(5) Subject as aforesaid the Corporation may make standing orders governing its own procedure and that of its committees.

17 of 1971,s.5.

(6) The common seal of the Corporation shall be authenticated by the signatures of the Executive Chairman or the Acting Chairman or the Vice-Chairman of the Corporation and of the secretary to the Corporation or some other person authorised by the Corporation to act in his stead in that behalf.

(7) Every document purporting to be an instrument~ issued by the Corporation and to be sealed with the seal of the Corporation and authenticated in manner provided by this section or to be signed by the secretary to the Corporation or by a person authorised by the Corporation to act in his stead in that behalf, as the case may be, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

*Relations of Minister with Corporation.
48 of 1963. s. 6.
35 of 1969,s.3.*

6.—(1) The Minister may, after consultation with Corporation, give to the Corporation, such directions whether of a general or a specific character as to the exercise and performance of its functions under this Act appear to the Minister to be requisite in the public and the Corporation shall give effect to any such

(2) The Corporation shall afford to the Minister facilities for obtaining information with respect to the property, activities or the accounts of the Corporation as Minister may reasonably require for the proper exercise of the powers vested in him by subsection (1) of this section.

*Appointment and duties of officers and servants.
17 of 1971,s.6.*

7.—(1) The Corporation subject to the approval of the Minister shall appoint—

- (a) a general manager who shall be the chief executive officer and adviser of the Corporation and who shall be empowered to enter into advertising contracts on behalf of the Corporation; and
- (b) a secretary and such other officers and servants as the Corporation may determine.

35 of 1958, s. 2.

(2) Subject to the provisions of this Act there shall be paid to the general manager, secretary and other officers and servants of the Corporation such salaries and remuneration as the Corporation may from time to time determine.

(3) The secretary and other officers and servants of the Corporation referred to in paragraph (b) of subsection (1) of this section shall have such powers and duties as the Corporation may from time to time determine.

*Duty of Corporation and limitations.
28 of 1992.*

8.—(1) It shall be the duty of the Corporation to maintain broadcasting and televising services as a means of information, education and entertainment and to develop the services to the best advantage and interest of The Bahamas subject to such directions as the Minister may from time to time lay down.

*48 of 1963, s. 7.
17 of 1971, s. 7.*

(2) The Corporation shall not by lease, sale or otherwise dispose of any other rights conferred by this Act, except with the consent of the Minister.

*17 of 1971, s. 7.
Ch. 277.*

(3) The Corporation shall not enter into competition with any of the services performed by the Bahamas Telecommunications Corporation established by section 3 of the Bahamas Telecommunications Corporation Act.

*Powers of
Corporation.*

9.—(1) Subject to the provisions of this Act, the Corporation may do all things necessary and convenient for the carrying out of its duties under this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Corporation may—

48 of 1963, s.8.

- (a) purchase or otherwise acquire and hold any personal property required for the purposes of this Act and may dispose of any such personal property no longer required for such purposes;
- (b) subject to the approval of the Minister, purchase or otherwise acquire and hold and may take on lease any real property and any interest therein required for the purposes of this Act;
- (c) erect, equip and maintain plant, buildings, stations and equipment necessary for broadcasting and televising;
- (d) provide broadcasting and televising facilities for commercial and social activities including the broadcasting and televising of advertisements and make charges therefor;
- (e) compile and prepare, print, publish, issue, circulate and distribute, whether gratis or otherwise, such papers, magazines, periodicals, books and other literary matter as may seem conducive to the objects of the Corporation;
- (f) collect news and information in any part of the world and in any manner that may be thought fit and establish and subscribe to news agencies;
- (g) acquire by registration, purchase or otherwise copyrights in any matter whatsoever, including literary, musical and artistic works, plays, songs, gramophone and other records, and news, and any trademarks and trade names, and use, exercise, develop, grant licences in respect of, or otherwise turn to account the same with a view to the furtherance of any of the objects of the Corporation;
- (h) produce, manufacture, purchase or otherwise acquire films, gramophone and other records, and material and apparatus for use in connection with films and such records and employ such films, records, material and apparatus in connection with the broadcasting and televising services of the Corporation or for any purpose incidental thereto and sell, rent or otherwise dispose of such films and records:

Provided that nothing herein contained shall be deemed to authorise the Corporation to display films or play records for the

entertainment of the public except as aforesaid.

Advertising.

10. If the Corporation desires to broadcast or televise advertisements, it shall publish tariffs of advertising charges which shall be fixed from time to time by the Corporation subject to the approval of the Minister.

*Provision of services
by the Bahamas
Telecommunications
Corporation.
17 of 1971, s. 9.
Ch. 277.
48 of 1963, s. 10.*

11. The Bahamas Telecommunications Corporation, established by section 3 of the Bahamas Telecommunications Act, shall provide such technical operating services as the Corporation may require on payment of such charges as may be mutually arranged between the Corporation and the Telecommunications Corporation and approved by the Minister.

*Provision of time free
of charge to Minister.*

12. The Corporation shall provide free of charge such broadcasting time in the Standard Broadcasting Band not exceeding in any week six hours during that period from the beginning of transmission until 6 p.m. and not exceeding three hours during that period from 6 p.m. until closing time as the Minister may from time to time require.

*Borrowing
powers.
6 of 1977, s. 2.*

13.—(1) Subject to this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions and may in respect of any such borrowing, issue debentures in such form as the Corporation may determine.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister given with the consent of the Minister of Finance, as to the amount and as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(4) A person lending money to the Corporation shall not be bound to inquire whether the borrowing of money is within the power of the Corporation.

*Corporation to
administer funds.*

14.—(1) The Corporation shall open and operate its own bank account in a Chartered Bank to be designated by the Minister and may administer all sums of money and revenues which may be obtained by or given to the Corporation or derived from any other source, exclusively in furtherance of the purposes of this Act.

*Corporation to render
proper accounts
which shall be
audited.*

(2) The Corporation shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts.

(3) The accounts of the Corporation shall be audited by an auditor to be appointed annually by the Corporation with the approval of the Minister.

(4) As soon as the accounts have been audited the Corporation shall submit a copy of the statement of accounts referred to in subsection (1) of this section to the Minister together with a copy of any report made by the auditor on the statement or on the accounts of the Corporation and such statement and report, if any, shall be laid upon the table of both Houses of Parliament as soon as is practicable thereafter.

Corporation to retain monies received.
5 of 1963, s.2.

15.—(1) The Corporation shall retain for the purposes of this Act all moneys received by it arising out of its business.

24 of 1972, s.8.

(2) The Corporation may for the purposes of financing the construction, installation and improvement of the services authorised by this Act, establish a reserve fund and may provide a contribution annually to such a fund from the net profits of the Corporation of such amount as it thinks fit. Subject thereto, the Corporation shall apply all its net profits to reducing the sum or sums borrowed under subsection (1) of section 13 of this Act and the surplus (if any) shall be paid into the Consolidated Fund.

Assets and liabilities of broadcasting branch of Telecommunications Department.
Schedule.

16.—(1) As from the date of the coming into force of this Act there shall vest in the Corporation for the purposes of this Act all the assets and liabilities and all the apparatus, machinery, plant and other equipment for broadcasting of the Broadcasting Branch of the Telecommunications Department and which said apparatus, machinery, plant and other equipment for broadcasting are more particularly described in the Schedule hereto.

43 of 1964. Third Sch.

(2) The assets referred to in subsection (1) of this section the valuation of which has been fixed at twenty eight thousand five hundred and fifty two dollars shall vest in the Corporation and until such time as the Corporation pays into the Consolidated Fund in aid of the general revenue of The Bahamas the amount of such valuation the Corporation shall pay to the Treasurer interest at the rate of four per cent per annum on the amount of such valuation.

Proceedings to be taken summarily.
4 of 1957, s. 2.

17. All penalties and all expenses and sums of money made payable to or recoverable by the Corporation under this Act may be sued for and recovered by the Corporation summarily.

Rules.
48 of 1963, s. 14.

18.—(1) The Minister may make rules—

- (a) to control the character of any and all programmes broadcast or televised by the Corporation or any other person;
- (b) to determine the proportion of time which may be devoted to advertising in any programme and to control the character of such advertising;
- (c) to prescribe the proportion of time which may be devoted to political broadcasts and to assign such time on an equitable basis to all parties and rival candidates;
- (d) to provide for the employment, dismissal, control and remuneration of the general manager, secretary and such officers and servants, technical or otherwise, as may be necessary;
- (e) to provide for the appointment of advisory councils to advise the Corporation as to programmes and other matters;
- (f) to prescribe and regulate the payment and collection of fees for broadcasting or televising services;
- (g) to annex to the contravention of any rules made under this section a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six

28 of 1992

months or both such fine and imprisonment;

- (h) regulating the broadcasting or televising services operated by any person for the purpose of ensuring compliance with the rules and regulations of any international regulatory body or the provisions of any international Convention to which the Commonwealth of The Bahamas is a party;
- (i) as to the form and manner in which an application for a licence may be made or granted and the conditions subject to which such grant may be made;
- (j) generally in respect of any matter in connection with the broadcasting or televising services not otherwise provided for.

1 of 1992

(2) For the purpose of giving effect to any rules made under subsection (1) in respect of any political broadcast or advertisement, the general authority of the Corporation over its general manager shall be subordinate to that of the Electoral Broadcasting Council established under the Parliamentary Elections Act, 1992, being that authority of the Council as conferred by that Act and those rules.

Power of Minister to prohibit broadcasting of particular matter. 4 of 1957, s.2.

19.—(1) The Minister may, if he considers it to be in the public interest to do so, from time to time by notice in writing require the Corporation to refrain at any specified time or at all times from broadcasting or televising any matter or matter of any class specified in such notice; and the Minister may at any time or times vary or revoke any such notice.

E.L.A.O., 1974.

(2) In the exercise of the powers conferred by this section, the Minister may require the Corporation to announce or refrain from announcing that such notice has been given or has been varied or revoked and the Corporation shall comply with such requirements.

Saving. 24 of 1972, s.9 & 10.

20.—(1) Notwithstanding the provisions of the Bahamas Broadcasting and Television Commission (Amendment) Act, 1972 is hereby declared that the Broadcasting Corporation of The Bahamas established by this Act as amended by that Act shall be to all intents and for all purposes whatever regarded as identical with the Bahamas Broadcasting and Television Commission which was established by this Act before the coming into force of that Act.

(2) A reference in any agreement, deed, instrument, application, notice, or other document whatsoever to the Commission shall, unless the context otherwise requires, be read as a reference to the Corporation.

Application and grant of licences. 28 of 1992.

21.—(1) A person intending to establish or operate in The Bahamas after the coming into operation of this section a telecommunication service shall in accordance with the prescribed rules first make application to, and obtain from the Minister a licence authorising the establishment or operation of that service.

(2) Where the Minister is satisfied that an application is in conformity with the prescribed rules and upon payment of the requisite fee he may grant a licence to the applicant subject to such conditions as may be prescribed.

(3) In this section reference to “telecommunication service” includes a reference to a “broadcasting cable television system”.

(4) Nothing in subsection (1) shall apply to---

- (a) the functions conferred upon the Corporation by this Act;
- (b) the functions conferred by The Bahamas Telecommunications Corporation Act upon the corporation established thereunder;
- (c) any system operated by the Royal Bahamas Police Force or the Royal Bahamas Defence Force.

25 of 1994.

(5) All fees collected in respect of licences issued under this section shall be paid into the Consolidated Fund.

Exemption from certain duties of customs. 25 of 1994.

22. The Corporation shall be exempt from the payment of customs duties under the Tariff Act in respect of the importation of equipment for its use in providing televising services.

Section 16.

SCHEDULE.

2	RCA Turntables with 78 RPM 33 ¹ / ₃ RPM and 45 RPM.
1	RCA Consolette.
2	Rek-O-Kut Turntables with 78, 45 and 331 RPM.
1	Monitoring Radio and loudspeaker.
1	Collins Mixer Amplifier.
1	Ampex Tape Recorder.
2	Magnecorder Tape Recorders.
1	Steinway Piano and bench.
1	Hammond Electric Organ and bench.
1	Dual Turntable Disc Recorder.
1	Bass Violin.
7	Office Desks.
11	Chairs.
11	Microphones.
	Record Library with cabinets.
6	Microphone stands.
3	Music stands.
6	Typewriters.
4	Loudspeakers.
1	Collins Outside Broadcast Amplifier.
6	Filing Cabinets.
4	Pairs Earphones.
3	Record Racks—Revolving.
1	Vacuum Cleaner.
1	1-Kilowatt Collins Broadcast Transmitter.
1	5-Kilowatt Amplifier.
1	Antenna System.
1	Modulation Indicator.
1	Frequency Deviation Meter.
1	Public Address System.