

THE TELEVISION BROADCASTING SERVICE REGULATIONS 1987
(B.R. 25/87)

as amended by

THE TELEVISION BROADCASTING SERVICE AMENDMENT REGULATIONS 1988
(B.R. 41/88)

as amended by

THE TELEVISION BROADCASTING SERVICE AMENDMENT REGULATIONS 1993
(B.R. 2/94)

(made under section 11 of the Broadcasting Commissioners Act 1953)

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Citation

1 These regulations which amend the Television Broadcasting Service Regulations 1987 may be cited as the Television Broadcasting Service Amendment Regulations 1993.

Interpretation

2 In these regulations, unless the context otherwise requires -

"the Act" means the Broadcasting Commissioners Act, 1953 [*title 24 item 11*]

"broadcasting" means broadcasting by television and includes any sound broadcasts transmitted by a television station whether accompanied by a visual signal or not;

"commercial advertising" means any matter of a promotional character not intended primarily for the information, instruction or entertainment of listeners and viewers but made for the purpose of drawing public attention to the merits of goods, services, facilities, causes or events, broadcast at the request of any person, whether upon payment or otherwise but does not include announcements transmitted at the request of a Government Department or Board, nor a political broadcast nor a spot broadcast within the meaning of the Political Broadcasting Directions 1980;

"television station" means a broadcasting undertaking which operates a television broadcasting service to the general public in Bermuda.

Submission of programmes

3 (1) Where the Commissioners have reason to believe that any programme or other matter intended to be broadcast contains or is likely to contain anything which is offensive or otherwise undesirable as indicated in section 8(1) of the Act, they may require that such programme or other matter be submitted to them without charge prior to the broadcasting thereof.

(2) Any television station which is required to submit any programme or other matter to the Commissioners in accordance with this regulation shall give to the Commissioners an opportunity to view or hear the same and shall make available to them all the facilities of the station for the purpose, including, if a script is available, an opportunity to examine the script.

(3) A television station shall bring to the attention of the Commissioners any programme or other matter intended to be broadcast that contains or is likely to contain anything which is offensive or otherwise undesirable or is likely to violate the Act or the regulations or directions made thereunder as indicated in section 8(1) of the Act and shall submit on demand without charge to the Commissioners prior to the broadcasting thereof any such programme or other programme or matter for the purposes of section 8 of the Act.

Classification of programmes

4 (1) Subject to paragraph (2), a television station shall at all times be responsible for ensuring that the programmes and other matter broadcast by it shall be classified into one of the following categories:

- (a) "A" Artistic and Cultural;
- (b) "C" Children's Programmes;
- (c) "D" Documentaries;
- (d) "E" Educational Programmes;
- (e) "N" News Programmes;
- (f) "G" Programmes for general viewing;
- (g) "P.G." Programmes requiring parental guidance;
- (h) "RP" Religious Programmes;
- (i) "S" Sports Programmes.

(2) The Commissioners may review and amend a classification of a programme or other matter given by a television station and a television station may, in case of doubt as regards a classification, consult with the Commissioners before giving a classification.

Artistic and cultural programmes

5 (1) Every television station shall allocate not less than one fifth of daily broadcasting time between the hours of seven o'clock in the morning and six o'clock in the evening to programmes which are classified into categories "A", "C", "D", "E", "N" and "S".

(2) Every television station shall allocate not less than one fifth of its weekly broadcasting time between the hours of six o'clock in the evening and eleven o'clock at night to programmes which are classified into categories "A", "D", "E" and "N".

(3) Where a programme is classified into category "P.G." the programme shall be preceded by, and where possible there shall be made at intervals during the programme, announcements in writing and sound that the programme requires that parents exercise discretion before allowing children under the age of sixteen years to view it.

(4) Without prejudice to paragraphs (1), (2) and (3), the Commissioners may require a television station to broadcast programmes classified into categories "C", "E", "G" and "P.G." during each day at such times as the Commissioners may determine, and the television station shall so comply.

Commercial advertising

6 (1) Subject to paragraph (2), not more than fourteen minutes of commercial advertising shall be broadcast in any sixty minute period.

(2) Notwithstanding the limitation imposed under paragraph (1), the broadcasting of commercial advertising for not more than sixteen minutes in any sixty minute period shall be permitted during the following periods -

- (a) the week preceding Easter Sunday;
- (b) the two weeks preceding Somers Day; and
- (c) the three weeks preceding Christmas Day.

(3) No commercial advertising relating to alcoholic beverages (other than beers and wines) shall be broadcast between the hours of six o'clock in the morning and nine o'clock at night and where such commercial advertising is broadcast there shall in respect of each such advertising be broadcast the message "excessive alcohol consumption may be harmful to your health" or a like message except that it is lawful for commercial advertising to be broadcast not in compliance with the message mentioned in this paragraph if the television station -

- (a) satisfies the Commissioners on grounds of technical reasons that it cannot so comply;
- (b) submits a plan to the Commissioners to provide for alternative commercial advertising; and;
- (c) obtains prior approval of the plan mentioned in subparagraph (b) from the Commissioners;

(4) No commercial advertising relating to tobacco or tobacco products shall be broadcast without the express permission in writing of the Commissioners.

Record of broadcasting

7 (1) Every television station shall maintain a daily record of all programmes and other matter broadcast by it, which record shall be in such form and shall contain such information as the Commissioners may specify; however, in such record all material that is broadcast shall be classified and stated in accordance with regulation 4.

(2) Every television station shall without charge furnish the Commissioners on demand with a copy of the record mentioned in paragraph (1).

Publication of timing of programmes

8 Every television station shall publish or cause to be published daily or weekly prior to broadcasting a list of all programmes to be broadcast with the time of the commencement of each programme together with its classification and shall without charge furnish the Commissioners with a copy of the list.

Person's name etc. to be obtained

8A If a person telephones a television station and requests to be heard on the air, the television station -

- (a) shall not permit that person to be heard, unless the station is in possession of that person's name, address and telephone number;
- (b) shall make a recording of the transmission and keep the recording for a minimum period of thirty days thereafter;
- (c) shall make available on demand without charge the recording mentioned in subparagraph (b) to the Commissioners or to any person who is the subject of the broadcast.

Soliciting funds

8B No television station shall broadcast any programme which solicits funds directly from the members of the public unless it is made by a charitable organization that is registered under the Charities Act 1978 and the organization has the express permission in writing of the Commissioners to do so.

Penalty

9 Any person who fails to comply with any provision of these regulations commits an offence: Punishment on summary conviction; a fine of \$3,000 and in the case of a second or subsequent conviction a fine of \$5,000.