

THE BROADCASTING AND RADIO RE-DIFFUSION ACT (27th October, 1949)

Regulation | Objects & Reasons

ARRANGEMENT OF SECTIONS

Cap. 47. | Laws 66 of 1958 | 45 of 1959 | Acts 10 of 1962 | 5 of 1978 | 5 of 1986. | 43 of 1995 | 12 of 2001 | Act 37 of 2004 | Act 2 of 2005

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PART I *Introduction*

1. Short title.

1. This Act may be cited as the Broadcasting and Radio Re-Diffusion Act.

2. Interpretation.

2. (1) In this Act -

"broadcasting" means either sound broadcasting or television broadcasting or both;

"Caribbean Community" means the Caribbean Community established by Article 2 of the Revised Treaty of Chaguaramas signed in the Bahamas on the 5th day of July, 2001 and includes the CARICOM Single Market and Economy;

"commercial matter" means matter of any description which is broadcast with the intention of influencing listeners or viewers thereto to engage or abstain from engaging in commercial relations with any person;

"commercial broadcasting licence" includes an exclusive commercial broadcasting licence and a non-exclusive commercial broadcasting licence granted under section 11F;

"Commission" means the Broadcasting Commission established under section 12;

"Member State" means a Member State of the Caribbean Community excluding an Associate Member within the meaning of Article 231 of the Revised Treaty of Chaguaramas;

"national" means a person who-

(a) is a citizen of a Member State; or

(b) has connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration; or

(c) is a company or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it, provided that such company or other legal entity-

(i) has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity, within the Caribbean Community; and

(ii) is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

“non-commercial broadcasting service” means a broadcasting service which-

(a) broadcasts matter of any description that is not intended to influence listeners or viewers thereto to engage in or abstain from engaging in commercial relations with any other person;

(b) does not broadcast for profit; and

(c) is not engaged in commerce;

"re-diffusion system" means a system for the dissemination by electrical or magnetic agency over a wired network connecting a transmitting instrument with a number of receiving instruments of sound.

"sound broadcasting" means the dissemination by wireless telephony of sounds of any description with a view to the entertainment or instruction of all persons who may with the aid of any equipment listen thereto, but does not include sounds which form part of a television broadcast;

“special broadcasting licence” means a non-exclusive special broadcasting licence granted under section 11F to provide non-commercial broadcasting services which are relayed worldwide and are consistent with the national interest;

"subscriber television service" means the one-way transmission of video programming or other programming service to subscribers for a fee, and subscriber interaction (if any) which is required for the selection of such programming or other programming service;

"television broadcasting" means the wireless transmission of visual images or pictures, together with any sounds broadcast for reception along with those images or pictures;

"video programming" means the transmission of visual images by means of radio magnetic signals or optical agency.

(2) For the purposes of this Act a person shall be deemed to engage in commercial broadcasting if having the control of any broadcasting apparatus -

(a) he accepts or agrees to accept valuable consideration of any description in respect of the use of such apparatus for the making of any broadcast; or

(b) he uses or permits to be used such apparatus for broadcasting commercial matter.

(3) For the purposes of this Act a person shall be deemed to have the control of any broadcasting apparatus if he is entitled otherwise than in the capacity of servant or agent of some other person resident in Jamaica to determine whether or not such apparatus shall be used for any lawful purpose.

PART II *Commercial Non-Commercial Broadcasting*

3. Restriction on commercial broadcasting.

3. (1) No person shall establish or maintain any broadcasting apparatus with a view to engaging or shall engage in commercial broadcasting except under and in accordance with the terms of a commercial broadcasting licence granted under this Act.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a penalty not exceeding ten thousand dollars in respect of each day on which such offence is committed or in default thereof to be imprisoned for any term not exceeding six months.

4. [Repealed by Act 43 of 1995]

4. [*Repealed by Act 43 of 1995*]

5. [Repealed by Act 43 of 1995]

5. [*Repealed by Act 43 of 1995*]

6. Licence may be exclusive or non-exclusive.

6. (1) Any commercial broadcasting licence may, subject to the provisions of this section, be either a non-exclusive or an exclusive commercial -

(a) sound broadcasting licence; or

(b) television broadcasting licence; or

(c) sound and television broadcasting licence.

(2) Every commercial broadcasting licence shall authorize the holder thereof during such period as such licence remains in force to erect, establish, maintain and operate such broadcasting apparatus of every description as may be necessary to enable the holder thereof fully and effectually to engage in commercial broadcasting in accordance with the terms of his licence.

(3) Every non-exclusive commercial broadcasting licence shall authorize the holder thereof during such period as the licence remains in force to engage in commercial broadcasting concurrently with the holder of any other commercial broadcasting licence under this Act.

(4) Every exclusive commercial sound broadcasting licence shall authorize the holder thereof during such period as such licence remains in force to engage in commercial broadcasting to the exclusion of all other persons except as otherwise provided in subsection (5) and subsection (6).

(5) No non-exclusive commercial sound broadcasting licence shall be granted at any time when there is in force any exclusive commercial sound broadcasting licence unless either-

(a) the holder of such exclusive sound broadcasting licence notifies the Minister in writing of his consent to the grant of such non-exclusive sound broadcasting licence; or

(b) such non-exclusive sound broadcasting licence contains a term that the holder thereof shall not engage in commercial sound broadcasting until such time as such exclusive commercial sound broadcasting licence has ceased to be in force or the holder thereof has notified the Minister in writing of his consent to the holder of such non-exclusive commercial sound broadcasting licence engaging in commercial sound broadcasting.

(6) No exclusive commercial sound broadcasting licence shall be granted at any time when there is in force any non-exclusive commercial sound broadcasting licence unless such exclusive licence contains a term that it shall take effect as a non-exclusive commercial sound broadcasting licence until such time as all non-exclusive commercial sound broadcasting licences in force at the date of the grant of such exclusive sound broadcasting licence shall have ceased to be in force or shall have become vested in the holder of such exclusive sound broadcasting licence.

(7) The provisions of subsections (4), (5) and (6) shall have effect as respects exclusive commercial television broadcasting licences and non-exclusive commercial television broadcasting licences in like manner as they have effect as respects exclusive commercial sound broadcasting licences and non-exclusive commercial sound broadcasting licences.

(8) Subject to the provisions of this section, an exclusive commercial sound broadcasting licence may be granted notwithstanding that there is in force an exclusive commercial

television broadcasting licence; and an exclusive commercial television broadcasting licence may be granted notwithstanding that there is in force an exclusive a commercial sound broadcasting licence.

6A. Non-commercial broadcasting services.

6A. (1) Subject to subsection (2), no person shall establish or maintain any broadcasting apparatus to engage in non-commercial broadcasting services except under and in accordance with the terms of a special broadcasting licence granted under this Act and such licence shall be non-exclusive.

(2) A person referred to in subsection (3) shall be eligible to be granted a special broadcasting licence.

(3) A person mentioned in subsection (2) is a person who promotes the values and interests of a foreign country in the provision of non-commercial broadcasting services which originate outside of Jamaica, are relayed worldwide and are consistent with the national interest of Jamaica.

7. Unlawful interference with cable wire.

7. Every person who unlawfully and maliciously or fraudulently cuts, injures, taps or interferes with any cable or wire connected with or used in connection with any broadcasting apparatus or other apparatus or equipment utilized for commercial broadcasting by the holder of a commercial broadcasting licence or for non-commercial broadcasting by the holder of a special broadcasting licence in accordance with the terms of such licence shall be guilty of an offence against this Act, and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

PART III Radio Re-Diffusion.

8. Control of radio re-diffusion.

8. (1) No person shall establish, maintain or operate in Jamaica any radio re-diffusion system except under and in accordance with the terms of a licence granted under this Act.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding six months in respect of each day on which such offence is committed.

9. [Repealed by Act 43 of 1995]

9. *[Repealed by Act 43 of 1995]*

10. [Repealed by Act 43 of 1995]

10. *[Repealed by Act 43 of 1995]*

11. Unlawful interference with re-diffusion system.

11. Every person who unlawfully and maliciously or fraudulently cuts, injures, taps or connects any wired extension or apparatus or hearing device to or otherwise interferes with any feeder wiring or high level link wiring or any wiring to or on or in any premises or any other wiring or cable or any insulator or support for wiring or any pole or apparatus or loudspeaker or transformer or other part of any radio re-diffusion system operated by the holder of a licence under this Part in accordance with the terms of such licence shall be guilty of an offence against this Act, and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

PART IIIA Subscriber Television Service

11A. No person to operate subscriber television service without licence.

11A. (1) No person shall establish, maintain or operate any subscriber television service except under and in accordance with the terms of a licence granted under this Act.

(2) Every person who contravene the provisions of subsection (1) shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) Where a person has been convicted of an offence under subsection (2), the Court may, in addition to any other penalty, order that any equipment used in committing the offence be forfeited to the Crown.

11B. Person eligible for licence to operate subscriber television service.

11B. (1) A company referred to in sub-section (2) shall be eligible to be licensed to offer subscriber television service to the public.

(2) A company mentioned in sub-section (1) is a company which -

(a) is incorporated in Jamaica or any other Member State; and

(b) is controlled by persons who are nationals of Jamaica or another Member State;

(3) Any company which -

(a) provides telecommunication service and has a monopoly in any area of that service; or

(b) is an approved organization as defined in section 2 of the Office of Utility Regulation Act,

shall not be eligible to apply for or be granted any licence to operate subscriber television service.

(4) For the purposes of subsection (2) (b) "control" in relation to a company means the power of a person to secure by means of the holding of shares or the possession of voting power in or in relation to that company, or by any agreement or by virtue of any other powers conferred by the articles of association or other document regulating the company, that the affairs of the company are conducted in accordance with the wishes of that person.

11C. Offences

11C. (1) A person who knowingly subscribes to subscriber television service supplied by a person who is not licensed to operate such service commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Every person who unlawfully and maliciously or fraudulently -

(a) cuts, injures, taps or interferes with any cable or wire connected with any equipment or apparatus; or

(b) interferes with any wireless sign,

utilized for providing subscriber television service commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for term not exceeding two years or to both such fine and imprisonment.

PART IIIB Licences

11D. Application for licences.

11D. (1) Every person who is desirous of -

(a) engaging in commercial broadcasting; or

(b) establishing, maintaining or operating a radio re-diffusion system shall make an application to the Minister in the prescribed form for a licence.

(2) A company referred to in section 11B (1) which is desirous of offering sub-subscriber television service shall make an application to the Minister in the prescribed form for a licence.

(2A) A person who is desirous of providing non-commercial services shall make an application to the Minister in the prescribed form for a special broadcasting licence.

(3) An application under this section shall be accompanied by the prescribed application fee.

11E. Procedure relating to application for licence.

11E. (1) The Commission shall process applications for licences under this Act and shall make such recommendation to the Minister in relation thereto as it thinks fit.

(2) For the purposes of making a recommendation under subsection (1) the Commission -

(a) shall determine whether or not the applicant satisfies the prescribed requirements for commercial or non-commercial broadcasting, radio re-diffusion or the operation of a subscriber television service, as the case may be; and

(b) may, if it thinks necessary, hear oral submissions from the applicant.

11F. Grant or refusal etc. of licence.

11F. (1) The Minister, on receipt of a recommendation under section 11E (1), may -

(a) grant a licence on such terms and subject to such conditions as he thinks fit;

(b) refer the recommendation back to the Commission for further consideration; or

(c) refuse to grant the licence.

(2) Where the Minister grants a licence under subsection (1), the applicant shall be notified in writing forthwith and the licence shall be issued to the applicant upon payment by him to the Commission of the prescribed licence fee.

(3) Where the Minister decides to refuse to grant a licence under subsection (1) he shall, within thirty days of that decision, notify the applicant in writing of the reasons for such refusal.

(4) An applicant may, in writing within fourteen days after receipt of such notification request the Minister to hear him in respect of the application and the Minister shall hear any applicant who so requests.

(5) After hearing an applicant the Minister may make such decision as he thinks fit.

(6) A licensee may, within a period of six months before the expiry of his licence, make an application in the prescribed form to the Minister for a renewal of the licence and the application shall be accompanied by the prescribed fee.

(7) The provisions of section 11E and subsections (1) to (5) of this section shall apply to an application for the renewal of a licence.

11G. Terms of licences.

11G. (1) The provisions of section 6 shall apply to every commercial broadcasting licence granted under this Act and every such licence shall -

(a) authorize the holder thereof to establish, maintain and operate a transmitting station and to engage in commercial broadcasting;

(b) specify the type of broadcasting to which it relates; and
subject to section 22, be valid for such period as may be specified in the licence.

(2) Every licence to establish, maintain or operate a radio re-diffusion system shall, subject to section 22, be valid for such period as may be specified therein and -

(a) shall specify the area in which such system may be established;

(b) may be either a non-exclusive radio re-diffusion licence or an exclusive radio re-diffusion licence, as the case may be.

(3) Every licence granted in respect of subscriber television service shall, subject to section 22, be valid for a period of six years or such longer period as the Minister may determine, on the advice of the Commission that such longer period is justifiable.

(4) Subject to subsection (5), it shall be a term of every licence granted under this Act that the licensee shall comply with such terms and conditions as may be specified therein.

“(4A) Every special broadcasting licence shall, subject to section 22-

(a) be valid for a period of six years;

(b) be non-transferrable; and

(c) be subject to cancellation at the direction of the Minister in the national interest.

(4B) It shall be a term of every special broadcasting licence that the licensee shall

(a) pay the prescribed licence fee to the Commission forthwith upon the grant of the licence thereafter, while the licence continues in force, annually on or before each anniversary of such grant;

(b) forthwith upon any change in its membership, notify the Commission in writing of that change;

(c) comply with the relevant provisions of the Radio and Telegraph Control Act and the Telecommunications Act.

(5) It shall be a term of every licence granted for subscriber television service that the licensee shall -

(a) pay the prescribed licence fee to the Commission forthwith upon the grant of the licence and thereafter, while the licence continues in force, annually on or before each anniversary of such grant;

(b) forthwith upon any change in the nationality of or control by its members, notify the Minister in writing of that change.

(6) If a person who is granted a licence to provide subscriber television service does not provide that service within a period of six months from the grant of the licence or such longer period as the Minister may allow, the licence shall lapse and thereupon shall be rendered void.

(7) Where a licence is rendered void under subsection (6) the Commission shall so notify the licensee in writing and shall require the licensee to return the licence to the Commission within fourteen days after receipt of the notification.

(8) A licensee who fails to comply with a requirement under subsection (7) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine of ten thousand dollars for each day on which the licence is not returned to the Commission.

PART III C Appeals

11H. Appeals

11H (1) Subject to subsection (1A), a person aggrieved by the decision of the Minister to refuse to grant or renew a licence under this Act may appeal to the Appeal Tribunal appointed by the Minister pursuant to subsection (3).

(1A) No appeal shall lie to the Appeal Tribunal against the decision of the Minister to refuse to grant or renew a special broadcasting licence on the ground that such refusal is necessary in the national interest.

(2) An appeal shall lie from the Appeal Tribunal to the Court of Appeal on a point of law.

(3) The provisions of the Second Schedule shall have effect as to the constitution of the Appeal Tribunal and otherwise in relation thereto.

(4) The Minister may make rules prescribing procedures relating to appeals to the Appeal Tribunal.

PART IV The Broadcasting Commission

12. Establishment of the Broadcasting Commission.

12. (1) There shall be established for the purposes of this Act a body to be called the Broadcasting Commission.

(2) The Commission shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

(3) The provisions of the First Schedule shall have effect with regard to the constitution of the Commission and otherwise in relation thereto.

13. Appointment of staff.

13. (1) The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a secretary, and such officers, agents and servants as it may consider necessary for the proper carrying out of its functions under this Act.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office with the Commission, and any officer so appointed shall, during such appointment, in relation to pension, gratuity or other allowance, and to other rights as a public officer, be treated as continuing in the service of the Government.

14. Expenses of the Commission.

14. The expenses of the Commission (including remuneration of members and staff thereof) shall be defrayed out of sums provided from time to time for the purpose by Parliament and from fees paid pursuant to this Act.

15. Accounts and audit.

15. The Commission shall keep proper accounts of its transactions and such accounts shall be audited annually by an auditor to be approved by the Minister.

16. Functions of the Commission.

16. It shall be the duty of the Commission, with a view to the carrying out of the provisions and objects in this Act -

(a) to advise the Minister on any matter within its knowledge or on which the Minister may seek its advice, and, without prejudice to the generality of the foregoing, to advise in relation to -

(i) the terms and conditions on which licences may be granted; and

(ii) the allocation of time to broadcasting of programmes which are of Jamaican origin or performed by Jamaicans or which are particularly relevant or significant to Jamaica;

(b) to conduct, or cause to be conducted, surveys for the purpose of ascertaining the extent to which matter transmitted or relayed from any station operated by a licensee is being received, or is capable of being received, in any geographical area within Jamaica;

(c) to undertake, sponsor, or assist in research relating to any class or classes of operations which may be subject to control or regulation under this Act;

(d) to establish a system for monitoring transmissions by licensees -

(i) whether by the Commission with the aid of mechanical or electronic means, or by securing the services of persons for that purpose; or

(ii) by requiring licensees to keep tape recordings of their broadcasts and submit them to the Commission;

(e) to monitor the operations of licensees;

(f) to receive and investigate complaints in relation to any matter under this Act.

17. Power to require information from licensees.

17. The Commission may from time to time by notice in writing require from any licensee such information relating to the programmes and operations of that licensee as may be prescribed.

18. Advisory Committees.

18. The Commission may from time to time appoint such committees as it may consider appropriate to advise it on such matters relating to its functions as it may determine, and such committees may consist of as many persons, whether or not members of the Commission, as the Commission may determine.

19. Annual reports.

19. (1) The Commission shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report of its affairs and such report shall include -

(a) a report of the broadcasting performance of the licensee during the year in such detail as the Commission may decide or the Minister may require;

(b) a summary of the decisions of the Commission in regard to any matter or thing respecting which the Commission has acted during the year; and

(c) a report on such other matters as appear to the Commission to be of public interest in connection with broadcasting in the Island.

(2) As soon as may be after the receipt of such report, the Minister shall cause a copy to be laid upon the Table of the House of Representatives and of the Senate.

20. Contravention of licence.

20. (1) Where there is a contravention of any licence the Commission shall give to the licensee notice in writing -

(a) specifying particulars of such contravention; and

(b) requiring that licensee to justify its actions to the Commission or otherwise to take such remedial action as may be specified in the notice.

(2) Where the Commission gives any notice under subsection (1), the Commission shall send a copy of such notice to the Minister for his information.

(2A) Where the Commission gives notice under subsection (1) to the holder of a special broadcasting licence, the Commission shall send a copy of that notice to any person who provides broadcasting apparatus in order to facilitate the relay within Jamaica of non-commercial broadcasting by the licensee.

(3) Where a licensee fails to justify its actions to the satisfaction of the Commission or fails or refuses to take any remedial action specified in the notice issued under subsection (1) the Commission -

(a) shall notify the Minister in writing of the fact of such failure or refusal;

(b) may direct such licensee, where the Commission considers it appropriate, to broadcast or transmit an apology at such time and at such intervals as the Commission may determine.

21. Impartiality in political broadcasts.

21. (1) Where, under any broadcasting licence issued under this Act, time is allocated to the Government for broadcasts for reasons of emergency or in the national interest, such time shall not be used for broadcasting any matter which is likely, or intended -

(a) to solicit support for any political party or to promote the election of any individual or of any political party to any public or municipal office or to the House of Representatives; or

(b) to attack the policies, plans or programmes of any political party or parties.

(2) Where on any broadcasting station time is allocated to the Government or any political party for a broadcast which is used as mentioned in subsection (1) (a) or (1) (b), on terms whereby the time so allocated is free of charge or at a rate which is less than the normal commercial rate, equal time shall be allocated on that broadcasting station on similar terms to any political party which the Commission is satisfied is likely to be prejudicially affected by that broadcast.

(3) For the purpose of ensuring compliance with subsection (1) or subsection (2) the Commission shall investigate any allegation of non-compliance made not later than twenty-one days after the date of the relevant broadcast and, if satisfied of the truth of the allegation, shall -

(a) if the allegation relates to subsection (1), direct -

(i) that equal time be afforded to such other political party or parties as may be approved by the Commission to reply to matters arising out of such broadcast; and

(ii) that any such reply is broadcast at such time, on such terms with regard to payment or otherwise and in such circumstances as are in the opinion of the Commission necessary to ensure that the reply is given exposure equivalent to that given to the broadcast which was the subject of the allegation;

(b) if the allegation relates to subsection (2), give such directions as it thinks appropriate to ensure compliance with that subsection.

(4) Where it is alleged that any broadcast contains information which is inaccurate the Commission shall, upon being required to do so by any person not later than twenty-one days after the broadcast, investigate the allegation and, if satisfied as to the truth of the allegation -

(a) direct the licensee to broadcast -

(i) an apology; or

(ii) if the Commission thinks fit, a correction of the inaccuracy,

in such form as the Commission may determine; or

(b) subject to subsection (5), direct the licensee to afford to any person prejudiced by the broadcast the opportunity of broadcasting a reply for the purpose of rebutting any information alleged to be inaccurate; or

(c) direct the licensee to do both (a) and (b) above.

(5) A direction pursuant to subsection (4) (b) shall be on such terms as the Commission may determine, so, however, that, without prejudice to the generality of the foregoing -

(a) if, in the opinion of the Commission, the licensee did not exercise due care in ensuring the accuracy of the information where it was possible to do so, the broadcast in rebuttal shall be free of charge; and

(b) in any other case, the broadcast in rebuttal shall be on such terms as to payment to the licensee as the Commission may determine.

(6) For the purposes of this section "political party" means a political party which, at the time when the matter arises has five or more members in the House of Representatives or which had, immediately prior to the then last preceding dissolution of that House, five or more such members.

22. Penalty for failure to comply with directions.

22. (1) Where a licensee fails to comply with any directions given by the Commission under section 20 or 21, the Commission may -

(a) on the first occasion of such failure, recommend to the Minister that the licence be suspended for a period not exceeding three months; or

(b) if the failure occurs on any second or subsequent occasion, recommend to the Minister that the licence be suspended for such period as the Commission considers appropriate or cancelled.

(2) Before suspending or cancelling licence the Minister shall direct the Commission to notify the licensee accordingly and shall afford the licensee an opportunity to show cause why the licence should not be suspended or cancelled."

23. Regulations.

23. (1) The Commission may, after consultation with the Minister, make regulations generally for the better carrying out of the objects and purposes of this Act.

(2) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under this section may prescribe greater penalties than those specified in the said section 29, so, however, that the maximum penalty that may be imposed shall be a fine of ten thousand dollars or imprisonment with or without hard labour for a term not exceeding twelve months

(3) Where an offence against the regulations is committed by a body corporate then, notwithstanding and without prejudice to the liability of that body, any person who at the time of such commission was a director, general manager, secretary or other similar officer of that body, or was purporting to act in any such capacity, shall, be liable to be prosecuted as if he had personally committed that offence and shall be liable to the like conviction and punishment as if he had personally been guilty of that offence unless the Court finds on a balance of probability that -

(a) the contravention was committed without his consent or connivance; and

(b) he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(4) In this section and in section 21, "broadcasting" includes broadcasting over a radio re-diffusion system.

FIRST SCHEDULE (Section 12 (3))

Constitution of Commission

1. (1) The Commission shall consist of not less than five nor more than nine members appointed by the Governor-General by instrument in writing after consultation with the Prime Minister and the Leader of the Opposition.

(2) The Governor-General after consultation with the Prime Minister and the Leader of the Opposition, shall appoint one of the members of the Commission to be Chairman of the Commission.

(3) No person shall be qualified to be a member of the Commission if he -

(a) is a Member of Parliament or a member of any local authority;

(b) has been a Member of Parliament or of any local authority (or has been a candidate for election as a Member of Parliament or of any local authority) during a period of seven years immediately prior to the date of his proposed appointment to the Commission.

2. (1) The appointment of a member of the Commission shall, subject to the provisions of this Schedule, be for a period of five years.

(2) The members of the Commission shall be eligible for reappointment.

(3) A member of the Commission may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause or for misbehaviour and shall not be so removed except in accordance with sub-paragraph (4)).

(4) A member of the Commission shall be removed from office

(a) by the Governor-General;

(b) on the ground specified at sub-paragraph (3).

if the revocation of his appointment is recommended by Parliament by means of a resolution of each House of Parliament, approved by not less than two-thirds of all the members of that House.

(5) If the office of a member of the Commission becomes vacant any other person who is qualified to be a member of the Commission may be appointed to be a member in accordance with the provisions of paragraph 1, and the duration of the term of office of

such member shall be the unexpired period of the term of office of the member whose office became vacant.

3. (1) Any member, other than the Chairman may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the Chairman, and from the date of receipt by the Governor-General of such instrument such member shall cease to be a member.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Governor-General; and such resignation shall take effect as from the date of receipt by the Governor-General of the instrument.

4. The names of all members as first appointed and every change in the membership of the Commission shall be published in the *Gazette*.

5. (1) The Commission shall meet as and when necessary for the performance of its functions under this Act and such meetings may be held at such places and times and on such days as the Commission may determine.

(2) The Chairman may at any time call a special meeting of the Commission and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Commission.

(3) The Chairman shall preside at all meetings of the Commission at which he is present, and, in the case of his absence from any meeting, the members present and constituting a quorum shall elect one of their number to act as Chairman at the meeting.

(4) The quorum at any meeting shall be three.

(5) Every decision of the Commission shall be by a majority vote and where the voting is equal the Chairman or person presiding shall have a casting vote in addition to his original vote.

(6) Subject to the provisions of this paragraph the Commission shall have power to regulate its own proceedings.

(7) The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

6. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done *bona fide* in pursuance or execution or intended execution of the Commission's functions under this or any other enactment.

7. The members of the Commission shall receive such emoluments and be subject to such terms and conditions of service as may from time to time be prescribed by or under any law or by resolution of the House of Representatives.

8. (1) The seal of the Commission shall be authenticated by the signatures of the Chairman and another member authorized to act in that behalf.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the Chairman or any other member authorized to act in that behalf.

9. Where, pursuant to paragraph 1, the Governor-General is directed to act after consultation with the Leader of the Opposition and -

(a) there is no person holding the office of Leader of the Opposition; or

(b) the holder of that office is unwilling or, by reason of his illness or absence from Jamaica, unable to perform his functions in that regard,

the Governor-General shall act as if the reference in that paragraph to the Leader of the Opposition were a reference to such person as the Governor-General, in his discretion, considers appropriate.

SECOND SCHEDULE (Section 11H)

Constitution and Procedure of Appeal Tribunal

1. The Tribunal shall consist of five members appointed by the Minister of whom -

(a) two shall be Attorneys-at-Law, who shall be chairman and vice-chairman, respectively; and

(b) three shall be persons appearing to the Minister to be competent in relation to broadcasting matters.

2. If the chairman, vice-chairman or other members of the Tribunal are absent or unable to act, the Minister may appoint another person to act temporarily as chairman, vice-chairman or as such other member.

3. (1) The appointment of every member of the Tribunal shall be evidenced by instrument in writing and shall be for a period not exceeding three years.

(2) Every member of the Tribunal shall be eligible for reappointment.

(3) The Minister may at any time revoke the appointment of the chairman, vice-chairman or any other member of the Tribunal.

4. (1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the

chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Tribunal.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister

5. The names of the members of the Tribunal as first constituted and every change in membership thereof shall be published in the *Gazette*.

6. All documents made by, and all decisions of the Tribunal may be signified under the hand of the chairman or the secretary or any member or officer of the Tribunal authorized to act in that behalf.

7. (1) The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Tribunal may determine.

(2) The chairman or, in his absence the vice-chairman, or in their absence any other person appointed to act temporarily as chairman, shall preside at meetings of the Tribunal and shall have an original and a casting vote in any case in which the voting is equal.

(3) The decisions of the Tribunal shall be by a majority of votes.

(4) The Tribunal shall have power to regulate its own proceedings.

(5) The secretary shall keep a record of all proceedings of the Tribunal.

(6) Subject to the provisions of this Schedule the Tribunal shall regulate its own proceedings.

8. There shall be paid to the chairman, vice-chairman and other members of the Tribunal in respect of each appeal, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

9. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Tribunal in respect of an act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.

10. Any member of the Tribunal who has any interest, directly or indirectly, in any appeal brought before the Tribunal -

(a) shall disclose the nature of the interest to the Tribunal; and

(b) shall not take part in any deliberations or decision of the Tribunal with respect to that appeal.

11. The office of chairman, vice-chairman or member of the Tribunal shall not be a public office for the purpose of Chapter V of the Constitution of Jamaica.

REGULATIONS (*under section 23 (1)*)

The Television and Sound Broadcasting Regulations, 1996 L.N. 61/96 25/98
91/98 150/99 141E/00 33/02 141/05

First Schedule (Regulation 3) Form 1

Form B2

Second Schedule (Regulations 4, 17, 29 and 32)

Third Schedule (Regulations 4 (3) (b))

Fourth Schedule (Regulations 5 (2) (b))

THE TELEVISION AND SOUND BROADCASTING REGULATIONS, 1996

*(Made by the Broadcasting Commission and approved by the Minister
on the 14th day of May, 1996)*

Preliminary

Citation.

1. These Regulation may be cited as the Television and Sound Broadcasting Regulation, 1996.

Interpretation.

2. In these Regulation –

"adult programmes" means programmes which depict or display sexual organs or conduct in an explicit and offensive manner;

"authorized a person" means a person authorized by the Commission to perform duties pursuant to these Regulations;

"broadcasting station" means any premises from which broadcast programs originate;

"licensee" means a person who is licenced under the Act.

Licences

Application for licence.

3. (1) Every person who is desirous of –

(a) engaging in commercial broadcasting non-commercial broadcasting or offering subscriber television service shall make an application form set out in the first schedule;

(b) establishing, maintaining or operating a radio re-diffusion system shall make application to the commission in such form as the commission may determine.

(2) Every application shall be accompanied by anon-refundable fee of sixty-five thousand dollars.

(3) The Commission may, on receipt of an application, require the applicant to furnish the commission with such information as the commission may require.

Application to satisfy commission of certain matters.

4. (1) An application for the grant of a licence to engage in commercial broadcasting non-commercial broadcasting or to establish, maintain or operate a radio re-diffusion system shall –

(a) comply with the relevant provisions of the Radio and Telegraph Control Act and the Regulations made thereunder;

(b) satisfy the commission that it has–

(i) the ability to adequately staff the business, technically and administratively;

(ii) subject to paragraph (3) (a), a business plan for the viable operation of the business;

(iii) the capability to offer the service for at eight continuous hours per day;

(iv) secured the relevant permission or has entered into agreements or arrangements necessary for the operation of the business;

(v) an implementation plan and timetable for the provision of service in the area for which application is made;

(c) submit to the commission copies of its documents of incorporation.

(2) An application for the grant of a licence to offer subscriber television service shall, in addition to comply with the provisions of paragraph (1) (a) and (c) and meeting the requirements specified in paragraph (1) (b), satisfy the commission that it has the capacity to –

(a) meet the technical standards set out in the Second Schedule; and

(b) offer a minimum of ten channels to each subscriber.

(3) An applicant for the grant of a non-commercial licence

(a) shall be exempt from the provision of paragraph (1) (b) (ii); and

ThirdSchedule (b) in addition to complying with the provisions of paragraph (1) (a) and (c) and meeting the requirements specified in paragraph (b) (i), (iii), (iv) and (v), shall satisfy the Commission that it has the capacity to meet the technical standards set out in the Third Schedule.";

Licensee fees.

5. (1) when an applicant is granted a licence he shall, before the licence is issued to him, pay to the Commission –

(a) a licence fee of –

(i) fifty thousand dollars in respect of a licence to engage in commercial broadcasting;

(ii) fifty thousand dollars in respect of a licence to establish, maintain or operate a radio re-diffusion system;

(iii) three thousand five hundred dollars in the currency of the United States of America or the equivalent in Jamaican dollars calculated at the rate of exchange applicable on the date of payment, in respect of a licence to engage in non-commercial broadcasting;

(b) in respect of a licence to operate subscriber television service, a licence fee of –

(i) two hundred and fifty thousand dollars in respect of a wireless local multipoint distribution system; or

(ii) five hundred thousand dollars in respect of a wireless multichannel multipoint distribution system; or

(iii) fifty thousand dollars in respect of a wired system.

(2) A licensee who engages in non-commercial broadcasting shall pay annually on or before each anniversary of the grant of licence an annual licence fee of two thousand five hundred dollars in currency of the United States of America or the equivalent in Jamaican dollars calculated at the rate of exchange applicable on the date of payment.

(3) A licensee who operates subscriber television service shall–

(a) pay to the Commission in quarterly instalments, an annual licence fee of five per cent of its gross subscription fees payable; and

Fourth Schedule. (b) make a return of the quarterly instalments on the Quarterly Return Form set out in the Fourth Schedule.

(4) The licence fee referred to in paragraph (3) (a) shall be due and payable by the fifteenth day of the first month of the quarter next following the quarter for which payment is due.

(5) The Quarterly Return Form shall be submitted to the Commission by the fifteenth day of the first month of the quarter next following the quarter for which payment is due.

(6) Where a licensee fails to pay the licence fee by the date referred to in paragraph (4), the licensee shall be liable to pay a penalty of an amount equal to twenty per cent of the licence fee which was due and payable.

(7) Without prejudice to any other method of recovery, any licence fee and penalty payable thereon due to the Commission under paragraph (4) or (6) may be recovered in a Resident Magistrate's Court as a civil debt notwithstanding any limitation as to the amount recoverable under the Judicature (Resident Magistrates) Act.

Renewal of licence.

6. (1) A licensee may, within a period of six months before the expiry of his license, make an application to the Minister for the renewal thereof in such manner as the Commission may determine.

2. An application for renewal of a licence shall be accompanied by a non-refundable renewal fee of ten thousand dollars.

(3) Where a licence is renewed, the applicant shall, prior to the issuance of the licence to him, pay to the Commission a licence fee of one hundred and fifty thousand dollars.

Commission may require information relating to shareholding.

7. The Commission may require an applicant who is a company to may require inform the Commission in writing of the shareholding in the company.

Commission may conduct audit.

7A. The Commission may where it deems it necessary, conduct an audit into the financial affairs of any licensee.

Commercial Broadcasting and Radio Re-Diffusion System

Restriction of broadcast of certain advertisements.

8. (1) A licensee who engages in commercial broadcasting shall ensure that –

(a) any advertisement of beer, spirits, cordials, liqueurs, wines and other alcoholic beverages which is broadcast from his broadcasting station shall not be suggestive of the purchase or consumption of those goods or contain a pictorial representation of the consumption thereof;

(b) any advertisement in respect of any drug, medicament or similar article complies with the relevant provision of the Food and Drug Act

(c) no advertisement of any tobacco products is broadcast from his broadcasting station.

(2) In paragraph (1) (c) "tobacco product" means any product the principal constituent of which is tobacco and includes cigarette papers, tubes and fillers.

Broadcast of advertisement.

9. A licensee who engages in commercial broadcasting shall ensure that –

(a) advertisements are broadcast only in the naturally occurring breaks in a programme and in the interval between the end of one programme and the beginning of another and, in the case of television, there shall be no more than four advertising breaks per hour;

(b) the advertising content of any program shall be –

(i) one and one-half minutes, in the case of a programme lasting five minutes;

(ii) two minutes, in the case of a programme lasting ten minutes;

(iii) three minutes, in the case of a programme lasting fifteen minutes;

(iv) five minutes, in the case of a programme lasting thirty-five minutes,

so, however, that –

(A) advertisement in any period of sixty consecutive minutes shall last for no longer than twelve minutes, except where the licensee broadcasts a programme as a public service or where there is a national broadcast which interrupts any scheduled programme resulting in the loss of advertising time;

(B) the licensee shall be entitled to make good any loss caused by the Interruption mentioned in paragraph (A) over the period of seven days next following the day on which the interruption occurred by increasing the time specified in that paragraph to not more than fourteen minutes;

(C) the time stated for advertising content in subparagraphs (1) to (iv) shall apply respectively, in each case, to programmed which do not exceed one minute less than the time stated in those paragraphs;

(c) not more than two advertising magazines of a maximum of five minutes each are broadcast in any broadcasting day and that only one such magazine is broadcast between the hours of 7.00 p.m. and 11.00 p.m.

Matters relating to broadcasting.

10. A licensee who engages in commercial broadcasting shall cause –

(a) any broadcasting station operated by him to be identified at intervals of sixty minutes during the period which broadcasts are made from that station;

(b) all frequencies and channels on which the broadcasting station is licensed to operate to be stated at least twice in every period of twenty-four-hours, one of which being between the hours of 5.00 p.m. and 7.00 p.m.;

(c) a clock set and kept at the standard time adopted for Jamaica to be kept in the studio from which broadcasts originate at the broadcasting station.

Records to be kept by licensee.

11. (1) A licensee who engages in commercial broadcasting shall cause to be kept at his broadcasting station, for inspection by an authorized person during business hours of that station, a record of –

(a) the day, date and time of every station identification;

(b) the title of each broadcast programme;

(c) the time at which each broadcast programme commenced and ended;

(d) the use of electro-mechanical reproduction in the course of a broadcast and the form and nature of such reproduction; in respect of a broadcast of any speech –

(i) the name of the speaker;

(ii) the organization, if any, under whose auspices the speech is given;

(iii) if made on behalf of a political party for the purpose of promoting the election of any person under the Representation of the People Act, the Kingston and St. Andrew Corporation Act or the Parish Councils Act, the name of the political party or political affiliation of the person giving the speech;

(f) the time at which any advertisement or announcement is broadcast and the duration thereof;

(g) the name of the sponsor of an announcement;

(h) the time at which an Interruption of a broadcast occurred and the duration of and reason for such interruption.

(2) A licensee may use, for the purpose of cataloguing and reference to any record, special letters or abbreviations, and the meaning of those letters and abbreviations shall be clearly set out in a document which shall, along with the record under paragraph (1), be available for inspection.

(3) A licensee shall keep slow tapes of all broadcasts for a period of thirty days or such longer period as the Commission may require.

(4) Where the Commission intends to inspect the records of a broadcasting station, the Commission shall give notice thereof to the licensee not less than twenty-four hours prior to the proposed date of such inspection.

(5) Where, In addition to engaging in commercial broadcasting a licensee relays any matter on any radio re-diffusion system, the license shall not

be required to keep any other record except a record of the date, subject matter and time of relay, where such relay is separate from the broadcast.

Licensee's duty regarding political broadcasts.

12. (1) In relation to a political broadcast, a licensee who engages in commercial broadcasting shall –

(a) ensure that the name of the political party or sponsor, if any, on whose behalf the broadcast is made, is announced in any announcement or advertisement of that broadcast, immediately before the commencement and immediately after the end of, such broadcast;

(b) not permit any such broadcast other than an advertisement thereof to be dramatized.

(2) In paragraph (1) "political broadcast" means a broadcast which is designed to promote or reduce the popularity of a political party, a member of the House of Representatives, a candidate for election to the House of Representatives, a member of or a candidate for election to the Council of the Kingston and St. Andrew Corporation or a member of or candidate for election to a Parish Council.

Licensee's duty regarding broadcast.

13. A licensee who engages in commercial broadcasting shall, in duty regarding respect of any news broadcast transmitted from his broadcasting broadcast station –

(a) have regard to the purpose for which the broadcast is made, that is to say, the presentation, in an objective manner, of the facts of any event in Jamaica or any foreign country;

(b) ensure that news is presented accurately and with fairness, that is to say, without bias and free from the opinions of the licensee or any other person who is concerned with its preparation or transmission or the sponsor thereof where such broadcast is sponsored

Provision of studio facilities.

14. A licensee who engages in commercial broadcasting shall provide facilities and personnel for the transmission of programmed but the licensee shall not be required to have production personnel for programmed which are transmitted during any period of time that the licensee is required to reserve for government broadcasts or for transmission by the government of any matter during a national emergency.

Non-Commercial Broadcasting

Application of regulations 10-13 to non-commercial broadcasting.

14A. The provisions of regulations 10, 11 (1) to (5), 12 and 13 shall apply with necessary modifications to a licensee who engages in non-commercial broadcasting.

Subscriber Television Service

Identification code etc, to be used by operator of subscriber television service.

15. A licensee who operates subscriber television service shall –

(a) use an identifying colour code or other identifying feature approved by the Commission on cables used by him in the provision of such service;

(b) have an identify log symbol in the form of a logo or an arrangement of letters or letters and numbers which shall be used on all vehicles owned or used by the licensee in the provision of such service and a copy of such identifying symbol shall be deposited with the Commission.

Employee installing or maintaining subscriber television service to have identification.

16. (1) A licensee who operates subscriber television service shall furnish each employee who is responsible for the Installation or maintenance of the service with an identification card.

(2) Each such employee shall, on entering any premises for the purpose of installing or maintaining the service, if required, produce the identification card to the owner or occupier of the premises or other responsible person thereon.

Duties of licensee providing subscriber television service.

17. (1) A licensee who operates subscriber television service shall –

(a) install a character-generation device capable of providing on-screen information; ensure that adult programmes are transmitted in an encrypted form;

(c) not carry any local advertising other than advertisements transmitted on channels carrying national broadcasts;

(d) have standby facilities for the adequate generation of electrical power to transmit the service for a minimum of three hours where there is a failure in the public power supply;

(e) ensure that –

(i) at least one employee who is competent in the operation of the service is on duty at the operational centre during the period the service is in operation; and

(ii) at least one technician who is employed and certified as such by the Post and Telecommunication Department;

(f) ensure that an automated service is maintained to receive queries concerning the service;

(g) among the minimum ten channels referred to in regulation 4(2)(c) provide at least –

(i) two channels for the viewing of any national broadcasting television station; and

(ii) one channel for public service and educational programmed;

(h) ensure that the system which is used to operate the service is so designed, installed and operated as to comply with the provision of the Second Schedule;

(i) notify the Commission –

(i) at least once per year, of all signals carried in the aeronautical radio frequency bands specify the type of information carried by the signals;

(ii) before transmitting any signal in the wireless mode, of –

(A) the community to which the signal is to be transmitted;

(B) the frequencies and tolerance, type of modulation and the maximum average power levels of all carriers and sub-carriers at any location in the subscriber distribution system;

(C) the geographical co-ordinates of the transmitter site starting at the designated point near the centre of the subscriber television system, together with the distance from that point to the remotest point in the system which when Joined makes a circle enclosing the system;

(D) a description of the monitoring procedures to be used to determine compliance with the provisions of these Regulations and the Radio and Telegraph Control Act and Regulations made thereunder;

(E) where applicable, the cumulative signal leakage index or the results of airspace measurement under the signal Leakage Performance Criteria specified in Part II of the Second Schedule (including a description of the method in complying with such criteria and the method of calibrating any equipment used).

(2) A licensee shall comply with any request by an authorized person for demonstration of the system to ensure compliance with provisions of the Second Schedule.

(3) A licensee shall, at intervals of not more than seven months, conduct performance tests on the system used in the operation of subscriber television service.

(4) A licensee shall maintain for inspection by an authorized person records in respect of-

(a) logs;

(b) the channels carried and the schedules of program transmitted on those channels;

(c) list of subscribers;

(d) reports of tests carried out on the service;

(e) signal leaks, specifying the date, location, source and cause of and date repaired;

(f) a list of members of staff and their qualifications.

(5) The records under paragraph (4) shall be retained for a period of six years.

Cable, property of subscriber.

18. Where a licensee who operates subscriber television service installs such service, any cable which runs from the point of attachment to a building on the subscriber's premises (including any outlets therein) shall become the property of the subscriber so, however, that the licensee shall be entitled to recover from the subscriber the full cost of such cable at the time of installation of the service.

Installation of cable for subscriber television service.

19. (1) Cables which are used for the provision of subscriber television service shall –

(a) when installed underground –

(i) be liquid-gel filled;

(ii) in the case of primary distribution cables, be of a diameter of not less than 12.75 mm; and

(iii) be installed not less than 76.2 mm below the surface of the ground;

(b) where such cables are attached to a utility pole, be placed not less than 1 metre below any secondary power line and not less than 6 metres above any road as defined in the Main Roads Act;

(c) where such cables are placed across a private roadway or a gateway, be placed not less than 5 metres above the highest point on such roadway or gateway.

(2) All transmission facilities used in offering subscriber television service which utilize utility poles shall comply with technical and safety standards set by the Chief Engineer in the Ministry responsible for utilities.

(3) No licensee shall install any cables, whether above or under any road, without the permission in writing of the appropriate authority.

Authorized person may enter premises used for operation of subscriber television service.

20. (1) A licensee who operates subscriber television service shall permit an authorized person to enter during business hours any premises from which he operates such service for the purpose of carrying out tests in relation to that service.

(2) Where an authorized person intends to carry out tests at a time outside of business hours he shall give to the licensee notice in writing of that intention not less than twenty-four hours before the time proposed for carrying out such tests.

Extension of time for commencement of subscriber television service.

21. (1) A licensee who operates subscriber television service may, where he is unable to start operating within six Months of being granted a licence, apply to the minister in writing for an extension of time giving reasons therefor.

(2) Where the Minister is satisfied that the licensee ought to be granted an extension of time he may, in writing, grant such extension.

(3) Where the Minister is not so satisfied he may refuse the grant of extension and shall notify the licensee in writing, giving reasons therefor.

(4) The Minister shall notify the Commission in writing of a decision made under paragraph (2) or (3).

(5) An application under paragraph (1) shall be forwarded to the Commission for transmission to the Minister.

Information to be supplied to subscriber by licensee.

22. (1) A licensee who operates subscriber television service shall, upon the installation or modification of such service or upon a subscriber's request, provide the subscriber with the following information in writing

-

- (a) the products and service offered;
- (b) the cost of the programming service, including installation and maintenance;
- (c) the options of programming service available;
- (d) the conditions under which the service is supplied;
- (e) the instructions as to usage of the service;
- (f) the number and allocation of channels carried on the system and the programming available on each channel;
- (g) the billing and complaints procedures;
- (h) the address and telephone number of the licensee's business office.

(2) The licensee shall notify the subscriber in advance of any change in the programming service or channel allocation in writing addressed and delivered to the subscriber at the premises where the subscriber receives the service so, however, that where there is a breakdown in the service or there is an emergency necessitating a change in the channel allocation which cannot be notified in advance, the licensee shall inform the subscriber by an announcement on the subscriber television service.

Licensee to establish billing procedure.

23. A licensee who operates subscriber television service shall establish procedures for the billing of customers in respect of the provision of that service.

Procedures regarding complaints by subscribers of subscriber television service.

24. (1) A licensee who operates subscriber television service shall establish procedures for the receipt of complaints from subscribers concerning the service received, the quality of the signal delivered, the content of the programming and the resolution of such complaints.

(2) A licensee shall keep a record of each complaint for a period of not less than one year from the date of resolution thereof and the record shall state –

(a) the name and address of the subscriber;

(b) the nature of the complaint;

(c) the date and time of the complaint;

(d) the date and manner in which the complaint is resolved.

(3) Where in a subscriber's opinion a complaint is not dealt with satisfactorily, the subscriber may refer the complaint in writing to the Commission and the Commission shall seek a satisfactory resolution to the matter.

(4) Records relating to complaints by subscribers shall be made available for inspection by an authorized person.

Duties of licensee regarding interference, etc.

25. (1) A licensee who operates subscriber television service ensure that the head-end or distribution system dose not interfere with or cause to be degraded over-the-air broadcasts on television or radio.

(2) Where there la interference or degradation the licensee shall –

(a) take appropriate measures to eliminate the interference or degradation; and

(b) make a report in writing to the Postmaster General giving details thereof.

Restriction on broadcast of adult programmes.

26. A licensee who provides subscriber television service shall not transmit adult programmed otherwise than between the hours of 11 o'clock in the night and 4 o'clock the following morning.

Commission may establish zones.

27. The Commission may establish zones in any area for the supply of wired subscriber television service.

General

Licensee to notify Commission of change in ownership, etc.

28. (1) Every licensee shall notify the Commission in writing within fourteen days of –

(a) the transfer of ownership by him of his business or part thereof stating –

(i) the date on which ownership or part thereof is transferred;

(ii) the name and address of the new or part owner:

(b) any change in the name or address of or business;

(c) subject to paragraph (2), any change of persons who are in control of the business stating

(i) the names, nationality and addresses of such persons;

(ii) the date on which such persons either ceased to be in control or assumed control thereof.

(2) Where there is to be a transfer of ownership or change of person in control of the business, the licensee shall, before the transfer or change is effected, first obtain the approval of the Commission for such transfer or change, as the case may be.

Employment of chief executive officer and chief technical officer.

29. (1) A licensee shall employ and keep employed at all times a chief executive officer and chief technical officer.

(2) The chief executive officer shall be responsible to the licensee for the day to day operations of the company.

(3) The chief technical officer shall be responsible for the operation and maintenance of equipment and plant and, in respect of subscriber television service, for compliance with the technical standards specified in the Second Schedule.

(4) licensee shall, within seven days of employing a chief executive officer and a chief technical officer, notify the Commission thereof in writing stating the name and qualifications of each such officer.

Prohibition regarding transmission of certain matters.

30. No licensee shall permit to be transmitted –

(a) any matter in contravention of the Laws of Jamaica;

(b) any statement concerning or comment upon the race, colour, creed, religion or sex of any person which is abusive or derogatory or any pictorial representation thereof except where such statement, comment or representation is contained in a news report or in a program on matters of public interest or is an objective report thereon;

(c) any malicious, scandalous or defamatory matter;

- (d) any indecent or profane matter, so, however, that any broadcast to which regulation 26 relates shall be deemed not to be indecent;
- (e) any advertising matter which the licensee knows or has reasonable cause to believe to be false or deceptive in whole or part;
- (f) any news or matter which the licensee or his employee or agent who is concerned in the collection, editing, publication or printing knows or has reasonable cause to know is false or misleading;
- (g) any matter which is offensive in the description of any function or symptomatic result of disturbance of the human body or relief therefrom through the use of any appliance or medicament;
- (h) any offensive description or pictorial representation of the mutilated disfigurement of the human body;
- (i) any advertisement or programme which, in relation to an educational institution or other institution or agency, offers a promise of employment as an inducement for enrolment as a student or client thereof, as the case may be;
- (k) any matter which is likely to incite violence or criminal activity or lead to a breach of the peace;
- (l) any portrayal of violence which offends against good taste, decency or public morality.

Commission may issue directives.

31. The Commission may, from time to time, issue to licensees directives in respect of any matter to which the Act and these Regulations relate.

Licensee to keep regulations and technical standards at registered office.

32. The licensee shall keep, at the registered office of his business and at any place from which he transmits, if that place is different from his registered office –

(a) a copy of these Regulations which are to be made readily available to the employees; and

(b) in the case of a licensee who operates television subscriber service, a copy of the technical standards specified in the Second Schedule which are to be readily available to subscribers of that service.

Annual audited accounts.

33. A licensee shall submit to the Commission a copy of the annual audited accounts of his business.

Penalty.

34. Any person who contravenes any provision of these Regulations commits an offence and is liable on conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months.

FIRST SCHEDULE (Regulation 3)

Application Forms

FORM A

THE BROADCASTING AND RADIO RE-DIFFUSION ACT

APPLICATION FOR A COMMERCIAL BROADCASTING LICENCE

(Made Pursuant to regulation 3 (1) (a) of the Television and Sound
Broadcasting Regulations, 1996)

NAME OF APPLICANT: _____

ADDRESS OF PRINCIPAL PLACE OF BUSINESS: _____

NAME OF CHAIRMAN: _____

NAME OF COMPANY SECRETARY: _____

NAME OF PERSON IN BUSINESS TO WHOM COMMISSION MAY REFER:

FOR OFFICIAL USE ONLY

Date application Received:

Application Number:

Date Licence Granted:

Date Licence Refused:

PART 1

Shareholders, Directors and Executive Officers

Name of Principal Shareholders	Shares Held	Nationality
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Names of Directors	Nationality
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Name of Chief Executive Officer: _____

Qualification:

PART 2

Service Information

Implementation

When do you propose to begin commercial broadcasting?

Give either the planned calendar date or length of time from the time the licence is granted. Attach detailed implementation plan.

Service Area Map

Attach a clearly legible service area map showing precisely, the area to be covered and method of delivery to be used indicating the location of the main studio facility and all transmitter sites.

Attach a diagram showing a propagation plan for the entire area to be served.

PART 3

System Information

List below the elements of the system indicating precisely details of equipment to be used.

(a) Studio Equipment.

Type Amount Manufacturer

(b) Transmitter Equipment

Type Amount Manufacturer

NOTE: 1. Attach specifications for all abovementioned equipment and their capabilities.

2. Information on the company supplying equipment is to be provided if the supplier is different from the manufacturer.

PART 4

Programming

Please indicate the number of hours of broadcasting each day:

(a) at the commencement of operation:

(b) in full operation:

List all services to be distributed

Time Sun Mon. Tue Wed Thur Fri Sat

NOTE: If it proposed to receive any service for a fee from a programming originator or service distributor enclose a copy of the signed contract or letter of intent from the programme provider respecting the provision of the service. The fees to be paid to the provider of the service should be stated in the contract or letter.

Local content of programmes including content from Caricom Countries is to be stated.

Indicate your programme policy and in particular, your policy in respect to Jamaican and Caricom programming.

PART 5

Financial

Estimate of administrative, transmitting and studio facilities cost including General Consumption Tax where it cannot be claimed as an input tax credit.

Item Estimated Cost

- 1. Land and building (including access and utilities) \$ _____
- 2. Receiving and transmitting equipment \$ _____
- 3. Programme production equipment \$ _____
- 4. Office and administrative equipment \$ _____
- 5. Other equipment \$ _____
- TOTAL \$ _____

Documents attesting the availability of funds whether provided by an individual or financial institution, are to be submitted.

where an individual is providing funding a letter of commitment of the funds attested to by the financial institution where the funds are held la to be submitted.

Indicated projected income from –

- Production \$ _____
- Advertising \$ _____
- Other \$ _____

Please state briefly any other information which you think may be helpful in the examination of this application.

Signature and Title

Date

APPLICATION FOR A SUBSCRIBER TELEVISION LICENCE – CABLE
(Made Pursuant to regulation 3 (1) (a) of the Television and Sound
Broadcasting Regulations, 1996)

NAME OF APPLICANT: _____

ADDRESS OF PRINCIPAL PLACE OF BUSINESS: _____

TELEPHONE NO.: _____ FAX NO.: _____

NAME OF CHAIRMAN: _____

NAME OF COMPANY SECRETARY: _____

NAME OF PERSON IN BUSINESS TO WHOM COMMISSION MAY REFER:

FOR OFFICE USE ONLY

Date application Received:

Application Number:

Date Licence Granted:

Date Licence Refused:

Reason for Refusal:

PART 1

Shareholders, Directors, Executive Officers and Other Staff

Names of Principal Shareholders Shares Held Nationality Names of
Directors Nationality

Name of Chief Executive Officer:

Qualification:

Name of Chief Technical Officer:

Qualification:

Attach –

(a) a list specifying the name and qualification of any –

(1) engineer;

(ii) pole–line man;

(iii) technician, employed by you; or

(b) a contract for the provision of such services.

PART 2

Service Information

Implementation

When is it proposed to commence service?

Give either the planned calendar date or length of time after the license is granted. Attach detailed implementation plan.

State zones in which applicant proposes to operate.

Attach –

1. a diagram showing precise boundaries and a distribution plan for the entire service area and indicate on the diagram the location of the head-end facility and re-transmitting sites, if any.

2. attach a diagram showing schematic site layout for head-end facility, which should also show adjacent building, boundaries and rights of way.

3. attach a block and signal level diagram of the entire system.

Market Area

Indicate population and number of households in the service area.

Population Households

Source of household data: -----

State the estimated number of subscribers to be served in the first year of operation:

PART 3

Systems Information

List details of proposed system.

(a) Central Receiving Equipment ((TVRO), Head-end Equipment, etc.)

Type Quantity Manufacturer

(b) Distribution Equipment (cable, amplifier etc. – Cable).

(b) Distribution Equipment (cable, amplifier etc. – Cable).

Type Quantity Manufacturer

(c) Subscriber-receiving Equipment

(Set top boxes, distribution cables, antennas, down-converters, decipher or decoder).

Type Quantity manufacturer

(d) Standby Power Equipment

(Standby system must be capable of providing a minimum of 3 hours of continuous power supply without degradation.)

Type Quantity manufacturer

(e) Test Equipment

	Type	Quantity	Manufacturer
1	Signal level Measuring Device		
2	Leakage Detector		
3	Cable TV Analyzer		
4	Remote Line Monitoring and Network Management		
5	Frequency Counter		
6	Waveform Monitor		

NOTE: The applicant is to own items 1 and 2 and may own, or have firm contractual arrangements for access to items 3, 4, 5, and 6.

Manufacturers' Specification for all equipment and their capabilities should be attached.

Please provide information on company supplying equipment if different from manufacturer.

List the communication arrangements or devices (e.g. Telephone, Cellular Phone, Pager, Two-Way Radios, Fax, E-Mail, Voice Mail, etc).

PART 4

Service Distribution

List all services to be distributed.

Programming Service (a) Reception Method (b) Service Offering
(c) Channel or Frequency (d) Transmission Mode (d)

1
2
3
4
5
6
7
8
9
10

NOTE:

(a) Programming Service – Indicate the name of the programming channel. If it is a station indicate the call letters, location and channel or frequency.

(b) Reception Method – Indicate 'satellite', 'off-air', 'microwave' or other. If other, specify.

(c) Service Offering – Indicate whether channel is basic or optional.

(d) Transmission Mode – Indicate 'E for Encrypted' or 'N-E' for 'Non-Encrypted'

(e) Channel or Frequency – For television indicate the channel number.

If it is proposed to receive any service for a fee from a programme originator (e.g. a pay television service) or service distributor, enclose a copy of the signed contract or a letter from the programme provider attesting the provision of the service. The fees to be paid to the provider of the service should be stated in the contract or letter.

PART 5

Financial

Estimated Administrative, transmitting and studio facilities costs.

Item Estimated Cost

1. Land and Buildings (including access and utilities)
 \$_____
2. Receiving and Transmitting Equipment \$_____
3. Signal Encryption Equipment \$_____
4. Office and Administrative Equipment \$_____
5. Other Equipment \$_____
- TOTAL \$_____

For the facilities indicated, provide the costs of all equipment installed and in place and ready for operation which should include General Consumption Tax (GCT) where it cannot be claimed as In lupus tax credit.

Indicate the cost of the distribution equipment (cable).

Item Estimated Cost

1. Cable Plant (cable, amplifiers, splitters etc.) \$ _____
2. Cable support – (bracket, guy , etc \$ _____
3. Poles and stanchions \$ _____
4. Receiver and decoder \$ _____
5. Installation and Labour \$ _____
6. Other \$ _____
- TOTAL \$ _____

Where costs are to be shared please attach a breakdown of such costs.

Installation Fee for customers receiving facility \$_____

If a deposit is required, please indicate the terms under which the deposit is to be held. State whether the deposit is to be refunded upon return of the equipment and interest paid on the deposit.

Specify any equipment for which rental fees may be charged.

Subscriber Fees

Specify the –

(a) proposed installation fee (excluding GCT). \$_____

(b) monthly fee for the basic programme service which should not include equipment rental. \$_____

Specify the monthly fees for service offered on an optional basis.

Package or Channel	Monthly Fee	Programmes included In the Package
--------------------	-------------	------------------------------------

1	\$ _____	_____
---	----------	-------

2	\$ _____	_____
---	----------	-------

3	\$ _____	_____
---	----------	-------

Other	\$ _____	_____
-------	----------	-------

A balance sheet for the company or division of the company in respect of the proposed STV operations as of the anticipated date for commencement of operations and one year thereafter is to be attached.

Document attesting the availability of funds, whether provided by an individual or financial institution are to be submitted. Where an individual is providing funding a letter of commitment of the funds attested to by the financial institution where the funds are held is to be submitted.

Complete a table for each zone for which application is made attaching additional tables where necessary.

Zone _____

Projected Subscriber Base (at year end)	Year 1	Year 2	Year
3 Year 4 Year 5 Year 6			
1 Households			
2 Subscriber			
3 Penetration (% of household)			

ZONE _____

Projected Subscriber Base (at year end)	Year 1	Year 2	Year
3 Year 4 Year 5 Year 6			
1 Households			
2 Subscriber			
3 Penetration (% of household)			

ZONE _____

Projected Subscriber Base (at year end)	Year 1	Year 2	Year
3 Year 4 Year 5 Year 6			
1 Households			
2 Subscriber			
3 Penetration (% of household)			

A summary of all zones applied for and details of the basis for all assumptions used for projections is to be attached

NOTE: In respect of each zone a projected pre-tax income statement is to be completed.

ZONE _____

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
--	--------	--------	--------	--------	--------	--------

Projected Revenue1. Installations2. Basic Service3. Discretionary Service4. Equipment Rental5. Other (Specify)

TOTAL REVENUE

Projected Operating Expenses1. Payments to programme distributor(s). (State name of each distributor)

_____2. Pole Access Fees3. Installations (non-capital coats)4. Equipment maintenance 5. Customer service6. Licence Fees (5%)7. Other costs (specify)

TOTAL COSTS

Projected operating income by zone

ZONE NO.:

ZONE NAME:

ZONE _____

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
--	--------	--------	--------	--------	--------	--------

Projected Revenue1. Installations2. Basic Service3. Discretionary Service 4. Equipment Rental5. Other (Specify)

TOTAL REVENUE

Projected Operating Expenses
1. Payments to programme distributor(s).
(State name of each distributor)

-----2. Pole
Access Fees
3. Installations (non-capital coats)
4. Equipment maintenance
5. Customer service
6. Licence Fees (5%)
7. Other costs (specify) -----

TOTAL COSTS

Projected operating income by zone

ZONE NO.:ZONE NAME:

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
--	--------	--------	--------	--------	--------	--------

Projected Revenue
1. Installations
2. Basic Service
3. Discretionary Service
4. Equipment Rental
5. Other (Specify)

TOTAL REVENUE

Projected Operating Expenses
1. Payments to programme distributor(s).
(State name of each distributor)

-----2. Pole Access
Fees
3. Installations (non-capital coats)
4. Equipment maintenance
5. Customer service
6. Licence Fees (5%)
7. Other costs (specify)

TOTAL COSTS

Projected operating income by zone

ZONE NO.:ZONE NAME:

FINANCIAL STATEMENT FOR ALL ZONES

Year 1 Year 2 Year 3 Year 4 Year 5 Year
6

TOTAL REVENUES

TOTAL COSTS

PROJECTED OPERATING INCOME

Projected Expenses Establishment Costs Rent Utilities Other (Specify)

Administration Costs Salaries and Wages Professional fees Promotion
Other (Specify)

TOTAL EXPENSES

Projected operating profit/loss

Depreciation (give details)

Profit/Loss before financial charges FINANCIAL CHARGES (give details)

Projected pre-tax profit or loss

Please state briefly any additional information you think will be helpful in
the examination of this application.

I hereby declare that the information contained herein is true.

SIGNED }

for and on behalf of }

----- }

by _____ }
_____ (Title) }
on the ____ day of _____ 19____ }
in the presence of }
_____ (Justice of the
Peace/Attorney-at-Law) }

FORM B2

THE BROADCASTING AND RADIO RE-DIFFUSION ACT

APPLICATION FOR A SUBSCRIBER TELEVISION LICENCE – WIRELESS
(Made Pursuant to regulation 3 (1)(a) of the Television and Sound
Broadcasting Regulation", 1996)

NAME OF APPLICANT: _____

ADDRESS OF PRINCIPAL PLACE OF BUSINESS:

TELEPHONE NO.: _____ FAX NO.: _____

NAME OF CHAIRMAN: _____

NAME OF COMPANY SECRETARY: _____

NAME OF PERSON IN BUSINESS TO WHOM COMMISSION MAY REFER:

FOR OFFICE USE ONLY

Date application Received:

Application Number:

Date Licence Granted:

Date Licence Refused:

Reason for Refusal:

PART 1

Shareholders, Directors, Executive Officers and Other Staff

Names of Principal Shareholders	Shares Held	Nationality
---------------------------------	-------------	-------------

Names of Principal Shareholders	Shares Held	Nationality
---------------------------------	-------------	-------------

Name of Chief Technical Officer:

Qualification:

Attach –

(a) a list specifying the name and qualification of any –

(i) engineer;

(ii) technician, employed by you; or

(b) a contract for the provision of such services.

PART 2

Service Information

Implementation

When is it proposed to commence delivery of service?

Give either the planned calendar date or length of time after the license is granted. Attach detailed implementation plan.

State zones in which applicant proposes to operate

Attach –

1. A service area diagram showing proposal coverage which shall include mast or tower located, retransmission sites and headband sites which are to be clearly shown on labelled map.

2. A diagram showing schematic site layout for head-end facility which should also show adjacent buildings, boundaries and rights of way.

3. A block and signal level diagram for each transmission site.

Market Area

Indicate population and number of households in the service area.

Population Households

Source of household data: _____

State the estimated number of subscribers to be served in the first year of operation.

PART 3

System Information

List details of proposed system.

(a) Central Receiving Equipment (TVRO, Head-end Equipment, etc.)

Type Quantity Manufacturer

(b) Distribution Equipment (transmitter, repeater etc. – wireless).

Type Quantity Manufacturer

(c) Customer Receiving Equipment

(Set top boxes, cables, antennas, down-converters, decipher/decoder.

Type Quantity Manufacturer

(d) Standby Power Equipment

Type	Quantity	Manufacturer
------	----------	--------------

Standby system must be capable of providing a minimum of 3 hours of continuous power supply without degradation.

(e) Test Equipment

	Type	Quantity	Manufacturer
1	Signal Strength Meter		
2	Watt Meter		
3	Spectrum Analyser		
4	Other		

NOTE: The applicant is to own items 1 and 2 and may own, or have firm contractual arrangements for access to items 3 and 4.

Attach specifications for the equipment and their capabilities.

Please provide information on company supplying equipment if different from manufacturer.

(f) Telecommunication Facilities

List the telecommunication arrangements or devices (e.g. Telephone, Cellular Phone, Pager, Two-Way Radio, Fax, E-Mail, Voice Hail, etc).

PART 4

Service Distribution

List all services to be distributed.

	Programming Service(a)	Reception Method (b)	Service Offering
(c)	Transmission Mode(d)	Channel or Frequency (e)	Power
	(Watts)	(f)	

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

NOTE:

(a) Programming Service – Indicate the name of the programming channel. If it is a station indicate the call letters, location and channel or frequency.

(b) Reception Method – Indicate 'satellite', 'off-air', 'microwave' or other. If other, specify.

(c) Services Offered – Indicate whether channel is basic or optional.

(d) Transmission Mode – Indicate 'E' for 'Encrypted' or 'N-E' for 'Non-Encrypted'.

(e) Channel or Frequency – For television indicate the channel number.

If it is proposed to receive any service for a fee from a programme originator (e.g. a pay television service) or service distributor, enclose a

copy of the signed contract or a letter from the programme provider attesting the provision of the service. The fees to be paid to the provider of the service should be stated in the contract or letter.

PART 5

Transmitting Facility

Indicate the geographic coordinates of the transmitting site.

_ ° _ ' _ " North Latitude _ ° _ ' _ " West Longitude.

Mean height above sea level

Describe the location of the transmitting facility.

Is it proposed to locate the transmitting facility at a site not owned by you.

Yes No

If yes attach a copy of the lease agreement or memorandum of understanding from the owner of the site. The amount payable under the lease is to be stated in the agreement or memorandum of understanding.

PART 6

Financial

Estimated Administrative, transmitting and studio facilities costs.

Item Estimated Cost

- 1. Land and Buildings (including access and utilities) \$ _____
- 2. Receiving and Transmitting Equipment \$ _____
- 3. Signal Encryption Equipment \$ _____
- 4. Programme Production Equipment (e.g. character generators, studio facilities where applicable) \$ _____
- 5. Office and Administrative Equipment \$ _____
- 6. Other Equipment \$ _____
- TOTAL \$ _____

For the facilities indicated, provide the costs of all equipment installed and in place and ready for operation which should include General Consumption Tax (GCT) where It cannot be claimed as in input tax credit.

State the estimated cost of the customer wireless equipment used in a typical receiving installation.

Item Estimated Cost

- 1. Antenna, down-converter, cable \$ _____
- 2. Receiver or decoder \$ _____
- 3. Installation-labour \$ _____
- 4. Other \$ _____
- TOTAL \$ _____

Indicate which equipment will be owned –

(a) by you

(b) by the subscriber

Installation fee for customers receiving facility

\$ _____

Other

\$

If a deposit is required, please indicate the terms under which the deposit is to be held. State whether the deposit is to be refunded upon return of the equipment and interest paid on the deposit.

Specify any equipment for which rental fees may be charged.

Subscriber Fees

Specify the –

(a) proposed subscriber Fee (excluding GCT). \$ _____

(b) monthly fee for the basic programme service which should not include equipment rental. \$

Package or Channel Monthly Fee Programmes included in the Package

A balance sheet for the company or division of the company in respect of the proposed STV operations anticipated startup date for operations and one year thereafter.

Document attesting the availability of funds, whether provided by an individual or financial institution are to be submitted. Where an individual is providing funding a letter of commitment of the funds attested to by the financial institution where the funds are held 1J to be submitted.

Projected Subscriber Base (at year end) Year 1 Year 2 Year 3
 Year 4 Year 5 Year 6

1. Households
2. Subscriber
3. Penetration (% of household)

Details of the basis for all assumptions used for projections are to be attached.

Projected Revenue Year 6 Year 1 Year 2 Year 3 Year 4
 Year 5

1. Installations
2. Basic Service
3. Discretionary
4. Equipment Rentals
5. Other (Specify)

TOTAL REVENUE

Projected Operating Expenses 1. Payments to programme distributor(s).
 (State name of each distributor)

- 2. Installations (non-capital Costs)
 3. Equipment maintenance
 4. Customer service Costs
 5. Licence Fees (5%)
 6. Other Costs (specify) -----

TOTAL COSTS

Projected operating income

FINANCIAL STATEMENT

Year 1 Year 2 Year 3 Year 4 Year 5 Year 6

TOTAL REVENUES

TOTAL COSTS

Projected operating income

Projected Expenses Establishment Cost Utilities Other (Specify)

-----Administration Costs Salaries and wages Professional fees Promotion Other (Specify)

TOTAL EXPENSES

Projected operating profit/loss

Depreciation (give details)

Profit/Loss before financial charges

FINANCIAL CHARGES (give details)

Projected pre-tax profit or loss

Please state briefly any additional information you think will be helpful in the examination of this application.

I hereby declare that the information contained herein is true.

SIGNED }

}

for and on behalf of }

}

}

}
by _____ }
_____ (Title) }
on the ____ day of _____ 19____ }
in the presence of }
_____ (Justice of the
Peace/Attorney-at-Law) }

FORM C

THE BROADCASTING AND RADIO RE-DIFFUSION ACT

APPLICATION FOR A NON-COMMERCIAL BROADCASTING LICENCE
(Made pursuant to regulation 3 (1) (a) of the Television and Sound
Broadcasting Regulations, 1996)

Name of Applicant: _____

Address of principal place of
business: _____

Telephone No: Fax No:

E-Mail Address: _____

Name of Chairman:

Name of Company

Secretary: _____

Name of Local Contact person to whom commission may refer:

FOR OFFICE USE ONLY

Date application received: _____

Application number: _____

Date licence granted: _____

Date licence refused: _____

Reason for refusal: _____

PART 1

Shareholders, Directors and Executive Officers

Name of Directors	Nationality

Name of principal shareholders	No. of shares held	Nationality

Names of Board or Council members (where applicable):

Name of Chief Executive Officer:

Qualification: -----

Name of Chief Technical Officer:

Qualification:

PART 2

Service Information

Implementation

Type of service to be implemented

When do you propose to begin providing service?

Give either the planned calendar date or length of time from the time the licence is granted. Attach detailed implementation plan.

Service Area Map

Attach a clearly legible service area map showing precisely the area to be covered and the method of delivery to be used indicating the location of the main studio facility and all transmitter sites.

Attach a diagram showing a propagation plan for the entire area to be served.

PART 3

System Information

List below elements of the system indicating precisely details of equipment to be used.

(a) Studio Equipment

Type	Amount	Manufacturer

(b) Transmitter Equipment

Type	Amount	Manufacturer

- NOTE:
1. Attach specifications for all the abovementioned equipment and their capabilities.
 2. Information on the company supplying equipment is to be provided if the supplier is different from the manufacturer.
 3. Attach proof of permission to set up operations in Jamaica (where applicable).

PART 4

Programming

Please indicate the number of hours of broadcasting each day

(a) at the commencement of the operation:

(b) in full operation:

List of services to be distributed

Time	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.

NOTE: If permission has to be obtained in order to set up operations in Jamaica enclose a copy of the document granting such permission.

PART 5

Financial

Estimate of administrative, transmitting and studio facilities costs including General Consumption Tax where it cannot be claimed as an input tax credit.

Item	Estimated Cost
1. Land and building (including access and utilities)	\$_____
2. Receiving and transmitting equipment	\$_____
3. Programme production equipment	\$_____
4. Office and administrative equipment	\$_____
5. Other equipment	\$_____
 TOTAL	 \$_____

The following documents are to be submitted-

- (a) Documents attesting to the availability of funds, whether provided by an individual or financial institution.
- (b) Annual returns for the last three years.
- (c) Where an individual is providing funding, a letter of commitment of the funds attested to by the financial institution where the funds are held.

Please state briefly any other information which you think may be helpful in the examination of this application.

Signature and Title

Date

SECOND SCHEDULE (Regulations 4, 17, 29 and 32)

TECHNICAL STANDARDS

PART I

General

Television standards NTSC
Channel bandwidth 6.0 HZ per channel
Channel configuration Standard 4.5 HZ video/audio separation: Audio
15-17 dB below carrier
Minimum signal level at TV input 0 dBmV across 75 ohm termination
at the channel
Minimum carrier/Noise 30 dBc (below carrier)
Visual carrier frequency 1.256 MHz above channel lower limit
Permissible variation of visual carrier level
(a) over 24 hours 12 dB max
(b) between two adjacent 3 dB max
(c) between any two channels 12 dB max
Frequency response (each channel) +2 dB from 0.75 HZ to 4 HZ
above visual carrier level
Aural frequency deviation 25 KHZ
Signal to inter-modulation ratio 46 dB min.
Radiation level less than 15 microvolts per meter at 30 meters
Line amplifier voltage 60 Vac max

PART II

Cable

This Part applies to the performance of a subscriber television system as measured at any subscriber terminal with a matched impedance at the termination point or at the output of the modulation or processing equipment (generally the head-end) of the subscriber television system and are applicable to each NTSC or similar video downstream subscriber television channel in the system.

1. The subscriber television channels delivered to the subscriber's terminal shall be capable of being received and displayed by TV broadcast receivers used for the off-the-air reception of TV broadcast signals.

(2) Subscriber television systems shall –

(a) transmit channels to subscriber premises equipment on frequencies in accordance with the channel allocation plan specified in the Appendix;

(b) use the channel allocation plan for signals transmitted in the frequency range 54 MHz to 1002 MHz.

3. The aural centre frequency of the aural carrier shall be 4.5 MHz + 5r Hz above the frequency of the visual carrier at the output of the modulating or processing equipment of a subscriber television system and at the subscriber terminal.

4. (1) The visual signal level across a terminating impedance which correctly matches the lateral impedance of the subscriber system as viewed from the subscriber terminal shall –

(a) not be less than 1 millivolt across an internal impedance at 75 ohms(0dBmV);

(b) as measured at the end of a 30 metre cable drop that is connected to the subscriber tap, not be less than 1.41 millivolts across an internal impedance of 75 ohms (+ 3 dBmV).

(2) At other impedance values, the minimum visual signal level as viewed from the subscriber terminal, shall be the square root of $0,0133 (Z)$ millivolts and, as measured at the end of 30 metre cable drop that is connected to the subscriber tap shall be 2 times the square root $0.00662 (Z)$ millivolts, where 'Z' is the appropriate impedance value.

5. The visual signal level on each channel as measured at the end of 30 metre cable drop that is connected to the subscriber tap shall not vary more than 8 decibels within any six-month interval, and shall be maintained within –

(a) 3 decibels (dB) of the visual signal level of any visual carrier within a 6 MHz nominal frequency separation;

(b) 10 dB of the visual signal level on any other channel on a cable television system of up to 300 MHz of a cable distribution system upper frequency limit, with a 1 dB increase for each additional 100 MHz of cable distribution system upper frequency limit (for example, 11 dB for a system at 301–400MHz and 12dB for a system at 401–500 MHz, etc.); and

(c) a maximum level such that signal degradation due to overload in the subscriber's receiver or terminal does not occur.

6. (1) The aural signal level shall be maintained between 10 and 20 decibels below the associated visual signal level and shall be met at the subscriber terminal and at the output of the modulating and processing equipment (generally the head-end).

(2) Subscriber terminal which use equipment which modulate and Demodulate the signal (for example, base band converters), the ratio of the aural signal shall be maintained between 6.5 and 17 decibels below the associated visual level at the subscriber terminal.

7. (1) The amplitude characteristic shall be a range of 2 decibels from 0.75MHz to 5.0 MHz above the lower boundary frequency of the cable television channel referenced to the average of the highest and lowest amplitudes within those frequency boundaries.

(2) The amplitude characteristic may be measured after subscriber tap and before a converter which is provided and maintained by the licensee or may be measured at the subscriber terminal.

8. The ratio of RF visual signal level to system noise shall not be less than 40 decibels.

9. The ratio of visual signal level to the systems amplitude of any coherent disturbances (for example, intermodulation products, second and third order distortions or discrete frequency interfering signals not operating on proper offset assignments) –

(a) shall not be less than 51 decibels for noncoherent channel subscriber television systems, when measured with modulated carriers and time averaged; and

(b) which are frequency-coincident with the visual carrier, shall not be less than 47 decibels for current channel subscriber system when measured with modulated carriers and time averaged

10. The terminal isolation provided to each subscriber terminal –

(a) shall not be less than 18 decibels in lieu of periodic testing, so however, that the licensee may use specifications provided by the

manufacturer for the terminal isolation equipment to meet this standard;
and

(b) shall be sufficient to prevent reflections caused by open-circuited or short-circuited subscriber terminals from producing visual picture impairments at any other subscriber terminal.

11. (1) The peak-to-peak variation in visual signal level caused by undesired low frequency disturbances (hue or repetitive transients) generated within the system, or by inadequate low frequency response, shall not exceed 3 percent of the Visual signal level.

(2) Measurements made on a single channel using a single unmodulated Carrier may be used to demonstrate compliance with this parameter at each test location.

12. With effect from January 1, 1997, the following requirements apply to the performance of the subscriber television system as measured at the output of the modulating or processing equipment (generally the head-end) of the system –

(a) the chrominance-luminance delay inequality (or chrome delay) which is the change in delay time of the chrominance component of the signal relative to the luminance component, shall be within 170 nanoseconds;

(b) the differential gain for the colour subscriber of the television signal which is measured as the difference in amplitude between the largest and smallest segments of the chrominance signal divided by the largest, shall not exceed 20%; and

(c) the differential phase for the colour subscriber of the television signal which is measured as the largest phase difference in degrees between each segment of the chrominance signal and reference segment (the segment at the blanking level of 0 IRE) shall not exceed ± 10 degrees.

13. Signal leakage from a subscriber television systems shall be limited as follows –

Frequencies	Signal leakage limit	Distance in metre (m)
1. Not exceeding 54 MHz and over 30	15 microvolt/metre	
2. Over 54 MHz but not exceeding 216 MHz	20 microvolt/metre	3

The cumulative leakage index (CLI) air based criterion shall not exceed 10 (microvolt/metre) rms at a level of 450 meters above the cable systems average ground level.

Frequency Bands

14. (1) For operation in the frequency bands 108–137 and 225–400 MHz the standards relating to Signal Leakage Performance Criteria and Frequency Separation Standards are applicable to all subscriber television systems transmitting carriers or other signal components carried at an average power level equal to or greater than 10(4) watts across a 25 KHz bandwidth in any 160 microsecond period at any point in the cable distribution system in the frequency bands 108–137 and 225–400 MHz for any purpose.

(2) Before transmitting any carrier or other signal component with an average power level across a 25 Hz bandwidth In any 160 microsecond time period equal to or greater than 10–(4) watts at any point in the subscriber television distribution systems on any new frequency or frequencies the aeronautical radio frequency bands the licensee is to notify the Commission.

Signal Leakage Performance Criteria

1. A licensee shall not provide subscriber television service on any system in the frequency hands 108–137 and 225–400 MHz unless such system

meets at least one of the following subscriber television basic signal leakage performance criteria –

(a) prior to the carriage of signals in the aeronautical radio bands and at least once each calendar year, with no more than 12 months between successive tests based on a sampling of at least 75% of the cable strand and including any portion of the subscriber television system which is known to have or can reasonably be expected to have less leakage integrity than the average of the system, compliance with a cumulative signal leakage index is demonstrated by proving that –

(i) $10 \log I_{3000}$ is equal to or less than -7; or

(ii) $10 \log I_{50}$ is equal to or less than 64,

using one of the following formulae –

$$I_{3000} = \frac{1}{\phi} \sum_{i=1}^n \frac{E_i^2}{R_i^2}$$

$$I_{50} = \frac{1}{\phi} \sum_{i=1}^n E_i^2$$

where:

$$R_i^2 = r^2 + (3000)^2$$

Where –

"E;" means the electric field strength in microvolt per meter V/m;

"n" means the number of leaks found of field strength equal to or greater than 50 uV/m;

"O" means the fraction of the subscriber television system cable length actually examined need for leakage sources which is equal to the strand kilometres of plant tested divided by the total strand kilometres in the plant;

"r" means the distance in metres between the leakage source and the centre of the subscriber television system;

"R" means the 4pheet height distance in metres from the leakage a W ace to a point 3000 meters above the centre of the subscriber television system;

(b) prior to carriage of signals in the aeronautical radio bands and at least Once each calendar year with no more than 12 months between successive tests the subscriber television system operator demonstrates by measurement in the airspace that at no point does the field strength generated by the subscriber television system exceed 10 microvolt per meter ($\mu\text{V}/\text{m}$) rms at an altitude of 450 metres above the average terrain of the subscriber television system;

(c) the measurement system (including the receiving antenna) shall be calibrated against a known field of 10 μV to rms produced by a well characterized antenna consisting of orthogonal resonant dipoles, both parallel to and one quarter wavelength above the ground plane of a diameter of two entree or more at ground level;

(d) the dipoles shall have centres colocated and be excited 90 degrees apart;

(e) the half-power bandwidth of the detector shall be 25KNz;

(f) an aircraft antenna shall be horizontally polarised;

(g) calibration shall be made In the community by unit or, if more than one, in any of the community units of the physical system within a

reasonable time period to performing the measurements; and if data is recorded digitally the 90th percentile level of points recorded over the cable system shall not exceed 10 uV/m rms;

(h) if analog recordings are used the peak values of the curves when smoothed according to good engineering practices shall not exceed 10 uV/m rms.

2. Subscriber television service transmitting carriers in the frequency band 108–137 and 225–400 MHz shall provide a programmes of regular monitoring for signal leakage by substantially covering the plant every three months.

3. Monitoring equipment and procedures utilized by licensees shall be adequate to detect a leakage source which produces a field strength in the bands of 20 uV/m or greater at a distance of 3 Nether and any leakage source which produces such a field strength in the aeronautical radio frequency bands shall be noted and such leakage measures shall be repaired within a reasonable time.

Frequency Separation Standards

All subscriber television systems which operate in the frequency bands 108–137 and 225–400 MHz shall comply with the following frequency separation standards.

1. In the aeronautical radio communication bands 108–137, 225–328.6 and 335.4–400 MHz, the frequency of all carrier signals or signal components carried at an average power level equal to or greater than 10(4) watts in a 25ZHz bandwidth in any 160 microsecond period shall operate at frequencies offset from certain frequencies which may be used by aeronautical radio services and the aeronautical frequencies from which offsets shall be maintained are those frequencies which are within one of the aforementioned aeronautical bands, and when expressed in

MHz and divided by 0.025 yield an integer, the offset meeting one of the following criteria –

(a) all such cable carriers or signal components shall be offset by 12.5 Hz with a frequency tolerance of ± 5 kHz; or

(b) the fundamental frequency from which the visual carrier frequencies are derived by multiplication by an integer number which shall be 6.0003 MHz with a tolerance of ± 1 Hz, Harmonically Related Carrier (HRC) comb generators only;

2. In the aeronautical radio navigation bands 108–118 and 328.6–335.4 MHz, the frequency of all carrier signals or signal components carrier at an average power level equal to or greater than 10^{-4} watts in a 25 Hz bandwidth in any 160 microsecond period shall be offset by 25 Hz with a tolerance of ± 5 Hz and the aeronautical radio–navigation frequencies from which offsets shall be maintained are as follows –

(a) within the aeronautical band 108–118 MHz when expressed in MHz and divided by 0.025 yield an even integer;

(b) within the band 328.6–335.4 MHz.

NOTE: The Harmonically Related Carrier (HRC) system shall meet the requirement in the 328.5–335.4 MHz navigation glide path band, those incrementally Related Carriers (IC) system with comb generator reference frequencies set at certain odd multiples equal to or greater than 3 times the 0.0125 MHz aeronautical communications band offset (for example $6n \times 1.250 + 0.0375$ MHz may also meet the 25 Hz offset requirement in the navigation glide path band).

APPENDIX

CHANNEL ALLOCATION PLAN FOR SUBSCRIBER TELEVISION

No allocation shall be made by a licensee who operates subscriber television service for operations over the standard VHF Channels which are in use for over the air television broadcasting operations in the zone served by the licensee, that is to any, channels 2 to 13.

Sub low Band Channel

Frequency Band (MHz)	Visual Carrier
5.75 – 11.75	11.75
11.75 – 23.75	23.75
23.75 – 29.75	29.75
35.75 – 41.75	41.75
41.75 – 47.75	47.75
7.00	
13.00	19.00
25.00	31.00
37.00	42.00

Mid Band Channels

Channel	Frequency Band	Standard Visual Carrier
12	108 – 114	109.25
13	114 – 120	115.25
14	120 – 126	121.25
15	126 – 132	127.25
16	142 – 138	133.25
17	138 – 144	139.25
18	144 – 150	145.25
19	150 – 156	151.25
20	156 – 162	157.25
21	162 – 168	163.25
22	168 – 174	169.25

Super Band channels

23	216 – 222	217.25
24	222 – 228	223.25
25	228 – 234	229.25
26	234 – 240	235.25
27	240 – 246	241.25
28	246 – 252	247.25
29	252 – 258	253.25

30	258 - 264	259.25
31	3264 - 270	265.25
32	270 - 276	271.25
33	276 - 282	227.25
34	282 - 288	283.25
35	288 - 294	287.25
36	294 - 300	295.25

Hyper Band

37	300 - 306	301.25
38	306 - 312	107.25
39	312 - 318	313.25
40	318 - 324	319.25
41	324 - 330	325.25
42	330 - 336	331.25
43	336 - 342	337.25
44	342 - 348	343.25
45	348 - 354	349.25
46	354 - 360	355.25
47	360 - 366	361.25
48	366 - 372	367.25
49	372 - 378	373.25
50	378 - 384	379.25
51	384 - 390	385.25
52	390 - 396	391.25
53	396 - 402	497.25
54	402 - 408	403.25
55	408 - 414	409.25
56	414 - 420	415.25
57	420 - 426	412.25
58	426 - 432	427.25
59	432 - 438	433.25
60	438 - 433	439.25
61	444 - 450	445.25
62	450 - 456	451.25
63	456 - 462	457.25

64	462 – 468	463.25
65	468 – 467	469.25

THIRD SCHEDULE(Regulation 4 (3) (b))

TECHNICAL STANDARDS, NON-COMMERCIAL BROADCASTING

PART I

FM STANDARDS

1. Frequency modulated (FM) Stations shall utilize the band 88 MHz to 108 MHz.
2. The occupied bandwidth shall be 200 kHz.
3. The maximum frequency deviation for stations not employing a sub-carrier shall be ± 75 kHz or 100% modulation.
4. Distance between stations broadcasting on the same channel shall be separated by 115 Km.
5. For 1st adjacent channel the distance shall be 72 Km.
6. For 2nd adjacent channel the distance shall be 31 Km.
7. Polarization shall be the standard Horizontal Polarization except where required circular or elliptical polarization may be employed.
8. Emission on Frequency removed from the carrier by 12 kHz to 240 kHz shall be attenuated at least 25dB below the level of the unmodulated carrier.

9. Emission on Frequency removed from the carrier by greater than 240 kHz and up 600 kHz shall be attenuated by 35dB below the level of the unmodulated carrier.

PART II

FM STEREOPHONIC SOUND TRANSMISSION STANDARD

1. A FM broadcast station shall not use $19 \text{ kHz} \pm 20 \text{ Hz}$, except as the stereophonic pilot frequency in a transmission system meeting the following parameters–

- (a) the modulating signal for the main channel consists of the sum of the right and left signals;
- (b) the pilot subcarrier at $19 \text{ kHz} \pm 2 \text{ Hz}$ shall frequency modulate the main carrier between the limits of 8 and 10 per cent;
- (c) one stereophonic subcarrier shall be the second harmonic of the pilot subcarrier (that is, 38 kHz) and shall cross the time axis with a positive slope simultaneously with each crossing of the time axis by the pilot subcarriers which are not precluded;
- (d) double sideband, suppressed-carrier amplitude modulation of the stereophonic subcarrier at 38 kHz shall be used;
- (e) the stereophonic subcarrier at 38 kHz shall be suppressed to a level less than 1 % of the main carrier;
- (f) the modulating signal for the required stereophonic subcarrier shall be equal to the difference of the left and right signal;
- (g) the applicable modulating levels–

- (i) when a signal exists in only one channel of a two channel (biphonic) sound transmission, modulation of the carrier by audio components within the base band range of 50 Hz to 15 kHz shall not exceed 45%, and modulation of the carrier by the sum of the amplitude modulated subcarrier in the base band range of 23 kHz to 53 kHz shall not exceed 45%;
- (ii) when a signal exists in only one channel of a stereophonic sound transmission having more than one stereophonic subcarrier in the base band, the modulation of the carrier by audio components within the audio base band range of 23 kHz to 99 kHz shall not exceed 53% with total modulation not to exceed 90%;
- (iii) a station not transmitting stereo with a method described above shall limit the main carrier deviation caused by any modulating originals to occupying the band $19 \text{ kHz} \pm 20 \text{ Hz}$ to 125 Hz.

2. All stations, regardless of the stereophonic transmission shall not exceed the maximum modulation limits of 100% on peaks on frequent recurrence referenced to 75 kHz deviation. Stations providing subsidiary communications services using subcarrier standards concurrently with the broadcasting of stereophonic or monophonic programmes may increase the peak modulation deviation as follows–

- (a) the total peak modulation may be increased 0.5 per cent for each per cent subcarrier injection modulation;
- (b) the modulation shall not exceed 110 per cent (82.5 kHz peak deviation).

THE BROADCASTING AND RADIO RE-DIFFUSION ACT

Subscriber Television Quarterly Return pursuant to regulation 5 (2) (b) of the Television and Sound Broadcasting Regulations, 1996

Return Period

From

To

Name of licensee

Business address of licensee

Business telephone No.

Facsimile

E-mail

Name of Chief Executive Officer

Detail of Revenue Collected for Payment of Licence Fee

Month	Number of Subscribers	Total subscription fee collected
Total		

Licence fee (5% of Total subscription fee collected for quarter)

\$.....

The information requested below should only be given if different from the information submitted for the previous quarter.

Industry Information

No. of employees.....

.....

No. of households served.....

No. of television sets connected.....

No. of channels offered.....

No. of packages offered.....

Fees Charged

Type	Amount
Subscription	
Basic.....	
Packages.....	
<i>(Please specify type)</i>	
Installation.....	
....	
Reconnection.....	
....	
Other.....	
....	
<i>(Please specify)</i>	

Please indicate, by placing an "X" in the relevant box, other services offered and technological devices being utilized by your company.

- Internet service Telephony service
 Addressable system Other (Please specify)

Signature.....

Date.....

Chief Executive Officer

NOTE: The information submitted on this Return is subject to verification by the Broadcasting Commission's auditors.