

BERMUDA STATUTORY INSTRUMENT

BR 1/1994

SOUND BROADCASTING SERVICE REGULATIONS 1994

[made under section 11 of the Broadcasting Commissioners Act 1953 [title 24 item 11] and brought into operation on 14 January 1994]

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Citation

- 1 These Regulations may be cited as the Sound Broadcasting Service Regulations 1994.

Interpretation

- 2 In these Regulations, unless the context otherwise requires —
"broadcasting" means sound broadcasting;

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"commercial advertising" means any matter of a promotional character not intended primarily for the information, instruction or entertainment of listeners but made for the purpose of drawing public attention to the merits of goods, services, facilities, causes or events, broadcast at the request of any person, whether upon payment or otherwise but does not include announcements transmitted at the request of a Government Department or Board, nor a political broadcast nor a spot broadcast within the meaning of the Political Broadcasting Directions 1980 [*title 24 item 11(b)*];

"sound broadcasting" means the act of broadcasting otherwise than as part of television broadcasting;

"sound broadcasting station" means a broadcasting undertaking which operates a sound broadcasting service to the general public in Bermuda;

"television broadcasting" means the transmission by radio communications of images and sound.

Submission of programmes

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

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

(3) A sound broadcasting station shall bring to the attention of the Commissioners any programme or other matter intended to be broadcast that contains or is likely to contain anything which is offensive or otherwise undesirable or is likely to violate the Act or regulations or directions made thereunder as indicated in section 8(1) of the Act.

(4) A sound broadcasting station shall submit on demand without charge to the Commissioners prior to the broadcasting thereof any such programme referred to in paragraph (2) or any other programme or matter for the purposes of section 8 of the Act.

Commercial advertising

4 (1) No commercial advertising relating to alcoholic beverages (excluding beers and wines) shall be broadcast between the hours of six

o'clock in the morning and nine o'clock at night without the express permission in writing of the Commissioners.

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

(3) Where commercial advertising relating to alcoholic beverages (including beers and wines) is broadcast there shall in respect of each such advertising be broadcast the message "excessive alcohol consumption may be harmful to your health" or a like message except that it is lawful for commercial advertising to be broadcast not in compliance with the message mentioned in this paragraph if the sound broadcasting station—

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

Record of broadcasting

5 (1) Every sound broadcasting station shall maintain a daily record of all programmes and other matter broadcast by it, which record shall be in such form and shall contain such information as the Commissioners may specify.

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

Publication of timing of programmes

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

Delay of person's voice

7 No sound broadcasting station shall permit a person's voice, other than the voice of an employee of the station, to be heard on the air unless the person's voice is delayed for a minimum of seven seconds.

Person's name etc. to be obtained

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

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

Soliciting funds

9 No sound broadcasting station shall broadcast any programme which solicits funds directly from the members of the public unless it is made by a charitable organization that is registered under the Charities Act 1978 [*title 13 item 10*] and the organization has the express permission in writing of the Commissioners to do so.

Offence and penalty

10 Any person who violates these Regulations commits an offence: Punishment on summary conviction: a fine of \$3,000 dollars and in the case of a second and subsequent conviction a fine of \$5,000.