

**THE ELECTION CAMPAIGNS (MEDIA)  
REGULATIONS, 2004**

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ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2004, No. 15

**The Election Campaigns (Media) Regulations, 2004 made by the Electoral Commission under section 36 (2) of the Representation of the People Act Cap. 379.**

1. These Regulations may be cited as the Elections Campaigns (Media) Regulations, 2004. Title.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“broadcast” means transmission by means of a radio station or a television station;

“broadcaster” means the operator of a radio or television station;

“Commission” means the Electoral Commission established by the Representation of the People Act; Cap. 379.

“election advertising” means any of the following —

(a) broadcasting time for spot advertisements;

(b) a press publication

designed to support and promote the election of a person nominated as a candidate for election and made during an election campaign period;

“election broadcast” or “election press publication” means a political broadcast which is to take place or takes place during an election campaign period;

“election campaign period” means the period beginning with the publication of the writ of election for a general election or a by-election and ending with the declaration of the final results of the election;

“newspaper” means a newspaper registered under the Newspapers Registration Act; Cap. 291.

“political broadcast” or “political press publication” means a broadcast, a press publication or an advertisement designed to promote or reduce the popularity of a political

party or a candidate for an election, but does not include a *bona fide* report of news or a presentation of a *bona fide* feature relating to an election;

“press publication” means a publication in a newspaper;

“radio” includes a station transmission by means of a wired network connecting a transmitting instrument to a number of receiving instruments of matter designed for aural reception by the general public;

“television” includes a station for the transmission by means of a wired or other guided network connecting a transmitting instrument to a number of receiving instruments of matter designed for visual reception by the general public;

“text” includes script whether written or recorded.

Restrictions on political broadcasts or press publications.

3. (1) During an election campaign period, no broadcasting time or space for a press publication for a political broadcast or press publication shall be made available by a broadcaster or a proprietor of a newspaper to any person except in accordance with these regulations.

(2) No political broadcast or political press publication may be made on polling day.

Allocation of broadcasting time.

Form 1.

4. (1) During an election campaign period, broadcasting time for election broadcasts from a television or radio station owned by the Government shall be allocated by the Commission to any political party which makes application in the Form 1 set out in the Schedule hereto and satisfies the Commission that no less than ten of its members are validly nominated candidates for the election.

Form 2.

(2) The allocation of broadcasting time for election broadcasts, from a television or radio station owned by the Government, which shall be confirmed by the Commission in the Form 2 set out in the Schedule, shall be made on the determination of the Commission on the following basis in respect of each television and radio station:

(a) two broadcasts of not more than 15 minutes dura-

the majority of the membership of the House of Representatives immediately prior to the last dissolution of Parliament;

- (b) one broadcast of not more than 15 minutes duration and a second and final broadcast of not more than 30 minutes duration to the political party which qualifies for allocation under paragraph (1) of this regulation and which commanded the support of the majority of the opposition membership of the House of Representatives immediately prior to the last dissolution of Parliament;
- (c) one broadcast of not more than 15 minutes duration to any other political party which qualifies for an allocation under paragraph (1) of this regulation.

(3) A political party may nominate any person or persons to use broadcasting time allocated to it under this regulation.

(4) Broadcasting time shall be made available by broadcasters free of charge for the allocations of broadcasting time made by the Commission under this regulation.

(5) Broadcasting time allocated under this regulation not used by the political party for which it is reserved lapses.

5. (1) The Commission shall by notice in writing notify all broadcasters of the allocations of broadcasting time made, and the dates reserved under regulation 4.

Dates and times for allocation.

(2) Broadcasters must reserve the time between the hours of 8:00 p.m. and 9:00 p.m. on the dates for election broadcasts allocated and determined under regulation 4, but subject to this provision, may after consulting with the political party concerned determine the actual time at which an election broadcast may be made between 8:00 p.m. and 9:00 p.m.

6. The political party which commanded the majority of the membership of the House of Representatives immediately prior to the last dissolution of Parliament shall, if it so desires, have the right of the first and last election broadcast.

Right to first and last broadcast.

7. (1) A political party wishing to make use of broadcasting time allocated to it under regulation 4 shall apply in writing to a

Application for broadcast.

broadcaster at least two days before the date on which the broadcast to which the application relates is to take place.

(2) The text for an election broadcast shall be submitted to the broadcaster not later than twenty-four hours before the time for the recording of the broadcast by the broadcaster.

(3) The text for an election broadcast whether on television or radio shall be recorded by the broadcaster at least 24 hours in advance of the scheduled time for broadcasting.

(4) The broadcaster of an election broadcast shall clearly identify at the beginning and end of each broadcast the political party on whose behalf the broadcast is made.

Prohibited content of broadcast or press publication.

8. An election broadcast or an election press publication shall not contain —

- (a) any matter in contravention of the laws of Antigua and Barbuda;
- (b) any abusive comment upon any race, gender, creed or religion;
- (c) any obscene, indecent or profane matter;
- (d) any malicious, scandalous or defamatory matter.

Purchase of election advertising time and space permitted.

9. (1) During an election campaign period political parties and individual candidates for the election who are not members of a political party may purchase broadcasting time for election advertising from any broadcaster subject to the following conditions:

- (a) no single advertisement on radio is to be more than 30 seconds duration, and not less than 48 hours notice must be given to the broadcaster of the number of advertisements to be taken for a given day, including Saturdays and Sundays; and
- (b) no single advertisement on television is to be more than 60 seconds duration and not less than 48 hours notice must be given to the broadcaster of the number of advertisements to be taken for a given day, including Saturdays and Sundays.

(2) During an election campaign period, a political party and an individual candidate for the election who is not a member of a political party may purchase space in a newspaper for a press publication relating to the election.

(3) Every proprietor of a newspaper shall offer a minimum of 140 square inches in each issue of the newspaper for each political party and each candidate.

10. Every broadcaster and every proprietor of a newspaper shall keep in such manner and containing such details as the Commission approves, a record of the broadcasting time or space made available to political parties and individual candidates under regulations 4 and 9, and such record shall be made available to the Commission by the broadcaster or proprietor for inspection whenever a request is made by the Commission.

Record of broadcasting time and advertising space.

11. (1) During an election campaign period, a political party or an individual candidate for the election may purchase broadcasting time from a broadcaster, or space for a press publication from a proprietor of a newspaper for the purpose of advertising a notice of the making of an election broadcast or a press publication, or the holding of a political meeting which it or he may lawfully make or hold, the date, time and place of the broadcast or meeting, the speakers at the broadcast, publication or meeting, the candidate or candidates supported, and where appropriate, the political party relationship.

Notice of broadcasts, press publications and meetings.

(2) During an election campaign period, broadcasters and proprietors of newspaper may give publicity in their respective media to notices of the making of election broadcasts or press publications and the holding of political meetings by the parties and individual candidates.

12. In respect of broadcasting time or advertising space purchased under Regulation 9, a broadcaster or a proprietor of a newspaper shall allocate broadcasting time or space, as the case may be, among political parties and candidates in an equitable manner and shall not charge discriminatory rates.

Equitable and non-discriminatory allocation of time and space.

13. (1) A person who contravenes the provisions of regulations 3 (2), 4 (4), 5 (2), 8, 9 or 10 commits an offence.

Offences and penalties.

(2) A person convicted of an offence under these regulations is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for six months or both.

SCHEDULE

FORM 1

APPLICATION FOR BROADCASTING TIME

(IN TRIPLICATE)  
( Regulation 4 (I) )

TO: The Electoral Commission  
Queen Elizabeth Highway  
St. John's  
Antigua.

1. I .....  
(Name)  
of .....  
(Address)

Leader/Chairman/General Secretary to the Political Party designated as  
the .....  
(Name of Political Party)

hereby make application on behalf of my party for broadcasting time in accordance with the provisions of the Election Campaigns (Media) Regulations, 2004.

2. I am aware that the .....  
(Name of Political Party)

must provide evidence of qualification for broadcasting time as required under the Regulations before any time allocated to the party could be taken up.

3. To the best of my knowledge and belief the .....  
.....  
(Name of Political Party)

\*will be nominating/has nominated no less than 10 of its members as candidates on Nomination Day the ..... for General Elections due to be held on .....

Signed .....  
\*Leader/Chairman/General Secretary  
of the Political Party

Date .....

**FOR OFFICIAL USE ONLY**

Date Received.....

The.....

**(Name of Political Party)**

has been allocated provisional broadcasting time for the dates and times set out below on condition that the said Political Party provides the evidence of qualification in accordance with Regulation 4 (1) of the Election Campaigns (Media) Regulations, 2004.

*Day of Week*

(1) ..... the ..... day of ..... 2004.

(2) ..... the ..... day of ..... 2004.

(3) ..... the ..... day of ..... 2004.

.....  
*Electoral Commission.*

Date.....

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**FORM 2**

**(IN TRIPLICATE)**  
**( Regulation 4 (2) )**

**CONFIRMATION OF BROADCASTING  
TIME ALLOCATED**

**TO**.....

**(Name of Leader/Chairman/General Secretary of the Political Party)**

**The**.....

**(Name of the Political Party)**



having met the requirements of Regulation 4 (1) of the Election Campaigns (Media) Regulations, 2004 is permitted to take up the broadcasting time allocated under Regulation 4 (2) of the Regulations.

.....  
*Electoral Commission.*

Date.....

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Made this 15th day of March, 2004.

**McClin S. Matthias,**  
*Chairman, Electoral Commission.*

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