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**CHAPTER 307**  
**TELEVISION REGULATORY AUTHORITY**  
**ARRANGEMENT OF SECTIONS**

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## CHAPTER 307

## TELEVISION REGULATORY AUTHORITY

**An Act to establish an Authority to advise and oversee the operations of licensed cable television operators and to make provision with respect to matters ancillary to those operations.**

*27 cf 1994*

*8 cf 1998*

*27 cf 1999*

*[Assent 27th October, 1994]*

*[Commencement 28th October, 1994]*

1. This Act may be cited as the Television Regulatory Authority Act, 1994. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
  - “Authority” means the body established under section 3;
  - “licensee” means the holder of a licence issued under section 21 of the Broadcasting Act authorising the operation of a television or cable-television service;
  - “Minister” means the Minister responsible for relations with the Broadcasting Corporation of The Bahamas.
3. (1) There shall be established for the purposes of this Act a body to be called the Television Regulatory Authority. Establishment of Authority.
  - (2) The provisions of the Schedule shall have effect as to the constitution of the Authority and otherwise in relation thereto. Schedule.
4. It shall be the duty of the Authority to— Functions of Authority.
  - (a) oversee on behalf of the Minister the operations of persons licensed to provide television or cable television services, the revocation and the suspension of those licences;
  - (b) permit changes with the approval of the Minister in the rates to be charged to subscribers to basic cable television services;

- (c) make recommendations to the Minister on matters relating to the licensing of persons to provide television services, the revocation and the suspension of those licences;
- (d) make recommendations to any public body or agency on any matter which that body or agency is seized of respecting any aspect of the operation of a licensee;
- (e) make recommendations to the Minister on the context or form of any regulations which the Minister proposes to promulgate in respect of licensees.

Right of  
Authority to  
inspect records of  
licensee

**5.** (1) With a view to the supervision of licensees the Authority or any person designated under the hand of the chairman of the Authority may request any licensee to permit the inspection by the Authority of all books, records, plans, financial statements and other like documents of a licensee that relate to the operations of the licensee.

(2) The Authority may make copies of any matter produced to it by a licensee for inspection pursuant to subsection (1) and any information obtained therefrom may be used by the Authority in the carrying out of its functions in relation to that licensee.

Unlawful  
connection

**6.** Every person who without the permission of a licensee makes any connection, whether physically, electrically, acoustically, inductively or otherwise to any part of the cable television system operated by a licensee for the purpose of enabling himself or others to receive any television signal, pictures, programs, sounds or any other information or intelligence transmitted over the cable television system operated by the licensee is guilty of an offence punishable on summary conviction by a fine not exceeding ten thousand dollars and to imprisonment for a term not exceeding two years.

Tampering with  
wires or  
equipment

**7.** Every person who without the consent of a licensee or other lawful authority tampers with, removes or injures any cable, wire or other equipment used by a licensee for the distribution of television signals, pictures programmes, sounds or other information transmitted over the cable television system of the licensee is guilty of an offence

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punishable on summary conviction by a fine not exceeding ten thousand dollars and to imprisonment for a term not exceeding two years.

8. (1) For the purpose of constructing or installing any system of distribution of a television or cable television service a licensee, his agents and servants may at all reasonable times and after reasonable notice in writing to the Minister charged with responsibility for Public Works cause to be erected or laid and carried through, along, under, or over any public way in accordance with the approval of that Minister any posts, standards or other apparatus as is necessary to effect the distribution.

Carrying out of  
works by  
licensee

(2) Whenever it is necessary so to do for the purpose of maintaining or repairing a system or any part thereof to which subsection (1) applies, the licensee, his agents or servants may at all reasonable times after reasonable notice in writing to the Minister charged with responsibility for Public Works enter upon any public way on, under or over which works have been previously carried out pursuant to subsection (1) and may carry out there all works necessary for repair or maintenance, including the felling or lopping of trees, the removal of vegetation, the digging up of any street.

- (3) Nothing in subsection (1) shall be construed as—
- (a) exempting the licensee from the requirement to obtain the prior agreement of the owner of any property affected by any work to be carried out pursuant to subsections (1) and (2) or from the liability to pay any compensation to a person for any injury or damage to that person or to or for the use of, his property;
  - (b) conferring upon a licensee the right to pursue the erection of poles along a public way where there already exists in the opinion of the Minister responsible for Public Works a sufficient number of poles available for use to the licensee on reasonable terms.

(4) Any works carried out by a licensee under this section shall be done in a manner and by a method that causes as little damage or inconvenience as possible and the licensee shall restore the land, public way or site upon which the works were carried out to its former condition or to as near that condition as is possible.

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**SCHEDULE (Section 3)**

Appointment of Authority.

**1.** (1) The Authority shall consist of not less than five and not more than seven persons to be appointed by the Governor-General, being persons appearing to the Governor-General to be qualified as having had experience of, and shown capacity in, matters relating to industry, finance, economics, engineering, accountancy, commerce or law, or being members of the general public.

(2) Two of the appointments to be made pursuant to subparagraph (1), shall be made after consultation with the Leader of the Opposition.

Disqualification for membership of Authority.

**2.** (1) A person shall not be qualified for appointment as a member of the Authority who is a member of either House of Parliament or the holder of any office of emolument under the Crown.

(2) The office of a member of the Authority shall become vacant if any circumstances arise that, if he were not a member of the Authority, would cause him to be disqualified for appointment as such by virtue of subparagraph (1).

Temporary appointment.

**3.** The Governor-General may appoint any person qualified for appointment as a member of the Authority to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member.

Tenure of office.

**4.** (1) The appointment of a member of the Authority shall subject to the provisions of this Schedule, be for a period of not more than three years and such member shall be eligible for reappointment.

(2) The Governor-General may at any time revoke the appointment of any member of the Authority if in the opinion of the Governor-General the member is guilty of neglect of duty, inefficiency, incompetence, misconduct or malfeasance.

Chairman.

**5.** (1) The Governor-General shall appoint one of the members of the Authority to be chairman thereof and in the case of the absence or inability to act of the chairman, may appoint any other member of the Authority to perform the functions of the chairman.

(2) In the case of the absence or inability to act, at any meeting, of the chairman, the remaining members of the Authority may elect one of their number to preside at that meeting.

Resignation.

**6.** (1) Any member of the Authority 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 of the Authority.

(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 the receipt of such instrument by the Governor-General.

7. The names of all members of the Authority as first constituted and every change of the membership thereof shall be published in the *Gazette*. Publication of membership.

8. (1) The Authority shall be a body corporate having perpetual succession and a common seal and with power to acquire, hold and dispose of land and other property of whatever kind. Incorporation.

(2) The seal of the Authority shall be authenticated by the signatures of the chairman or one member of the Authority authorized to act in that behalf and the secretary of the Authority and shall be judicially noticed.

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

(4) The Authority may sue and be sued in its corporate name and may for all purposes be described by that name.

9. (1) The Authority 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 Authority shall determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any member of the Authority.

(3) The chairman or, in the absence or inability to act of the chairman, the person elected in accordance with the provisions of subparagraph (2) of paragraph 5 shall preside at the meetings of the Authority and when so presiding the chairman, or the person elected as aforesaid as the case may be, shall have an original and a casting vote.

(4) The quorum of the Authority shall be such number as the Authority may fix from time to time, not being less than one half of the total members of the Authority.

(5) Subject to the provisions of this Act the Authority may regulate its own proceedings.

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

10. There shall be paid to the chairman and other members of the Authority such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Governor-General may determine. Remuneration of members.

Funds of the  
Authority.

**11.** The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Authority under this Act.

Powers to  
appoint officers,  
agents.

**12.** The Authority shall appoint and employ at such remuneration and on such terms and conditions as it thinks fit a secretary and such other officers and servants as it thinks necessary for the proper carrying out of its functions:

Provided that—

- (a) no salary in excess of the rate of \$5,000 per annum shall be assigned to any post without the prior approval of the Governor-General;
- (b) no provision shall be made for the payment of any pension, gratuity or other like benefit to, or in respect of the service of, any officer or servant without the prior approval of the Governor-General.

Disclosure of  
interest.

**13.** A member of the Authority who is interested in any company or undertaking which is an interested party in any proceedings before the Authority affecting a licensee shall disclose to the Authority the fact and nature of his interest and shall not take part in any deliberation or any decision of the Authority relating to such matter, and such a disclosure shall forthwith be recorded in the records of the Authority.

Accounts and  
audit.

**14.** (1) The Authority shall keep proper accounts and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards.

(2) The accounts of the Authority shall be audited by an auditor or auditors appointed annually by the Authority and approved by the Minister.

(3) Within four months after the end of each financial year or within such further time as may in special circumstances be allowed by the Minister, the Authority shall send a statement of its accounts referred to in subparagraph (1) to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Authority.

(4) The auditor's fees and any expenses of the audit shall be paid by the Authority.

(5) The Auditor-General shall be entitled, on the direction of the Governor-General, at all reasonable times to examine the accounts and other records in relation to the business of the Authority.

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**15.** (1) The Authority shall, within three months after the end of each financial year or within such further time as may in special circumstances be allowed by the Governor-General, cause to be made and transmitted to the Governor-General and the Minister a report dealing generally with the activities of the Authority during the financial year. Annual report

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the table of the House of Assembly and of the Senate.

(3) Copies of the Authority's report together with the annual statement of accounts and the auditor's report on that statement and on the accounts of the Authority shall be published in such manner as the Minister may direct.

**16.** (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act. Protection of members

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph, the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.