

JAMAICA

No. 12—2001

I assent,

[L.S.]

H. F. COOKE,
Governor-General.

3rd day of May, 2001.

AN ACT to Amend the Broadcasting and Radio
Re-diffusion Act.

[May 4, 2001]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the Authority of the same as follows:—

1. This Act may be cited as the Broadcasting and Radio Re-Diffusion (Amendment) Act, 2001 and shall be read and construed as one with the Broadcasting and Radio Re-Diffusion Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title and construction.

2. Subsection (1) of section 2 of the principal Act is amended by inserting in the appropriate alphabetical sequence the following definitions—

Amendment of section 2 of principal Act.

“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;”.

“ “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;”.

Amendment of heading to Part II of principal Act.

3. The heading of Part II of the principal Act is amended by inserting immediately after the word “*Commercial*” the words “*Non-Commercial*”.

Insertion of new section 6A in principal Act.

4. The principal Act is amended by inserting next after section 6 the following as section 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.”.

5. Section 7 of the principal Act is amended by inserting immediately after the words “broadcasting licence” the words “or for non-commercial broadcasting by the holder of a special broadcasting licence”.

Amendment
of section 7
of principal
Act.

6. Section 11D of the principal Act is amended—

Amendment
of section
11D of prin-
cipal Act.

(a) by inserting next after subsection (2) the following as subsection (2A)—

“ (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.”;

(b) by deleting from subsection (3) the words “subsection (1) or (2)” and substituting therefor the words “this section”.

7. Subsection (2) of section 11E of the principal Act is amended in paragraph (a) by inserting immediately after the word “commercial” the words “or non-commercial”.

Amendment
of section
11E of prin-
cipal Act.

8. Section 11G of the principal Act is amended by inserting next after subsection (4) the following as subsection (4A) and (4B)—

Amendment
of section
11G of prin-
cipal Act.

“ (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.”.

Amendment
of section
11H of prin-
cipal Act.

9. Subsection (1) of section 11H of the principal Act is amended—

- (a) by deleting the words “A person” and substituting therefor the words “Subject to subsection (1A), a person”;
- (b) by inserting next after subsection (1) the following as subsection (1A)—

“ (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.”.

Amendment
of section 20
of principal
Act.

10. Section 20 of the principal Act is amended by inserting next after subsection (2) the following as subsection (2A)—

“ (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.”.