

THE BROADCASTING AND RADIO
RE-DIFFUSION ACT

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THE BROADCASTING AND RADIO
RE-DIFFUSION ACT

Cap. 47.
Laws
66 of 1958,
45 of 1959.
Acts
16 of 1962,
5 of 1978,
5 of 1986,
43 of 1995,
12 of 2001,
37 of 2004
S. 29,
2 of 2005,
11 of 2008.

[27th October, 1949.]

PART I. *Introduction*

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| <p>1. This Act may be cited as the Broadcasting and Radio Re-Diffusion Act.</p> | <p>Short title.</p> |
| <p>2.—(1) In this Act—</p> | <p>Interpreta-
tion.</p> |
| <p>“broadcasting” means either sound broadcasting or television broadcasting or both;</p> | <p>10/1962
S. 2(a).</p> |
| <p>“Caribbean Community” means the Caribbean Community established by Article 2 of the Treaty;</p> | <p>11/2008
S. 3(b).</p> |
| <p>“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;</p> | <p>10/1962
S. 2(b).</p> |
| <p>“commercial broadcasting licence” includes an exclusive commercial broadcasting licence and a non-exclusive commercial broadcasting licence granted under section 11F;</p> | <p>40/1995
S. 2(b).</p> |
| <p>“Commission” means the Broadcasting Commission established under section 12;</p> | <p>43/1995
S. 2 (c).</p> |
| <p>“community access channel” means a channel dedicated to the provision of access to news, information and other</p> | <p>11/2008
S. 3(b).</p> |

BROADCASTING AND RADIO RE-DIFFUSION

content of public interest related to the geographic area or zone served by the subscriber television operator or subscriber television licensee;

11/2008
S. 3(b).

“independent programme provider” means a programme provider who—

- (a) transmits at least fourteen hours of new, unrepeated local content per week, on a subscriber television channel; and
- (b) is licensed to operate pursuant to section 11D;

11/2008
S. 3(b).

“international relay service licence” means a non-exclusive international relay service broadcasting licence granted under section 11F to provide broadcasts which are relayed worldwide and are consistent with the national interest and which—

- (a) include broadcast matter of any description that is not intended to influence listeners thereto or viewers thereof to engage in or abstain from engaging in commercial relations with any other person;
- (b) are not for profit; and
- (c) do not in any manner involve engagement in commercial activity;

11/2008
S. 3(b).

“local content” means local television programming which—

- (a) originates in Jamaica or any other Member State;
- (b) is created and produced by a Jamaican national or a national of any other Member State;
- (c) relates to Jamaica or any other Member State;

11/2008
S. 3(b).

“Member State” means a Member State of the Caribbean Community excluding an Associate Member within the meaning of Article 231 of the Treaty;

“national” means a person who—

**11/2008
S. 3(b).**

- (a) is a citizen of a Member State; or**
- (b) has a 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 has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity, within the Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);**

“non-commercial broadcaster” means a broadcaster—

**11/2008
S. 3(b).**

- (a) whose articles of incorporation or equivalent document states that the objects of the broadcaster are non-commercial in nature;**
- (b) that does not operate its broadcasting services at a profit;**
- (c) that establishes a programme format, content and schedule not subject to the control or influence of any commercial entity;**
- (d) that does not collect advertising revenue which represents more than 30% of its total revenue; and**
- (e) that submits a business model that does not reflect reliance on commercial revenue for sustainability,**