



Broadcasting Act

Act no. 127 of 4 December 1992 relating to Broadcasting

Rules | Date: 05/09/2005 | [Ministry of Culture and Equality](#)

(<http://www.regjeringen.no/en/dep/kud/id545/>)

Originally published by: Ministry of Culture and Church Affairs

(Unofficial translation)

September 2005

Act no. 127 of 4 December 1992 relating to Broadcasting

(With subsequent amendments, most recently by Act No. 98 of 17 June 2005, entered into force from 1 July 2005)

Cf. *previous* Acts: No. 13 of 24 June 1933, No. 1 of 22 June 1962, No. 36 of 13 June 1980, No. 71 of 27 November 1987, No. 46 of 10 June 1988 and No. 77 of 21 December 1990.

Chapter 1 Definitions, scope of application etc

Section 1-1 Definitions

"Broadcasting" means the transmission of speech, music, images and the like by wire or over the air, intended or suitable for direct and simultaneous reception by the public.

"Local broadcasting" means the transmission of speech, music, images and the like by wire or over the air, intended for direct reception by the public within geographically delimited areas.

"Broadcaster" means the natural or legal person who has editorial responsibility for the composition of programme services in broadcast transmissions, and who transmits them or has them transmitted by third parties.

"Advertising" means any form of marketing of a product, service, cause or idea in return for payment or other form of consideration. "Advertising" also means any form of announcement on television whose purpose is to promote the broadcaster's own activity.

"Surreptitious advertising" means the verbal or visual presentation in programmes of a product manufacturer's or a service provider's products, services, trademark or business, where the presentation intentionally serves advertising purposes and the audience is liable to be misled about the nature of the presentation. Such presentation is regarded as intentional above all where it is in return for payment or similar consideration.

"Sponsorship" means any direct or indirect contribution made to the production or transmission of one or more programmes by a natural or legal person not personally engaged in the production or broadcasting of such programmes.

The King may decide cases of doubt under this Section. The King or whomever the King empowers may exempt a service entirely or in part from the provisions of the Act.

Section 1-2 Scope of application

This Act also applies to Svalbard, Jan Mayen, Island and the Norwegian dependencies, as well as to facilities and devices on the Norwegian part of the Continental Shelf. The King may issue regulations prescribing exemptions and special rules as required by local conditions.

Broadcasting from international territory is regulated by Chapter 9.

The King may issue regulations providing that this Act or parts of it shall apply to Norwegian vessels, aircraft, drilling platforms or other facilities or devices in international territory beyond what follows from the provisions of Section 9-1.

Chapter 2 General provisions

Section 2-1 Licensing requirement, licensing authority, registration requirement etc

The Norwegian Broadcasting Corporation is authorised to pursue broadcasting activities. Parties other than the Norwegian Broadcasting Corporation must hold a licence in order to engage in broadcasting or local broadcasting via a transmitting facility that is subject to licensing under Section 2-2. Licences shall be time-limited.

The Ministry issues licences for broadcasting and local broadcasting. Conditions may be attached to such licences, including that a fee shall be payable for a licence to engage in nationwide, advertisement-financed broadcasting. The King may issue regulations concerning the allocation of licences and concerning the terms and conditions of licences, inter alia on the operation and revocation etc of licences, on licence areas and ownership restrictions and on the determination and recovery of fees as mentioned in the second sentence above. The King may issue regulations concerning circumstances in which a broadcaster is required to comply with Norwegian broadcasting rules. The King may also issue regulations to fulfil Norway's international obligations.

In order to engage in broadcasting or local broadcasting which is not licensable under the first paragraph, the broadcaster must be registered with the public authorities. The King may issue regulations setting out further rules on the duty to register.

The Norwegian Media Authority is the administrative agency for broadcasting and local broadcasting etc. The Ministry may lay down further rules concerning the tasks of the Norwegian Media Authority.

The transmission of simple announcements does not require a licence.

Decisions made by the Norwegian Media Authority under Section 3-1 third paragraph, cf Sections 10-3 and 10-4, may be appealed to the Market Council. The procedural rules laid down in or pursuant to the Marketing Act shall be applied when appeals are dealt with.

Section 2-2 Facilities for broadcasting and retransmission of broadcasts

The establishment or operation of wireless, ground-based transmitting facilities which will mainly be used for broadcasting or local broadcasting or for the retransmission of broadcasts or local broadcasts requires a licence from the Ministry or from whomever the Ministry designates. Licences will be granted in conjunction with the allocation of frequency capacity pursuant to the Electronic Communications Act (No. 83 of 4 July 2003).

Conditions may be attached to the allocation of licences.

Section 2-3 Prior assessment of programmes

A person who has not contributed to or who has no responsibility for programmes may not demand to view or listen to a programme before it is broadcast.

The first paragraph does not restrict the right to issue orders or to decide on and implement coercive measures in accordance with the Court Procedure Act.

Section 2-4 Announcements by government authorities etc

Broadcasters shall, in accordance with rules laid down by the King, transmit announcements from government authorities where such announcements are of major importance.

The King may issue regulations concerning the activities of broadcasters in time of civil emergency and war.

Section 2-5 Recording of programmes

Broadcasters shall retain programme recordings for a period of at least two months after transmission. If a complaint has been brought concerning programme content etc pursuant to Chapter 5, the programme shall be retained until the complaint has been decided. The programme shall also be retained if notice of legal action has been given.

Broadcasters are obliged to surrender recordings of programmes to the bodies charged with overseeing compliance with provisions laid down in or pursuant to this Act.

Section 2-6 European television programme material

The King may issue further rules concerning broadcasters' use of European programme material on television, including rules concerning programme categories to which the rules apply, the definition of European programme material and the implementation of such rules.

Section 2-7 Protection of minors

The King may issue regulations to prohibit the transmission of television programmes which may seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

The King may issue regulations to the effect that television programmes containing scenes or items which may impair the physical, emotional or moral development of minors shall only be transmitted in periods when minors will not normally see or hear such broadcasts, and concerning other technical measures that prevent minors from seeing or hearing the broadcasts. The King may issue regulations requiring an acoustic and visual warning to be given when such programmes are broadcast in unencoded form.

Section 2-8 Events of major significance

A broadcaster who has purchased the exclusive right to televise events of major importance for society may not exercise such exclusive right in such a way as to deprive a substantial proportion of the public of the possibility of following such events on free television.