

S.I. 21 1994

BROADCASTING AND TELECOMMUNICATION
ACT, 1988

(Act 5 of 1988)

Broadcasting and Telecommunication
(Sound Broadcasting Services) Regulations, 1994

In exercise of the powers conferred by section 24 of the Broadcasting and Telecommunication Act, 1988 the Minister of Finance and Communications makes the following Regulations —

1. These Regulations may be cited as the Broadcasting and Telecommunication (Sound Broadcasting Services) Regulations, 1994.

Citation

2. In these Regulations —

Interpretation

“advertisement” means a separate programme intended to promote the products and services of an enterprise;

“amplitude modulation” means variation of the amplitude of a carrier wave in proportion to the amplitude of the signal to be transmitted;

“Authority” means the Licensing Authority established by section 3 of the Licences Act, 1986;

Act 3 of 1986

“CCIR” means the International Radio Consultative Committee of the International Telecommunication Union;

“MF” means frequencies included in the range from 300 to 3000 kHz;

“Minister” means the Minister responsible for Broadcasting;

“sound broadcasting service” means a radio communication service in which transmission of the sound signs or signals are intended for direct reception by the general public;

“sponsorship” means any financial or other contribution of an enterprise, not involved in a broadcasting activity or in the production of programmes, to a broadcasting programme in order to promote the name, activities or products of the enterprise;

“VHF” means frequencies included on the range from 30 to 300 MHz.

Particulars of application.
S.I. 54 of 1988

3. (1) An applicant for a broadcasting licence to establish a sound broadcasting service shall, in the application made to the Authority under section 2 of the Licences (Broadcasting and Telecommunication) Regulations, 1988, state the following additional particulars —

- (i) the place at which the sound broadcasting service is to be established and operated;
- (ii) the technical characteristics of the equipment specified in subregulation (2);
- (iii) where the applicant is a body corporate, the names of its directors or of the members of the board of management, as the case may be;
- (iv) the interests of the applicant in other broadcasting and media services;
- (v) expertise and experience of the applicant;
- (vi) such particulars in relation to the staff and the means and capacity of the applicant to operate the services, as the Authority may require.

(2) The technical characteristics referred to in subregulation (1) (ii) are as follows —

- (a) for an MF Sound broadcasting station —
 - (i) Desired frequency;
 - (viii) Longitude/latitude;

- (ii) Date;
- (iv) Call sign;
- (v) Name of transmitting station and of the network for identification purposes;
- (vi) Designation of emission;
- (vii) Type of power;
- (viii) Power to antenna in dBW;
- (ix) Effective monopole-radiated power (for low-power channels);
- (x) Regular hours of operation;
- (xi) Type of antenna;
- (xii) Type of pattern;
- (xiii) Electrical height of antenna;
- (xiv) Azimuth of maximum radiation;
- (xv) Sector-maximum radiation within sector;
- (xvi) Ground conductivity;
- (xvii) Antenna gain diagrams in horizontal and vertical plane;
- (xviii) Description of antenna;

(b) for a VHF sound broadcasting station —

- (i) Desired frequency;
- (ii) Name of transmitting station and of the network for identification purposes;
- (iii) Longitude/Latitude;
- (iv) Date;
- (v) Altitude of site above sea level;

- (vi) Class of emission and necessary bandwidth;
 - (vii) Type of power;
 - (viii) Effective radiated power at different azimuths (horizontal/vertical component);
 - (ix) Total effective radiated power;
 - (x) Regular hours of operation;
 - (xi) Antenna directivity;
 - (xii) Polarization;
 - (xiii) Height of antenna above ground level;
 - (xiv) Maximum effective antenna height;
 - (xv) Effective antenna height at different azimuths;
 - (xvi) Sectors or directions of restricted effective radiated power;
- (c) name of the manufacturer of the equipment;
- (d) description of the transmitting antenna and the radiation characteristics according to CCIR Recommendation 370 and Report 401;
- (e) description of the building in which the equipment is to be installed and of the electrical power connection;
- (f) service area according to CCIR Recommendation 598, in the case of a MF sound broadcasting station, and CCIR Recommendations 412 and 450, in case of a VHF sound broadcasting station, to be plotted on a geographic map of suitable scale;
- (g) block diagram of the structure of the equipment.

(3) The applicant shall annex to the application a certificate from the manufacturer of the equipment referred to in subregulation (2) (c) stating the equipment conformity with the

- (j) broadcast of advertisements do not exceed such percentage of daily broadcasting time as may be determined by the Minister or do not exceed 7 minutes in any hour;
- (k) Not less than 15% of the weekly programmes are dedicated to local information or to non commercial programmes concerning Seychelles.

(2) A holder of a broadcasting licence to establish a sound broadcasting service granted under the Licences (Broadcasting and Telecommunication) Regulation, 1988 who fails to comply with subregulation (1) of these Regulations shall be deemed to have failed to comply with the terms and conditions of the licence.

7. The Minister may delegate, subject to such conditions and restrictions as he may determine, to any public officer any of his functions under these Regulations.

Delegation of
Ministers'
functions

MADE this 8th day of February, 1994.

J. MICHEL
MINISTER OF FINANCE
AND COMMUNICATION

- (d) anything which may be reasonably regarded as offending against good taste or decency or as being likely to incite or promote crime or tending to undermine the authority of the State is not broadcast by the holder of the licence;
- (e) programmes broadcast or the means employed to make such programmes do not unreasonably encroach upon the privacy of individuals;
- (f) a rectification of any untrue information transmitted in a programme is, if requested by any person affected by it, made, within 48 hours of the request at the same time of the day as the programme which contained the untrue information;
- (g) due and adequate consideration is given to complaints, which are not of a frivolous or vexatious nature, made by any person in respect of the broadcasting service provided by the holder of the licence and due and proper records of such complaints and of any action taken thereon are kept and, if required to do so by the Minister, be made available for inspection by the Minister;
- (h) programmes broadcast have respect for human personality, individual privacy, human rights, ideas of democracy, good taste and decency and maintain a high standard of national languages;
- (i) the standards and practices laid down by the Minister in respect of advertisements, sponsorship of advertisement or programmes based on sports or other events are complied with;

4. (1) In granting a licence for the purposes of these Regulations the Authority shall have regard to —

- (a) the orderly development of sound broadcasting services;
- (b) the spectrum available for broadcasting frequency bands;
- (c) the character of the applicant and where the applicant is a body corporate, the character of its directors or members of the board of management, as the case may be;
- (d) the adequacy of expertise, and experience available to the applicant and the means and capacity of the applicant to operate a sound broadcasting service;
- (e) generality, range and type of programmes proposed to be provided by the applicant including those in national languages and those pertaining to Seychellois culture;
- (f) the technological and radio frequency plans of the applicant;
- (g) new opportunities provided by the applicant for Seychellois talent in music, drama, entertainment and other areas of artistic endeavour;
- (h) desirability of allowing control or to have a substantial interest in an undue amount of communications media in Seychelles.

(2) Where the service area specified in an application is wholly within Seychelles, a licence shall only be granted to a citizen of Seychelles or to a body corporate incorporated or established by or under the laws of Seychelles.

Matters to be considered on granting a licence

(3) A licence granted pursuant to these Regulations shall include all key parameters specified in regulation 3(2).

Equipment

5. (1) The equipment of a sound broadcasting service shall —
- (a) in the case of a MF sound broadcasting station, conform to the specifications in CCIR Recommendation 639 and Reports 458 and 1063;
- (b) in the case of VHF sound broadcasting station, conform to the specifications in CCIR Recommendation 412 and 450 and Report 1065;

and in addition —

- (c) in the case of stereophonic sound, conform to specifications in CCIR Recommendation 467 and Report 300;
- (d) in the case of data systems, conform to the specifications in CCIR Recommendation 643.
- (2) The maximum width of RF Channels shall, in any case, be 20 kHz for amplitude modulation, double side band and full carrier transmitters.
- (3) The maximum frequency deviation for frequency modulation transmitters shall be ± 75 kHz and the pre-emphasis shall correspond to a circuit having a time constant of 50 microseconds.
- (4) A uniform channel spacing of 100 kHz shall apply to both monophonic and stereophonic transmissions.
- (5) The level of unwanted emissions shall comply with article 5 of the International Telecommunication Union Radio Regulation and with CCIR Recommendation 329.
- (6) The frequency stability shall be better than ± 200 Hz/Year.

(7) The frequency response shall be 0.5 dB between 40 Hz and 100 kHz.

(8) the stereophonic cross-talk shall be greater than 50 dB in the band 100 Hz to 10 kHz.

(9) The signal to noise ratio shall be greater than 70 dB unweighted.

(10) The CCIR Reports 946 and 1064 shall apply in respect of frequency planning constraints.

(11) The equipment shall not cause interference to other authorised telecommunication equipment and such interference shall be ascertained in accordance with CCIR Recommendation 559 and 560, in the case of a MF sound broadcasting station, and CCIR Recommendation 641, in the case of a VHF sound broadcasting station.

(12) The holder of a broadcasting licence to establish a sound broadcasting service shall, at his expense, eliminate any possible interference by equipment used by the holder.

5. (1) The holder of a broadcasting licence to establish a sound broadcasting service shall ensure that —

- (a) any broadcast of news by the holder of the licence is presented in an objective and impartial manner without any expression of views by the holder;
- (b) any broadcast of current affairs, including matters which are either of public controversy or subject of public debate, is fair to all interests concerned and the matter is presented in an objective and impartial manner;
- (c) a minimum of such percentage of broadcasting time, as may be determined by the Minister, is devoted to the broadcasting of news and current affairs;

Duties of the holder of a licence