

L.N. 44 of 1994

**BROADCASTING ACT, 1991
(ACT NO. XII OF 1991)**

Television Programmes (Classification Certificates) Regulations, 1994

IN exercise of the powers conferred by section 35 of the Broadcasting Act, 1991, the Broadcasting Authority, in conjunction with the Prime Minister and the Minister for Youth and the Arts, has made the following regulations:—

1. These regulations may be cited as the Television Programmes (Classification Certificates) Regulations, 1994. Citation.

2. In these regulations: Interpretation.

“the Authority” means the Broadcasting Authority established by section 118 of the Constitution;

“broadcaster” means any person providing television broadcasting services as provided for in the Broadcasting Act, 1991, and also includes any person, body or authority providing such services under licence from or under arrangements with, the Government;

“television broadcasting service” means all the items within a single television service provided by a given broadcaster;

“work” means a cinematographic work or a work created by a process analogous to cinematography and also includes any film made for television and any creative audiovisual work.

3. No work shall be broadcast as part of a television broadcasting service unless it has been granted a classification certificate in writing under these regulations and unless the broadcaster complies with the conditions of such certificate. Requirement of classification.

4. (1) Every broadcaster shall appoint a person or persons to be responsible for the issue of classification certificates under these regulations in respect of works broadcast as part of the television broadcasting service provided by the said broadcaster. Responsible person.

(2) The broadcaster shall inform the Authority of the name, surname, age, place of residence and Identity Card number of any person appointed in terms of the previous paragraph of this regulation immediately upon appointment.

(3) The broadcaster shall keep all classification certificates issued in respect of his television broadcasting service in terms of these regulations for a period of ninety days after any work is last broadcast and he shall hand over all or any of the said certificates to the Authority immediately upon demand.

(4) The Authority shall have the right to disqualify any person appointed in terms of the first paragraph of this regulation from being entitled to issue classification certificates if, after giving opportunity to the broadcaster, to the person appointed and to any other person as it deems fit to make submissions to it on the matter, it is satisfied that the said appointment was not made in good faith or that the person appointed is manifestly unable to perform the duties of his office or that he is guilty of serious misconduct in the performance of his duties.

(5) No action for damages shall lie against the Authority for or by reason of any decision taken by it to disqualify any person from being entitled to issue classification certificates.

Classification
certificates.

5. (1) A classification certificate issued under these regulations shall contain:

(a) a statement that the work concerned is suitable for general viewing at any time (with or without advice as to the desirability of parental guidance with regard to the viewing of the work by young children or as to the particular suitability of the work for viewing by children); or

(b) a statement that the work concerned is suitable for viewing only after a time stated in the certificate.

(2) Responsibility to issue a classification certificate shall include the power to refuse to issue such certificate when the person responsible for the issue of the said certificate deems that a work is not suitable for television broadcasting.

Exercise of
functions.

6. Any person appointed in terms of regulation 4 of these regulations shall exercise his functions having regard to public morality, decency or propriety, to the protection of the interests of minors, to the qualities of the audience likely to view the broadcast also taking account of the means of transmission, and to the provisions of the Broadcasting Act and anything done thereunder.

Other
responsibilities
of the broadcaster.

7. Nothing in these regulations shall be construed as relieving the broadcaster from any obligation, responsibility or liability imposed upon him by or under any law.