

*Amended by:
XV. 2000.15.*

FIRST SCHEDULE

Article 16 (3)

PURPOSES FOR WHICH PROVISION IS TO BE MADE
IN LICENCES AND CONTRACTS
FOR THE PROVISION OF BROADCASTING SERVICES

1. A licence shall include -
 - (a) such conditions as appear to the Authority to be appropriate having regard to any duties which are or may be imposed on them, or on the licensee, by or under this Act;
 - (b) conditions enabling the supervision and enforcement of technical standards in connection with the provision of the licensed service (including the use of the allocated frequency);
 - (c) conditions requiring the payment by the licensee (whether on the grant of the licence or at such times thereafter as may be determined by or under the licence, or both) of a fee or fees of an amount or amounts so determined;
 - (d) conditions requiring the licensee to furnish the Authority, in such manner and at such times as it may reasonably require, with such information (including documents, returns, accounts and declarations) as it may require for the purpose of exercising the functions assigned to it by or under this Act;
 - (e) conditions requiring the licensee, if found by the Authority to be in breach of any condition of his licence, to reimburse to the Authority, in such circumstances as are specified in any conditions, any costs reasonably incurred by it in connection with the breach of that condition;
 - (f) conditions providing for such incidental and supplemental matters as appear to the Authority to be appropriate;
 - (g) conditions requiring licensees, other than those providing community radio services, within each financial year, to present to the Authority copies of their audited accounts for the previous financial year, a declaration as of the 31st December of each year as to the licensees' affairs/corporate structures as well as reports on the state of public opinion concerning their programme services;
 - (h) conditions relating to the broadcasting equipment to be used by the licensee.
2. A licence shall in particular include -
 - (a) conditions requiring the licensee -
 - (i) to comply with any direction given by the Authority as to such matters as are specified in the licence or are of a description so specified;
 - (ii) (except to the extent that the Authority consent to his doing or not doing them) not to do or to do such things as are specified in the licence or are of a description so specified;
 - (iii) to comply with the programme service ("promise of performance") as approved by the Authority;

- (b) conditions requiring the licensee to permit -
 - (i) any employee of, or person authorised by, the Authority, or
 - (ii) any officer of, or person authorised by, the Minister responsible for Wireless Telegraphy,to enter any premises which are used in connection with the broadcasting of the licensed service and to inspect, examine, operate or test any equipment on the premises which is used in that connection; and
- (c) conditions requiring the licensee -
 - (i) to retain, for a period of 90 days, a recording of every programme included in the licensed service;
 - (ii) at the request of the Authority or of a court of law, to produce to it any such recording;
 - (iii) to retain, for a period of one year, a transcript of every news programme included in the licensed service;
 - (iv) at the request of the Authority or of a court of law, to produce to it any such news transcript and any other script or transcript of a programme included in the licensed service which he is able to produce to it;
 - (v) to keep full logs for a twelve month period of all transmissions of the licensed service;
 - (vi) at the request of the Authority, or of a court of law, to produce to it such logs;
 - (vii) to adopt procedures to handle complaints from viewers and listeners.

3. A licence for community radio services shall include conditions preventing the licensee from -

- (a) utilising any of the frequencies allocated to Malta in terms of international agreements;
 - (b) interfering with any national broadcasting station received in Malta whether originating from Malta or from abroad;
 - (c) interfering with any of the nationwide radio services;
 - (d) having more power than is reasonably required for the purpose of transmission. The Authority shall, in conjunction with the Department responsible for wireless telegraphy, establish such amount of reasonable power and, in doing so, shall take into account the variations which occur from place to place due to the topography of the locality involved;
 - (e) including anything in programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;
 - (f) transmitting news or current affairs programmes except of a community nature; and
 - (g) utilising an allocated frequency for less than 20 hours per week.
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