



ORDER

issued to

The Rt. Hon. Perry G. Christie

and

Cable Bahamas Limited

pursuant to section 96(3) of the Communications Act, 2009

WHEREAS:

- (1) On 2nd May, 2012, the Attorneys for the Rt. Hon. Perry G. Christie ("Mr. Christie"), Attorney at Law, Member of Parliament for the Centreville Constituency and the Leader of the Official Opposition in Parliament, namely the Progressive Liberal Party ("PLP") submitted a complaint to the Utilities Regulation and Competition Authority ("URCA") that Cable Bahamas Ltd. ("CBL") as the licensee operating a television broadcasting station was contravening the provisions of Code of Practice for Content Regulation ("Content Code") issued by URCA on 2nd March 2012 (URCA document reference number ECS 06/2012) but particularly Clauses 6.8(1), (3) and (6).
- (2) Mr. Christie's Attorneys alleged that CBL is broadcasting on its television station the following paid political advertisement of the Free National Movement ("FNM"):

"Ten years ago Perry Christie led the most scandal ridden government in our history and now a foreign oil company wants to drill for oil in The Bahamas. They are paying Perry Christie, Brave Davis and Jerome Gomez to help them. Christie admits he was hired because of his government position. When asked about the scandal he answered, "Trust me." Sorry Perry, we won't be fooled again. Same Perry Christie, same corrupt PLP."

At the end of the subject political advertisement, the following words allegedly appear in bold:

**"PERRY CHRISTIE
CORRUPT
PROGRESSIVE LIBERAL PARTY"**.

UTILITIES REGULATION & COMPETITION AUTHORITY

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- (3) Mr. Christie's Attorneys further alleged that the words in the advertisement in their natural and ordinary meaning alleged that the Mr. Christie's association with an oil company which is seeking to drill for oil in The Bahamas is "corrupt" "scandalous" and not to be trusted, and also alleged that Mr. Christie's response to the allegations concerning his association with the said oil company, to the effect that he was to be trusted, was untrue, and merely an attempt to "fool" the public, and the subject advertisement concludes with an apparent warning to the public that Mr. Christie cannot be trusted as he is the same "corrupt" Mr. Christie that is associated with the same "corrupt" Progressive Liberal Party.
- (4) Mr. Christie's Attorneys further contended that the allegations in the subject advertisement that Mr. Christie's association with an oil company is "scandalous" "corrupt" and not to be trusted are untrue and disparage Mr. Christie in his office as an Attorney, a Member of Parliament and as the Leader of the Official Opposition, that the allegations constitute a grave and malicious slander and libel of him as there is nothing corrupt, scandalous and or untrustworthy about Mr. Christie's past association with the subject oil company which past association has been legal, above-board and free of any corrupt, scandalous and/or untrustworthy dealings. Mr. Christie's Attorneys requested URCA's immediate attention to the complaint in relation to the subject political advertisement.
- (5) On 3rd May, 2012, in response to Mr. Christie's complaint URCA issued the following INTERIM ORDER to CBL:

"[P]ursuant to section 96(1) of the Communications Act and Clause 10.9(22) of the Content Code, URCA hereby issues an Interim Order to CBL directing CBL to immediately cease and desist from broadcasting on its television station the subject advertisement, due to the possibility of serious or irreparable damage to Mr. Christie while URCA undertakes its investigation of Mr. Christie's complaint. This Interim Order is limited in time to 7th May 2012 being the period of time that URCA currently expects to require in order to complete its investigation into this matter."

CBL was at the same time directed to submit a copy of the subject recording to URCA by 2:00 PM on 3rd May, 2012.

URCA also notified CBL that URCA's preliminary position was that the subject advertisement may be defamatory and thereby in breach of the Content Code in the following respects:

- (a) The use of the word "scandal" in the sentence in the subject advertisement that states "When asked about the scandal he answered, 'Trust me'". Given the natural and ordinary meaning of the word "scandal" and the Licensee's ultimate responsibility under Clause 2.1(1) for ensuring compliance with the Content Code, could the Licensee justify the use of this word in the subject advertisement based on the statements made in the preceding sentence or preceding two sentences?
 - (b) The allegation involving the words in bold at the end of the subject political advertisement: "PERRY CHRISTIE CORRUPT PROGRESSIVE LIBERAL PARTY". Given the placement of the word "CORRUPT" in the subject advertisement and the Licensee's ultimate responsibility under Clause 2.1(1) for ensuring compliance with the Content Code, could the Licensee justify that the placement of the word in the subject advertisement was not referring to Mr. Christie and thereby created in the minds of viewers and listeners the inference that he is corrupt?
- (6) On 3rd May, 2012, CBL wrote to URCA stating that:

"Our records do not support the assertions being made by the attorneys for the Right Honourable Perry G. Christie, Attorney-at-law, Member of Parliament for the constituency of Centerville and the Leader of Her Majesty's Official opposition. Our records do not indicate that we received and/or have been broadcasting the advertisement referred to in your interim order. We attempted to speak with the attorney for Mr. Christie on May 2, 2012 however, our messages have not been answered."

- (7) Having regard to the above and to the provisions of section 96(3) of the Communications Act, 2009, which stipulates that "Any interim order should be followed by a full investigation, upon the completion of which an order shall be issued by URCA that either reinforces, changes or revokes the interim order" and the provisions of Clause 10.9(23) of the Content Code which stipulates that "Upon completion of its full investigation, URCA will issue an order under section [96(3)] of the Communications Act that either reinforces, changes or revokes the

interim order”, URCA has concluded that, in light of the events that have transpired since issuing the Interim Order on 3rd May, 2012, and following URCA’s receipt of CBL’s letter dated 3rd May, 2012, refuting Mr. Christie’s allegation that CBL was broadcasting the advertisement referred to in the Interim Order and in the letter from Mr. Christie’s Attorneys to URCA dated 2nd May, 2012, URCA should revoke the said Interim Order and discontinue its investigation of this matter.

Now, therefore, in exercise of its powers under section 96(3) of the Communications Act and Clause 10.9(23) of the Content Code, URCA issues the following ORDER to Mr. Christie and to CBL:

1. The Interim Order issued by URCA to Cable Bahamas Ltd. on 3rd May, 2012, and thereby limited in time to 7th May, 2012, is hereby revoked and of no further effect.

Dated this 4th day of May, 2012.



Chief Executive Officer
Utilities Regulation and Competition Authority