

## **Summary: Interim Code of Practice for Broadcasting Content**

The Communications Act, 2009 (“Comms Act”) creates a new regime for content regulation in The Bahamas, based on the adoption of Codes of Practice (“Codes”) covering television and radio programmes. The content Rules made under the Broadcasting Act included special provisions relating to programming, advertising, news broadcasts and other content. Sections 11, 18 and 21 of the Broadcasting Act and its subsidiary legislation – including those Rules relating to broadcasting content – were repealed by s. 120(1) of the Comms Act.

On 3 February, 2010, URCA published a public consultation document [ECS 02/2010] setting out its proposals to exercise its powers of delegation by establishing an industry Working Group to develop new Codes of Practice for broadcasting content. The public consultation closed on 12 March and URCA intends to publish its Statement of Results document on the responses to that consultation during the second quarter of 2010.

In order to ensure that content rules relating to broadcasting content are in force during the period before the new Codes are formally promulgated, URCA is today publishing an Interim Code that specifically covers all forms of broadcasting content (except political broadcasts which are covered separately by the Interim Code of Practice for Political Broadcasts [ECS 01/2010]), which will come into effect immediately and remain in force until the new content Codes are published. The substantive provisions in this Interim Code are based on the now-repealed Broadcasting Rules 1992 and the Broadcasting (Licensing) Rules 1993, modified to reflect the new Comms Act environment, the powers of enforcement which are now vested in URCA, and to make provision for content over which broadcasters in The Bahamas have editorial responsibility and control. This Interim Code applies to programming broadcast on radio and television stations that are licensed in The Bahamas, and operated and controlled by Bahamian entities. However, this Interim Code does not apply to radio stations or TV channels that originate overseas (the content of which is therefore governed by their own domestic regulatory regimes). Licensees in The Bahamas are responsible for ensuring compliance with the Interim Code for all programming on the TV channels and radio stations that they operate, including their own productions, acquired programmes and programmes made by persons or organisations that have purchased airtime.

The Interim Code of Practice for Broadcasting Content is issued by URCA in accordance with Part IX (Content Regulation) of the Comms Act.