

**REVISION OF THE CODE OF
PRACTICE FOR CONTENT REGULATION**

PUBLIC CONSULTATION

ECS 70/2024

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1. Introduction

The Utilities Regulation and Competition Authority (URCA) is the independent regulator of the Electronic Communications Sector (ECS) in The Bahamas. It operates under the powers granted by the Communications Act of 2009 (Comms Act)¹, enabling it to issue regulatory measures to implement and advance the national ECS Policy².

URCA issues this consultation document to present crucial revisions to the Code of Practice for Content Regulation in The Bahamas (the Code)³. These revisions are focused on applicability, political broadcasts, advertising and sponsorships, access services, complaint handling processes, and emerging technologies (ET). ET are new transformative, innovative tools characterised by radical novelty, rapid growth, and often disruptive nature, significantly altering industries, economies, societies and business norms and practices. The proposed changes result from the 2023 coregulatory consultative URCA-moderated review of the Code by the Content Regulation Industry Group (CRIG), established under section 55 of the Comms Act.

URCA invites members of the public, licensees, stakeholders, and other interested parties to participate fully in this consultation process under Part IX of the Comms Act and Clause 1.5 of the Code.

1.1. Background to this Consultation

URCA regulates broadcast material to:

- Ensure that content is appropriate and meets standards
- Protect the public from harmful or offensive material
- Maintain integrity and credibility of the broadcasting industry
- Assure adherence to guidelines and standards it sets
- Prevent the dissemination of false or misleading information
- Promote diversity and inclusivity in broadcasting
- Protect vulnerable groups, such as children, from inappropriate content
- Maintain public trust and confidence in the broadcasting industry
- Promote accurate presentation of news and free expression of opinion
- Achieve electronic communications policy objectives
- Provide codes of practice for Licensees to observe
- Regulate advertising and preventing misleading broadcasts
- Ensure high-quality content that appeals to a wide variety of tastes and interests

¹ <https://urcabahamas.bs/publications/communications-act-2009/>

² <https://urcabahamas.bs/publications/electronic-communications-sector-policy-2020-2023/>

³ ECS 08/2020 available at https://urcabahamas.bs/wp-content/uploads/2020/08/Code-of-Practice-for-Content-Regulation-REVISED-2020_Final_DD_170820-1.pdf

- Require access services for people with impairments, such as closed captioning and sign language interpretation
- Establish complaints handling procedures and impose sanctions for breaches of content standards.

URCA seeks input from stakeholders and the public. It will use the responses in the context of available data and research to ensure that its regulatory measures align with Bahamian societal standards.

The Content Regulation Industry Group (CRIG) is a co-regulatory body with delegated and advisory responsibility for overseeing content provision operations in the broadcasting industry in The Bahamas. CRIG membership includes up to ten (10) licensed industry stakeholders in good standing. It comprises Alternative Ventures Limited, Bahamas Free Press, BTC, the Broadcasting Corporation of The Bahamas, Cable Bahamas Limited, Global Media, Guardian Radio, Rum Cay Media, Tribune Radio, and Verizon Media Group. Its primary responsibilities include understanding, analysing, and representing the views and interests of these operations within the context of the broadcast sector.

The CRIG advises URCA on content regulation, broadcasting quality, broadcasting standards, compliance with codes of practice, media literacy, and public awareness. It also monitors compliance with the Code and offers recommendations on content-related issues.

In addition, the CRIG facilitates collaboration and cooperation among industry stakeholders, promotes the growth and sustainability of the broadcasting industry, and advocates for the industry's interests with URCA and other relevant stakeholders.

In 2020, URCA issued ECS 07/2020—Final Decision: Revision of the Code of Practice for Content Regulation, which Licensees providing audiovisual media services in The Bahamas are required to adhere to. The Code was revised following public consultation in accordance with section 11 of the Comms Act and Clause 1.5 of the Code, which requires, in conjunction with the CRIG, a formal review of the Code after it has been in effect for three years.

The 2020 consultation resulted in amendments to Part 6 of the Code, which dealt with Political Broadcasts and Advertisements; Part 7, with Advertising and Sponsorships; and Part 10, which contains the Complaints Handling Process administered by URCA under the Code.

Per its obligation under Clause 1.5 of the Revised Code, URCA convened the CRIG and coordinated a review of the entire Code in 2023. It considered the need for changes from an industry perspective and proposed amendments for consideration as it saw fit. The review process continued through December 2023 and resulted in valuable recommendations, which partly informed this public consultation.

1.2. Structure of the Remainder of this Consultation

The remainder of this consultation document is structured as follows:

Section 2:	Outlines the regulatory framework under which URCA is conducting this consultation
Section 3:	Sets out the Parts of the Code under review and URCA's rationale for the proposed revision
Annex A:	Sets out the proposed amendments to the Code
Annex B:	Summarizes the questions raised under this consultation.
Annex C:	Endnotes and References

1.3. Responding to this Consultation.

URCA invites written comments and submissions from members of the public, licensees, and interested parties on the revisions proposed in this consultation document. Written comments or submissions can be delivered to URCA's Director of Electronic Communications or designate:

- by mail to P. O. Box N-4860; or
- by email to info@urcabahamas.bs

All responses should be submitted on or before 5:00 p.m. on 20 September 2024, and URCA will acknowledge receipt. URCA's preferred format for written responses includes the following:

- the respondent's name;
- organisation name (or whether the respondent is a consumer),
- email address;
- responses to questions asked under this consultation document; and
- any other matters the respondent believes URCA should consider.

URCA may disseminate all responses by making them publicly available on its website. If a response is designated 'confidential,' the respondent is requested to provide a rationale to aid URCA in evaluating the request for confidentiality. It is important to note, however, that URCA reserves the right to exercise its discretion in deciding whether to publish confidential submissions or documents.

2. Regulatory Framework

URCA issues this consultation document under the regulatory framework delineated in this section.

2.1. The Communications Act of 2009 (“Comms Act”)

The Comms Act established the framework for regulating and ensuring competition in the Bahamian electronic communications markets.

8. (1) For the purposes of carrying into effect the electronic communications policy objectives, URCA shall have the power to issue any regulatory and other measures and in particular shall —

- (a) make determinations in accordance with the terms of sections 99 to 102;
- (b) make adjudications in accordance with the terms of sections 103 to 106;
- (c) impose conditions and penalties by order as specified in sections 95 to 98;
- (d) issue regulations;
- (e) issue directions, decisions, instructions and notifications;
- (f) statements, publish and maintain registers or lists; (g) issue technical rules and standards;
- (g) for the purposes of enforcing compliance with this Act, institute prosecutions in accordance with the terms of this Act or any other law; STATUTE LAW OF THE BAHAMAS LRO 1/2010 COMMUNICATIONS [CH. 304 – 19 (i)
- (h) issue, suspend, vary or revoke licences, permits and exemptions under Part IV; conduct inquiries, investigations and oral hearings;
- (i) require any licensee or licensees to furnish such information and submit such returns in relation to its operations at such intervals as it may require; (1) conduct market investigations and market reviews and publish regular information and reports; and (m) exercise any other powers assigned to it by this Act or any other law.

11. (1) URCA shall follow the specific procedures set out at section 95 and section 104 when issuing regulatory and other measures referred to in those sections. Where no specific procedures are specified in this Act —

- (a) URCA shall allow persons with sufficient interest a reasonable opportunity to comment on proposed regulatory and other measures which, in its opinion are of public significance;
- (b) persons whose rights or interests may be materially adversely affected or prejudiced by the proposed regulatory and other measures shall have sufficient interest for the purpose of paragraph (a); and
- (c) URCA shall give due consideration of those comments prior to introducing those measures.

13. (1) A regulatory and other measure is likely to be of public significance if it relates to electronic communications services or networks and can lead to one or more of the following —
- (a) involve a major change in the activities carried on by URCA under this Act;
 - (b) a significant impact on persons carrying on activities in those areas where URCA has functions under this Act; and
 - (c) a significant impact on the general public in The Bahamas.
13. (2) Without prejudice to any regulatory and other measures being considered of public significance, the following instruments shall be considered regulatory or other measures of public significance for the purposes of sections 11 and 12 —
- (a) the sector policy; and
 - (b) regulations, technical rules and standards.
52. URCA may by determination issue regulatory and other measures to regulate content services intended for reception by subscribers of carriage services or by broadcasting in The Bahamas.
53. (1) URCA shall issue codes of practice that are to be observed by licensees providing audiovisual media services in The Bahamas.
53. (2) Codes of practice issued under subsection (1) may include standards which might include one or more of the following —
- (a) methods of ensuring that the protection of children from exposure to programme material which may be harmful to them;
 - (b) promoting accuracy and fairness in news and current affairs programmes;
 - (c) preventing the broadcasting of programmes that simulate news or events in a way that misleads or alarms the audience;
 - (d) in the case of codes of practice developed for broadcasting —
 - (i) time devoted to advertising;
 - (ii) standards requiring advertisements to be distinguished from programme content;
 - (iii) the kinds of sponsorship announcements that may be broadcast; and
 - (iv) the kinds of sponsorship announcements that particular kinds of programmes may carry;
 - (e) captioning of programmes for the hearing impaired;
 - (f) teletext and ancillary services;
 - (g) party political broadcasts;
 - (h) sports and national events broadcasting;
 - (i) must carry regulations; and
 - (j) national emergency and disaster conditions.
53. (3) In developing codes of practice relating to matters referred to in subsection (2) the following matters will be taken into account —
- (a) the portrayal in programmes of —
 - (i) physical and psychological violence;
 - (ii) sexual conduct and nudity;

- (iii) the use of drugs, including alcohol and tobacco; and
 - (iv) matter that is likely to incite or perpetuate hatred against, or vilifies, any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, age, religion or physical or mental disability;
 - (b) the use in programmes of offensive language.
54. URCA shall as part of any code of practice issued under section 53(1), determine procedures to be observed by all or some of those persons identified in section 53(1) for —
- (a) handling complaints from the public about programme content or compliance with codes of practice; and
 - (b) reporting to URCA on complaints so made.
55. (1) URCA shall have the power to allow industry groups to develop, in consultation with URCA and taking into account any relevant research conducted by URCA. codes of practice that are to be applicable to the content Complaints. Power to delegate. LRO 1/2010 STATUTE LAW OF THE BAHAMAS [CH. 304 – 46 COMMUNICATIONS provision operations of each of those sections of the industry and to monitor compliance with such codes.
- (2) Codes of practice developed under this section shall not have effect until published by URCA.

2.2. Code of Practice for Content Regulation (REVISED)

According to Clause 1.5 of the Code, URCA is obliged to formally review the Code after it has been in effect for three (3) years in consultation with the Industry Group established by URCA per section 55(1) of the Comms Act. If substantive changes to the Code are required before the next review period, URCA, in consultation with the CRIG, shall provide all stakeholders with a reasonable opportunity to comment on the proposed changes.

3. URCA's Proposals to Amend the Code

3.1. Part 1: Interpretation, Purpose, and Applicability

URCA proposes revising the language contained in Clause 1.4(3) of the Code to remove any doubt that it applies to digital and social media platforms broadcast licensees use to deliver content, regardless of the platform or whether it is marketed explicitly to audiences in the Bahamas.

Part 1: Interpretation, Purpose and Applicability

Existing Code:

1.4 (3) This Code does not apply to content which is delivered by Licensees solely via the Internet, and which is available for access by any person situated within or outside The Bahamas via the Internet unless that content is targeted at persons within The Bahamas by virtue of it being promoted or advertised within The Bahamas.

URCA's Proposed Amendment:

1.4 (3) For the avoidance of doubt, this Code applies to content which is delivered by Licensees solely via the Internet, and which is available for access by any person situated within or outside The Bahamas.

The Code primarily focuses on regulating broadcasting content rather than digital or online content in The Bahamas. While the Code does not set out specific aspects regarding regulating digital or online content, it does provide that its framework for content regulation must be applied to digital and/or online platforms operated by broadcast Licensees. To be clear, the Code does not comprehensively cover all aspects of digital or online content regulation, nor does it apply in any way to content produced by individuals or organisations who are not URCA-licensed broadcasters.

Social media's advent has positively and negatively impacted traditional broadcast media in The Bahamas. On the one hand, social media has enabled individuals to become active participants in the media landscape and has given them a platform to share their views and opinions. This has increased diversity and represented a more comprehensive range of perspectives. Additionally, social media has allowed for more rapid and widespread dissemination of news and information, breaking down the barriers that once existed between the media and its audience.

On the other hand, the rise of social media has disrupted the traditional business model of Bahamian broadcast media, which has struggled to adapt to the new reality. The decentralised and user-focused nature of social media has led to a decline in the influence of traditional media platforms, which now must adapt and compete on an array of alternative platforms while maintaining their traditional broadcast network infrastructures. This has significantly influenced cost-cutting, downsizing, and concerns over the quality and integrity of information

being shared on social media and the potential for misinformation and propaganda to spread quickly and easily.

Overall, social media has significantly impacted the converged media sector. While the positive and negative aspects of this impact are still being debated, the rise of social media has fundamentally changed how we consume and engage with media.

Ultimately, separate legislative action, regulations, revisions and more detailed amendments to the Code could soon be proposed concurrently and informed by a robust, sustained multi-agency approach. This multi-agency approach is crucial as it ensures that all aspects and perspectives are considered in the decision-making process. However, it must be considered that there will be opposing views and extensive discourse on whether effective regulation of the full scope of digital or online content in The Bahamas is possible, or even necessary, beyond existing criminal legislation. This will ensure that content regulation keeps pace with the changing media and technology landscape and is applied appropriately and fairly to cross-media platforms.

URCA considers imposing traditional regulatory standards on digital content shared by licensed conventional broadcasters in The Bahamas to be fair and necessary for several reasons. Traditional regulatory standards are designed to protect consumers, uphold ethical standards, and maintain public trust in the media. These standards have been developed to address traditional broadcasters' unique challenges and responsibilities in delivering content to the public. Applying these standards to digital content shared by licensed traditional broadcasters helps maintain consistency and accountability across platforms operated by Licensees.

Secondly, digital content shared by licensed traditional broadcasters in The Bahamas can have the same impact and reach as content broadcasted through conventional channels. Therefore, applying the same regulatory standards to maintain a level playing field and protect consumers regardless of the medium through which the content is delivered is essential. Imposing traditional regulatory standards on digital content shared by licensed broadcasters helps address the challenges posed by the convergence of traditional and digital media.

UK regulator OFCOM's Broadcast Code, which sets out standards for content on television and radio services, does not explicitly mention the regulation of content presented by licensed broadcasters on non-traditional horizontal platforms such as social media and digital online content. However, it is essential to note that OFCOM's regulatory remit extends to various media platforms, including traditional broadcast services, video-on-demand services, and online platforms by way of the Online Safety Act 2023⁴, which applies to any organisation or individuals that provide online services within the UK, services which have a significant number of users in the UK, or if the UK is the target market.

Concerning The Bahamas, it is crucial to modify the relevant language in the Revised Code to unequivocally require that the Revised Code rules apply to content distributed by broadcasters licensed by URCA, irrespective of platform or the target audience's location.

⁴ <https://www.legislation.gov.uk/ukpga/2023/50/enacted>

Question 1: Do you agree with URCA's proposal to revise the language contained in 1(4) of The Revised Code to remove any doubt that it applies to digital and social media content platforms used by broadcast Licensees to deliver content, regardless of the platform or whether that content is marketed explicitly to audiences in The Bahamas? If not, please provide reasons for your answer.

3.2. Part 2: Operational and Technical Rules

URCA proposes to add *Clause 2.8 Synthetic Media*, under Part 2: Operational and Technical Rules that would mandate licensed broadcast operators to modify and/or develop internal policies governing their use of synthetic media, Artificial Intelligence (AI)⁵ (*Deepfake*⁶), and any other emerging technologies that they employ to ensure their use complies with the Code.

Part 2: Operational and Technical Rules

Proposed New Code Provision

Technical Rules

2.8 Synthetic Media

(1) Without limitation to the specific rules set out elsewhere in this Code, Licensees who use Artificial Intelligence (AI), synthetic media, autonomous generative computer applications, or any emerging technology shall in the preparation and scheduling of programming for broadcast via any means of electronic communications, ensure that the content is consistent with rules prohibiting the broadcast of misinformation, deception, and the accuracy of content as set out in Sections 8.1 Accuracy, objectivity, and impartiality, 8.2 Misrepresentation and False Information, and 8.10 Fairness.

“Synthetic media” is a broad term that refers to the artificial creation or alteration of media by machines, particularly programs that use artificial intelligence and machine learning. In simpler terms, it's media that is created by technology. Synthetic media is also known as "AI-generated media".

Synthetic media is a versatile tool encompassing video, image, text, and voice content. It is created, altered, or manipulated using artificial intelligence algorithms. AI alone or in collaboration with human input can generate synthetic media. This dynamic technology has found its place in various digital media forms, including virtual and augmented reality, gaming, marketing, advertising, filmmaking, and broadcasting.

⁵ Artificial Intelligence (AI) refers to the capability of a machine to carry out tasks that are generally considered to require human intelligence. Common applications of AI include game playing, language translation, expert systems, and robotics. While the concept of machines mimicking intelligence dates back to ancient times, the emergence of true intelligence in machines was only possible with the development of digital computers in the 1940s. The evolution of AI, or at least the appearance of intelligence, has progressed alongside the advancement of computer processing power, which seems to be the primary constraint. Early AI projects, such as playing chess and solving mathematical problems, are now considered relatively simple compared to more complex tasks like visual pattern recognition, complex decision making, and the use of natural language.
Copeland, B. (2024, April 30). artificial intelligence. **Encyclopedia Britannica**. <https://www.britannica.com/technology/artificial-intelligence>

⁶ **deepfake**, [synthetic](#) media, including images, videos, and audio, generated by [artificial intelligence](#) (AI) [technology](#) that portray something that does not exist in reality or events that have never occurred.
Payne, L. (2024, April 29). deepfake. **Encyclopedia Britannica**. <https://www.britannica.com/technology/deepfake>

The versatile applications of synthetic media can significantly enhance content creation and delivery. It enables broadcasters to create engaging and innovative programming that may be difficult or impossible to achieve with traditional media, revolutionising how content is produced and consumed across different industries.

In the broadcasting industry, synthetic media offers a range of potential applications. Visual effects produced through synthetic media can enhance scenes, alter elements, and create virtual environments, creating visually captivating content. Furthermore, virtual presenters or hosts can be created using synthetic media, offering programming and presentation style flexibility. Language localisation is made possible through automatic translation and dubbing, enabling broadcasters to reach wider audiences by catering to diverse linguistic preferences. Moreover, synthetic media can be used for personalisation, creating custom versions of programs tailored to specific viewer preferences or demographics. Finally, historical events or figures can be recreated using synthetic media, enhancing educational programming and documentaries with visually compelling and immersive experiences for viewers.

It is important to note that while synthetic media offers numerous creative possibilities, it also presents challenges and risks. Broadcasters must carefully consider these factors and ensure compliance with relevant regulations and guidelines when using synthetic media in their programming.

The rise of 'Deepfake' software also can pose significant challenges for broadcast journalists. This technology can create fake news, propaganda, and other forms of disinformation, making it difficult to authenticate footage from online sources. With the ability to realistically manipulate audio and video content, distinguishing between genuine and manipulated content becomes increasingly complex, potentially spreading false information.

Moreover, the credibility of broadcast content is at risk as 'Deepfake' and other synthetic media technologies can erode trust. Audiences may struggle to determine the authenticity of the content they consume. If viewers are unaware that they are watching 'Deepfake' footage, they may be misled or deceived, ultimately damaging their trust in broadcasters and the information they provide.

Furthermore, the use of 'Deepfake' software raises fairness and privacy concerns. By replacing a person's likeness in an image or video with someone else's, individuals can be misrepresented or falsely portrayed, leading to unfairness. Additionally, this technology has the potential to infringe upon individuals' privacy by using their likeness without consent, which can result in unwarranted privacy violations. Therefore, broadcasters must be aware of these risks and take appropriate measures to mitigate them.

Compliance with the existing Code can help protect Bahamian audiences from potential harm from using synthetic media technologies like 'Deepfake' software. By adhering to rules related to harm and offence, impartiality and accuracy, fairness, and privacy, broadcasters can maintain high levels of trust in broadcast news and ensure that individuals and organisations are not mistreated or have their privacy infringed upon.

It is worth noting that the risks associated with 'Deepfake' software are not limited to broadcasters and audiences alone. They also extend to society, as the spread of manipulated content can have broader implications for public discourse, trust in media, and democratic processes.

URCA supports exploring and integrating new technologies, such as synthetic media, across the broadcasting industry. URCA recognises the potential benefits of synthetic media in increasing audience engagement and fostering innovative content creation. However, URCA also acknowledges the associated challenges and risks, including the potential for misinformation, erosion of trust, and concerns about fairness and privacy. Despite these risks, URCA emphasises the importance of freedom of expression for broadcasters and audiences while encouraging the responsible use and exploration of new and emerging technologies, including synthetic media.

URCA underscores Licensees' responsibility to comply with the Broadcasting Code and believes that existing rules indirectly protect audiences from potential harms related to misinformation, deception, and content accuracy. While the current regulations provide some protection, it is crucial to acknowledge the rapidly evolving nature of synthetic media and emerging technology, which may necessitate additional regulations, guidelines, or industry standards to address unique challenges and potential risks.

URCA believes that strengthening the existing rules within the Code and aligning internal policies with compliance with the Code, regardless of evolving technology, can effectively regulate synthetic media and protect audiences while emphasising the importance of freedom of expression and ongoing compliance with the Code. This approach seeks to balance the benefits of synthetic media with the need to mitigate potential risks, ensuring a fair and safe media environment for broadcasters and audiences.

URCA is proposing a change to the existing requirement in 2.4(1) of the Code for radio stations to retain recordings of their content. The proposed change specifies that only the broadcast transmitter output, not the studio or live streaming outputs, fulfils this requirement. This is to ensure that the retained recordings accurately represent the respective broadcasts.

Part 2: Operational and Technical Rules

Existing Code:

Technical Rules

2.4 Retention and Production of Station Recordings

(2) The Licensee must keep recordings made pursuant to this Clause for the longest of the following periods:

- (a) six (6) weeks starting on the day after the material was broadcast;
- (b) if a complaint has been made to the Licensee under Part 10 of this Code in relation to material contained in a broadcast – one (1) year from the date on which the complaint is resolved; or

(c) any longer period specified by URCA in writing.

URCA's Proposed Amendment:

Technical Rules

2.4 Retention and Production of Station Recordings

(2) The Licensee must keep broadcast transmitter output recordings made pursuant to this Clause for the longest of the following periods:

- (a) six (6) weeks starting on the day after the material was broadcast;
- (b) if a complaint has been made to the Licensee under Part 10 of this Code in relation to material contained in a broadcast – one (1) year from the date on which the complaint is resolved; or
- (c) any longer period specified by URCA in writing.

"Broadcast transmitter output" refers to the signal or information transmitted from a broadcasting station to receiving devices, such as radios or televisions. This output carries the audio or video content in its final form as intended for delivery to the audience over the airwaves or through other transmission mediums to reach the listeners or viewers.

Every licensed radio broadcaster must comply with section 2.4 (2), which requires them to retain recordings of their content for six (6) weeks, one year if that content is the subject of a complaint, or any longer period specified in writing by URCA after broadcasting and to provide them to URCA upon request. Failure to comply with this requirement can prevent URCA from properly regulating broadcast content and enforcing Licence Conditions and the Code.

It is important to note that the retained recordings must be the broadcast output of the radio broadcast Licensee's transmitter feed. Even though the online or studio and broadcast transmitter output may be similar, URCA requires the tapes of the broadcast output related to the Licence, which is altered for aesthetic and commercial value processing as part of the technical broadcast process. Any recordings of a separate online stream or pre-broadcast output, such as from a studio production computer, are not processed for broadcast, and even though the content may be identical, they are not processed and, therefore, not accurately representative of the Licensees' broadcasts.

Processed sound undergoes techniques that improve volume consistency, adjust tone and balance, enhance the stereo effect, and ensure compliance with technical standards for broadcasting. This makes parts of the audio content that might not be audible in unprocessed sound more likely to be heard when it is processed for broadcast. On the other hand, unprocessed sound maintains its natural variations in volume, original tone and balance and typically does not undergo the optimisation needed for commercial broadcasting standards.⁷

⁷ Maempel, H.-J., & Gawlik, F. (2012).

The influence of sound processing on listeners' program choice in radio broadcasting. Retrieved from <https://www.researchgate.net/publication/228565066> The influence of sound processing on listeners' program choice in radio broadcasting

A recent case from the United Kingdom illustrates why this is important and can, as in this case, work in favour of the Licensee.

UK regulator Ofcom found that in March 2022, a community radio station, Revolution Radio Limited, breached Licence Condition 8 on the retention and production of recordings of the licensed service's broadcast output. Ofcom requested recordings from Revolution Radio to assess complaints about offensive language. Initially, Revolution Radio provided a recording from its logger at the radio station, which records the studio output as a high-quality record of the program material sent for transmission. However, Revolution Radio later clarified that they do not record 'off air' and that the language would have been less clearly audible on FM as the speech volume would have fallen below the threshold of their compression and would not have been amplified to an audible level.

This case highlights the importance of retaining and providing recordings of the licensed service's broadcast output instead of studio or unprocessed streaming audio recordings. Revolution Radio must keep and provide recordings of the licensed service's broadcast output, as stated in Licence Condition 8, to allow Ofcom to assess the output of the service and carry out its statutory duties in regulating broadcast content. The studio output recording provided by Revolution Radio may not accurately represent what was broadcasted on FM, as there can be differences between the studio and FM transmitter output. In this case, Revolution Radio relied on the difference between the two outputs to successfully argue that the offensive language would have been less audible on FM.⁸

URCA proposes to revise clause 2.5(2) of the Revised Code to ensure broadcasters identify their digital presence in addition to their traditional station identification requirements.

Part 2: Operational and Technical Rules

Existing Code:

Technical Rules

2.5 Station Identification

(2) Official station identification shall consist of:

- (a) the name of the Licensee;
- (b) the broadcasting station's radio frequency or channel number as stated on the station's Licence; and
- (c) the broadcasting station's call letters, call sign or station identification immediately followed by the community or communities specified in its Licence as the station's territorial location.

URCA's Proposed Amendment:

Technical Rules

2.5 Station Identification

⁸ [January 2023 - Licensing Decision - Revolution Radio - Retention and production of recordings \(ofcom.org.uk\)](#)

- (2) Official station identification shall consist of:
- (a) the name of the Licensee;
 - (b) the broadcasting station's radio frequency or channel number as stated on the station's Licence;
 - (c) the broadcasting station's call letters, call sign or station identification immediately followed by the community or communities specified in its Licence as the station's territorial location; and
 - (d) the identification of the Licensees' digital media presence, including any website, social media, or streaming platform operated by the Licensee.

Broadcasters in The Bahamas should be required to include digital identification along with their traditional station identification requirements for several important reasons. The media landscape has evolved significantly with the increasing popularity of digital platforms, and acknowledging this shift by including digital identification is crucial. Additionally, audiences now expect broadcasters to have a digital presence and engage with them online. Moreover, requiring digital identification can promote transparency and accountability in broadcasting, which is essential for maintaining trust with the audience. Furthermore, including digital identification can support competition and innovation within the broadcasting industry. Revising clause 2.5(2) to include Bahamian broadcasters' digital and online presence identification ensures consistency and standardisation in station identification requirements across different platforms. This is important for creating and maintaining a cohesive and professional broadcasting environment.

URCA is proposing a change to clause 2.6(3) that will eliminate the outdated reference to the transitional date for Licensees who wish to adopt new technical standards for broadcast content submitted by individuals or entities who want that content to be broadcast. Instead, these Licensees must submit the proposed standards to URCA for review at least two months before implementation.

Part 2: Operational and Technical Rules

Existing Code:

Technical Rules

2.6 Technical Standards

- (3) Every Licensee that intends to adopt technical standards as contemplated by Clause 2.6(2)(c) of this Code shall, **by no later than 1st March 2012 and thereafter** at least two months prior to the Licensee making any changes thereto, submit such technical standards for URCA's non-objection. URCA may, if it considers a Licensee's technical standards are unreasonable, direct that Licensee in writing to amend its technical standards.

URCA's Proposed Amendment:

Technical Rules

2.6 Technical Standards

- (3) Every Licensee that intends to adopt new technical standards as contemplated by Clause 2.6(2)(c) of this Code shall, **at least sixty (60) calendar days before the Licensee making any changes thereto, submit such technical standards for URCA's non-objection. URCA may, if it considers a Licensee's technical standards unreasonable, direct in writing that the Licensee amend its proposed technical standards.**

URCA intends to update clause 2.6(3) of the Code. This update will remove the reference to the outdated cut-off date for Licensees to submit new technical standards for broadcast content while keeping the existing two-month lead time.

Clause 2.6(2)(c) allows Licensees to establish technical requirements for content providers, provided that these requirements adhere to URCA's standards. The goal of this provision remains unchanged in the proposed revision. According to Clause 2.6(3), Licensees must present any new proposed technical standards to URCA for approval. URCA will assess these standards to ensure they meet regulatory expectations. If URCA considers a Licensee's standards unreasonable, it has the authority to request modifications. The proposed revision aims to streamline the process for Licensees by replacing the old hard deadline for submitting new standards with a requirement to do so at least 60 calendar days before implementation, thereby reducing confusion and unnecessary burdens.

Question 2: Do you agree with URCA's proposal to introduce *Clause 2.8 Synthetic Media*, under Part 2: Operational and Technical Rules, which would mandate that licensed broadcast operators modify existing or develop new internal policies governing their use of synthetic media, AI, or any emerging technologies they employ to ensure their use complies with the Code? If not, please provide reasons for your answer.

Question 3: Do you agree with URCA's proposal to amend the existing requirement in clause 2.4(2) for radio stations to retain recordings of their content to specify that their broadcast transmitter output is maintained, not studio or live streaming outputs, to ensure that retained recordings are consistent with the respective broadcasts they are purported to represent? If not, please provide reasons for your answer.

Question 4: Do you agree with URCA's proposal to revise clause 2.5(2) of the Code to ensure broadcasters identify their digital presence in addition to their traditional station identification requirements? If not, please provide reasons for your answer.

Question 5: Do you agree with URCA's proposal to amend clause 2.6(3) to eliminate the outdated reference to the transitional date for Licensees who wish to adopt new technical standards for broadcast content submitted by individuals or entities who want that content to be broadcast? If not, please provide reasons for your answer.

3.3. Part 4: Harm and Offence

URCA proposes the removal of the term “evil.”⁹ from clause 4.1(1)(a)(iii) of the Revised Code. Evil is not legally defined but is generally considered a form of harm within a paranormal context.

Part 4: Harm and Offence

Existing Code:

Preservation of Law and Order

4.1 Crime

(1) The following categories indicate material which is of a criminal nature that will invariably be unsuitable for broadcast:

(a) material which:

- (i) is reasonably likely to encourage or incite the commission of a crime;
- (ii) is reasonably likely to lead to public disorder;
- (iii) threatens harm or evil;**
- (iv) presents detailed depiction of the use of illegal drugs, or instruction in or encouragement of illegal drug use;
- (v) advocates or promotes hatred in any form (up to and including genocide) against, or vilifies, any person or identifiable group on the basis of ethnicity, nationality, race, gender, sexual preference, age, religion or physical or mental disability;
- (vi) circulates or makes available false information regarding the outbreak of a deadly or contagious disease.

URCA's Proposed Amendment:

Preservation of Law and Order

4.1 Crime

(1) The following categories indicate material which is of a criminal nature that will invariably be unsuitable for broadcast:

(a) material which:

- (i) is reasonably likely to encourage or incite the commission of a crime;
- (ii) is reasonably likely to lead to public disorder;
- (iii) threatens harm;**

⁹ **evil** – adjective (‘ē-vəl) *British often and US sometimes* ‘ē-(,)vil *eviler or eviller; evilest or evillest* 1. a: morally reprehensible : *sinful, wicked* - an *evil* impulse b: arising from actual or imputed bad character or conduct - a person of *evil* reputation 2. a: archaic : *inferior* b: causing discomfort or repulsion : offensive - an *evil* odor c: disagreeable - woke late and in an *evil* temper 3. a: causing harm : *pernicious* - the *evil* institution of slavery b: marked by misfortune.

“Evil.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/evil>. Accessed 18 Apr. 2024.

- (iv) presents a detailed depiction of the use of illegal drugs or instruction in or encouragement of illegal drug use;
- (v) advocates or promotes hatred in any form (up to and including genocide) against or vilifies any person or identifiable group based on ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;
- (vi) circulates or makes available false information regarding the outbreak of a deadly or contagious disease.

The term "evil", as used in the context of clause 4.1(1)(a)(iii) of the Revised Code, may be redundant and subjective. Its inclusion in the clause could lead to ambiguity and varied interpretations. Removing the term "evil" would not weaken the rule, as the concept of harm already encompasses many negative consequences. By focusing on harm, the Revised Code can provide more transparent and objective guidelines for broadcasters to follow, ensuring clarity, objectivity, and consistency in applying the rule.

URCA proposes expanding the provision in clause 4.9(1)(e), Violence in News and Current Affairs Programming, to apply equally to domestic, regional, or global terrorist events.

Part 4: Harm and Offence

Preservation of Law and Order

4.9 Violence in News and Current Affairs Programming

- (1) Within their news and current affairs programming, Licensees shall:
 - (e) exercise judgment during live coverage of domestic terrorist events or civil disorders, to ensure news coverage does not become a factor in inciting additional violence.

URCA's Proposed Amendment:

Preservation of Law and Order

4.9 Violence in News and Current Affairs Programming

- (1) Within their news and current affairs programming, Licensees shall:
 - (e) exercise judgment during live coverage of global, regional or domestic terrorist events or civil disorder to ensure news coverage does not become a factor in inciting additional violence.

The reason for modifying clause 4.9(1)(e) to include a reference to domestic and international terrorism is to clarify that broadcasters are expected to provide accurate and thorough coverage of all forms of terrorism, regardless of where it originates. By including domestic terrorism, the Revised Code can address the changing threat landscape and the potential

harm caused by acts of terrorism within a country's borders. This change would encourage balanced reporting, increase public awareness and safety, support law enforcement efforts, address the impact on society, and maintain fairness and consistency. Overall, expanding the scope of the provision to include both international and domestic terrorism aligns with the goal of the Revised Code to encourage accurate, responsible, and comprehensive reporting, addressing the full range of terrorism threats, regardless of their origin.

Question 6: Do you agree with URCA's proposal to remove the term "evil" from clause 4.1(1)(a)(iii) of the Revised Code? If not, please provide reasons for your answer.

Question 7: Do you agree with URCA's proposal to expand the provision in clause 4.9(1)(e) of the Code, Violence in News and Current Affairs Programming, to apply equally to domestic, regional, or global terrorist events? If not, please provide reasons for your answer.

3.4. Part 5: Protection of Young Persons

URCA proposes to amend clause 5.4(2) of the Code to modernise its language and better accommodate new and evolving forms of communication.

Part 5: Protection of Young Persons

Existing Code:

5.4 Sexual themes

(2) Licensees shall ensure that programmes that take incest or child abuse as their topic or theme shall provide suitable warnings prior to airing and shall be appropriately scheduled. Licensees shall also provide information on relevant telephone help-lines provided by governmental or other specialist agencies. Licensees should treat material of this nature with the utmost care and sensitivity, bearing in mind the psychological effects it might have on child-victims.

URCA's Proposed Amendment:

5.4 Sexual themes

(2) Licensees shall ensure that programmes that take incest or child abuse as their topic or theme shall provide suitable warnings **before airing and shall be appropriately scheduled.** Licensees should also provide information on relevant telephone helplines, websites, or online applications by which the public may contact and access relevant assistance from governmental or other specialist agencies. Licensees should treat material of this nature with the utmost care and sensitivity, bearing in mind the psychological effects it might have on child victims.

Organisations providing assistance for sensitive topics like incest and sexual abuse should use multiple methods to interact and assist, not just telephone helplines. Broadcasters airing this type of programming should promote all available means to contact these organisations to help victims of abuse more quickly and easily.

URCA proposes amending clause 5.6 (Drugs, Alcohol, Solvents and Smoking) of the code to include electronic cigarettes (e-cigs). The rule aims to discourage the portrayal or glamorisation of tobacco and alcohol use, as well as the abuse of illegal drugs and solvents, outside of the watershed.

Part 5: Protection of Young Persons

Existing Code:

5.6 Drugs, Alcohol, Solvents and Smoking

The use of illegal drugs, the misuse of alcohol, solvent abuse and smoking must not be condoned, encouraged or glamorised in programmes broadcast outside the watershed.

URCA's Proposed Amendment:

5.6 Drugs, Alcohol, Solvents and Smoking

The use of illegal drugs, tobacco, and electronic cigarettes, the misuse of alcohol, the abuse of solvents, vaping and smoking must not be condoned, encouraged, or glamorised in programmes broadcast outside the watershed.

URCA believes that content regulation best practices underscore the importance of treating electronic cigarettes similarly to tobacco products in broadcast media advertising. This approach is essential for several reasons. First, it is crucial to safeguard public health by prohibiting the broadcast of advertising of electronic cigarettes, like tobacco products. This restriction effectively communicates the potential risks and harms of these products, preventing misleading claims and ensuring that accurate information is provided to consumers.

Second, regulating electronic cigarette advertising as tobacco products helps prevent the normalisation of their use and reduces their potential appeal to youth. It discourages the perception that these products are glamorous, trendy, or socially desirable, thus minimizing the risk of attracting young people and increasing usage.

Additionally, treating electronic cigarette advertising like tobacco products ensures a consistent regulatory approach, which helps avoid confusion and ensures that similar rules and restrictions apply to both categories, given that electronic cigarettes often contain nicotine and serve as alternatives to traditional tobacco products.

Several countries, including the United Kingdom¹⁰, Canada¹¹, and Australia¹², have implemented strict regulations on electronic cigarette broadcasting advertising. These regulations encompass content, placement, and targeting restrictions, aiming to protect public health, prevent appeal to minors, and ensure that consumers receive accurate information.

Question 8: Do you agree with URCA's proposal to update clause 5.4(2) of the Code to modernise its language to better accommodate new and evolving forms of communication? If not, please provide reasons for your answer.

Question 9: Do you agree with URCA's proposal to amend clause 5.6 (Drugs, Alcohol, Solvents and Smoking) of the code to include electronic cigarettes (e-cigs)? If not, please provide reasons for your answer.

¹⁰ <https://www.ofcom.org.uk/tv-radio-and-on-demand/advertising/e-cigarettes/>

¹¹ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2020-143/FullText.html>

¹² <https://www.tobaccoinaustralia.org.au/chapter-18-e-cigarettes/18-2-advertising-and-promotion>

3.5. Part 6: Political Broadcasts and Political Advertisements

URCA proposes revising “election silence”¹³ rules as set out in provision 6.7(1) of the Code to allow for the broadcast of discussion and analysis of election and referendum issues on polling days.

Part 6: Political Broadcasts and Political Advertisements

Existing Code:

6.7 Prohibitions on polling day

(1) Licensees shall not broadcast the following to the public within any programmes on advanced polling day, election day, bye-election day and referendum day until the close of all polling stations:

- (a) discussion and analysis of election and referendum issues;
- (b) the result or purported result of the voting in a constituency or electoral district before the close of all of the polling stations in that constituency or electoral district;
- (c) the results of any opinion poll;
- (d) any political advertisements, political broadcasts or any other election programming produced by or on behalf of a candidate, political party or other person or entity.

(2) The prohibition in subsection (1) also applies in cases where polling stations in any constituency remains open after the mandatory scheduled time for poll closure due to an extenuating circumstance.

(3) Notwithstanding the prohibition in subsection (1) URCA may exercise its discretion and permit Licensees to broadcast to the public on any polling day the matters listed in subsection (1) where the relevant extenuating circumstance persists for a period exceeding twenty-four hours since the originally scheduled closing time of the polls.

(4) In addition to the foregoing matters, the prohibition in subsection (1) does not apply to social media content.

URCA's Proposed Amendment:

6.7 Prohibitions on polling day

(1) Licensees shall not broadcast the following to the public within any programmes on advanced polling day, election day, bye-election day and referendum day until the close of all polling stations:

- (a) the result or purported result of the voting in a constituency or electoral district before the close of all of the polling stations in that constituency or electoral district;
- (b) the results of any opinion poll;
- (c) any political advertisements, political broadcasts or any other election programming produced by or on behalf of a candidate, political party or other person or entity.

¹³ Election silence, blackout period, pre-election silence, electoral silence, or campaign silence is a ban on political campaigning or media coverage of a general election, before or during that election: Wikipedia contributors. (2023, December 9). Election silence. In *Wikipedia, The Free Encyclopedia*. Retrieved 18:21, April 17, 2024, from https://en.wikipedia.org/w/index.php?title=Election_silence&oldid=1189027582

(2) The prohibition in subsection (1) also applies in cases where polling stations in any constituency remain open after the mandatory scheduled time for poll closure due to an extenuating circumstance.

(3) Notwithstanding the prohibition in subsection (1), URCA may exercise its discretion and permit Licensees to broadcast to the public on any polling day the matters listed in subsection (1) where the relevant extenuating circumstance persists for a period exceeding twenty-four hours since the originally scheduled closing time of the polls.

~~(4) In addition to the foregoing matters, the prohibition in subsection (1) does not apply to social media content.~~

The media plays a crucial role in providing information and ideas to the public, especially in matters of public interest. It is vital to ensure that the public is well-informed and can participate in political, economic, and cultural activities. For this reason, a legal and regulatory environment that fosters a free and diverse media landscape must exist. In recent years, the media landscape has undergone significant technology-driven changes worldwide.

As media convergence continues to blur the lines between credible and “fake” news and information, there is a growing call to review the rules around moratoriums on radio and television broadcasts during elections. Currently, broadcasters in The Bahamas are prohibited from discussing and analysing election and referendum issues from midnight until the polls close on polling day. However, this restriction does not apply to online or social media unless a licensed broadcaster distributes that content.

Election silence, also known as pre-election silence, electoral silence, or campaign silence, refers to the ban on political campaigning before and, in some countries, during a general election. In several jurisdictions, this rule prohibits individuals from convincing people to vote for a specific candidate or political party on the day of the election. However, in some countries, election silence has been argued to violate freedom of speech. Nonetheless, many of the world's democracies use it "to balance out the campaigning and maintain a free voting environment"¹⁴.

Some argue that the current system is no longer effective. It allows unregulated sections of New Media¹⁵ to continue coverage during the election period while traditional, licensed, and regulated broadcasters cannot. The practice of election silence originated when traditional broadcasting was the dominant medium. Broadcast media was considered the most influential, and the moratorium was meant to ensure fair and unbiased reporting.

However, with the rise of social media, the tradition of election silence may no longer be suitable, particularly in smaller, developing states like The Bahamas, without the resources to regulate third-party digital content-sharing platforms effectively. The inability of licensed media to report on political issues in the 24 hours leading up to an election while anyone else with an internet connection can continue to spread disinformation can seem absurd when viewed from this perspective.

¹⁴ Salomon, Eve. (2008). Guidelines for broadcasting regulation (2nd ed.). London: CBA.

<https://unesdoc.unesco.org/ark:/48223/pf0000183285>

¹⁵ **New** Media means the Internet, mobile devices, or any other exhibition platform now known or which hereafter may be devised or adopted, excluding traditional forms of exhibition or distribution. <https://www.lawinsider.com/dictionary/new-media>

There are legitimate concerns about disinformation. Moratorium periods have been identified as a vulnerability, as they prevent licensed media from reporting on candidates or rebutting unsubstantiated or deliberately deceitful disinformation on social media platforms until after the polls have closed. This can hamper the ability of licensed media to counter disinformation and potentially influence the outcome of an election.

The evolution of AI has also made combating misinformation more challenging. Disinformation tools have improved in quality and credibility, and the means of disseminating it constantly evolve. This is a significant concern, as campaigns and elections are the most vulnerable and likely targets of disinformation, particularly considering the imbalance between traditional regulated broadcast media, which is silenced, and unregulated, unrestricted online content.

It could be argued that this hurts the regulated broadcasters by making them irrelevant on polling days and the public, who are denied access to trusted voices that could serve to balance potentially harmful content freely distributed by content creators worldwide. Excluding the voices of credible broadcasters from the most critical moments where every citizen has a say in national self-determination is a disservice to the public. It is crucial to consider lifting the broadcast restrictions on discussing and analysing election and referendum issues on polling days, recognising that it may be difficult to break with long-standing election restrictions that made sense pre-internet. However, given the significant changes in the media landscape and the role of social media platforms in shaping public opinion, it may be time to re-evaluate these restrictions. By doing so, we can ensure that the Bahamian public can access diverse voices and information sources during critical moments in our national decision-making processes.

URCA supports and recommends the removal of polling day restrictions on the broadcast of discussions on election and referendum issues for several vital reasons.

First, allowing the free flow of information and ideas is essential for a democratic society. Additionally, political content on polling day can help voters make informed choices at the polls, promoting voter education. Furthermore, promoting transparency in the electoral process and allowing discussions on election and referendum issues on polling day ensures that all political parties and candidates have an equal opportunity to reach voters.

Moreover, it acknowledges the changing media landscape and upholds the right to freedom of expression, ensuring access to a wide range of information and opinions. Allowing discussions on election and referendum issues on polling days contributes to a more informed electorate and promotes a fair and transparent electoral process, aligning with democratic principles.

With technological advancements, restricting discussions on election and referendum issues on polling day may no longer be necessary or practical. Finally, allowing the broadcast of discussions on election and referendum issues on polling days demonstrates trust in the electorate and fosters transparency and accountability in the electoral process.

During election periods, broadcasters in The Bahamas must adhere to a set of principles aimed at ensuring fairness, balance, and impartiality when broadcasting discussions on election and referendum issues on polling days. These principles include not discriminating against

candidates, political parties, and others and ensuring a clear distinction between information and opinion in political advertisements and broadcasts. Broadcasters must also provide balanced reporting by offering reasonable opportunities for discussing competing views and treating all political parties equitably in news or current affairs programming. Furthermore, they are expected to uphold accuracy, objectivity, and impartiality in news, current affairs, and factual programs and avoid unjust or unfair treatment of individuals or organisations. Lastly, broadcasters must respect individuals' dignity, privacy, and well-being and present content with sensitivity when dealing with discussions on election and referendum issues on polling days. These provisions are crucial in deepening democracy and promoting an informed society by ensuring broadcasters conduct Code-compliant discussions during election and referendum periods.

Question 10: Do you agree with URCA's proposal to revise the "election silence" rules as set out in provision 6.7(1) of the Code to allow for the broadcast of discussion and analysis of election and referendum issues on polling days? If not, please provide reasons for your answer.

3.6. Part 7: Advertising and Sponsorships

URCA proposes modifying the restrictions set out in clause 7.5(1) to allow the broadcast of advertising and sponsorship of alcoholic beverages outside of the watershed period as long as all other obligations and constraints regarding responsible advertising are observed.

Part 7: Advertising and Sponsorships

Existing Code

7.5 Alcohol

(1) Licensees shall not broadcast advertisements and sponsorships for alcohol during programmes directed towards children or outside the watershed period.

URCA's Proposed Amendment:

7.5 Alcohol

(1) Licensees shall not broadcast advertisements and sponsorships for alcohol during programmes directed towards children.

Considering the possibility of removing watershed restrictions on alcohol advertising in The Bahamas, it is crucial to examine the compelling reasons that support this change. The rationale for liberalising alcohol advertising and sponsorship rules by removing the existing watershed restrictions is multifaceted and merits careful consideration.

Firstly, removing watershed restrictions would bring about consistency in regulations for alcohol advertising across different media platforms. By aligning the regulations with current advertising practices in other mediums, we would create a cohesive and harmonised approach to alcohol advertising standards.

In addition to consistency, economic considerations play a significant role. The liquor industry substantially contributes to advertising revenue for Bahamian radio stations. By removing watershed restrictions, radio stations would have the opportunity to generate more revenue from alcohol advertising, thereby supporting their financial sustainability.

Moreover, eliminating watershed restrictions would foster a level playing field for advertisers, promoting fair competition across different advertising platforms. This would ensure that all advertisers can reach their target audiences equally.

Furthermore, removing watershed restrictions would benefit consumers by providing more information about available products and choices. This would promote informed decision-making and empower consumers to make choices that align with their preferences. From a regulatory perspective, it is important to note that maintaining watershed restrictions on radio alone may not effectively achieve the intended goal of protecting vulnerable audiences, such

as children, from exposure to alcohol advertising, especially when such advertising is prevalent in other media and displayed in public spaces.

Ultimately, removing watershed restrictions can be seen as upholding the right to freedom of expression, allowing advertisers to communicate their messages without unnecessary limitations.

While these points provide a compelling case for removing watershed restrictions on responsible alcohol advertising, it is important to note that URCA has approached this matter with careful consideration of potential public health concerns, cultural sensitivities, and the need to balance commercial interests with the community's well-being. Striking a balance that serves the interests of all stakeholders involved is crucial.

It is crucial to emphasise the importance of stakeholder engagement and public consultation where regulatory measures may affect or prejudice the rights or interests of persons with sufficient interest, consistent with URCA's obligations under 11(1) of the Comms Act. This approach ensures transparency and inclusivity in decision-making processes, allowing for the meaningful input of relevant stakeholders and the public. By facilitating open dialogue and soliciting feedback from a diverse range of voices, URCA can develop regulatory measures that are well-informed, balanced, and considerate of the varied perspectives and interests within the community. This commitment to stakeholder engagement and public consultation aligns with the principles of fairness and accountability, fostering a regulatory framework that resonates with the needs and concerns of those it seeks to serve.

URCA proposes removing the watershed restrictions prescribed in clause 7.9(1) on gaming ads and sponsorships, subject to adherence to all other rules and obligations regarding responsible advertising.

Part 7: Advertising and Sponsorships

Existing Code:

7.9 Gambling

(1) Advertisements or sponsorships pertaining to lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service shall not be broadcast outside the watershed period.

(2) Licensees must take all reasonable steps to promote socially responsible gambling. Particular care should be taken to protect children and young persons from being harmed by such advertisements or sponsorships that features or promotes gambling.

(3) In addition to the foregoing, advertisements or sponsorships pertaining to lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service shall bear a general disclaimer.

URCA's Proposed Amendment:

7.11 Gambling

- (1) Where Licensees take on Advertisements or sponsorships of lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service, they must take all reasonable steps to promote socially responsible gambling.
- (2) Licensees should take particular care to protect children and young persons from harm from advertisements or sponsorships that feature or promote lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service.
- (3) In addition to the foregoing, advertisements or sponsorships of lawful gambling, gaming, betting, bookmaking, lotteries, or any similar lawful activity or service shall bear a general disclaimer.

The domestic gaming industry in The Bahamas is not just a player in the economy but a significant driver of economic growth. Oxford Economics says it supports thousands of jobs and continues to contribute millions of dollars to the national GDP.

In 2018, the industry's contribution to the national GDP was estimated at \$284 million, or 2.9% of the total. It contributed an estimated \$35 million in tax revenue to the national government, including corporate taxes and license fees. The economic activity generated by the gaming industry also supported a further \$10 million in taxes in the broader national economy. The total tax contribution of the domestic gaming industry in The Bahamas was approximately \$45 million, excluding Value Added Tax (VAT). This significant economic contribution underscores the industry's role in boosting the overall economy of The Bahamas, making it a key player in the country's financial landscape.¹⁶

The gaming industry in The Bahamas also supports approximately four thousand jobs throughout the country, with two-thirds directly employed by the industry and the third through indirectly supported jobs. These indirect jobs are created by businesses and suppliers that provide goods and services to the gaming industry, making a crucial impact in a country with high unemployment rates.

The domestic gaming industry in The Bahamas is an economic powerhouse for its stakeholders and a significant force in social development and charitable assistance. It contributes to these areas through philanthropic activities, support for youth programs, cultural preservation, and health initiatives. The industry's investment of millions of dollars in social and charitable activities demonstrates its commitment to the community. It supports various charities and community groups, youth programs like the Junior Baseball League, cultural events like the Valley Boys Junkanoo Group, and health-related causes like the Bahamas AIDS Foundation. This active involvement in community initiatives positively impacts the lives of individuals and communities in The Bahamas, objectively making the industry a bona fide partner in the country's social fabric.

The potential removal of watershed restrictions on legal gaming advertising in The Bahamas, as per the provisions of the Gaming Act, can be justified in the following ways:

¹⁶ Oxford Economics. (n.d.). The Economic Impact of the Gaming Industry in The Bahamas. Retrieved from <https://bgoabahamas.com/wp-content/uploads/2019/04/Bahamas-Final-Report-v.3.pdf>

Firstly, allowing gaming advertising without watershed restrictions would offer an opportunity to educate the public about responsible gambling practices. This includes raising awareness about age restrictions and the potential risks associated with gambling. This move could contribute to better consumer education and awareness.

Secondly, the gaming industry plays a significant role in the Bahamian economy. By removing watershed restrictions, gaming operators could advertise their services more effectively, supporting the industry's growth and generating revenue for the country.

Thirdly, the Gaming Act already has robust rules and systems to prevent minors from gambling. With these measures in place, the risk of minors being exposed to gambling through advertising is significantly reduced, thus ensuring regulatory effectiveness in protecting vulnerable groups.

Lastly, removing watershed restrictions can be viewed as upholding the right to freedom of expression. This would allow gaming operators to communicate their messages without unnecessary limitations, supporting the principle of freedom of expression in the Bahamas.

It is important to note that while the Gaming Act may have strong safeguards against underage gambling, URCA recognises that careful consideration should be given to potential social and ethical concerns associated with increased gaming advertising, such as the potential for excessive gambling behaviour or addiction among vulnerable individuals. Balancing the gaming industry's economic benefits with the community's well-being is crucial in deciding to remove watershed restrictions on legal gaming advertising.

The [Broadcasting Code](#) outlines UK regulator OFCOM's specific approach to regulating gaming and gambling advertisements and sponsorships on broadcast radio and television:¹⁷

The Broadcasting Code establishes rules and guidelines for broadcasters to ensure responsible advertising and sponsorship practices within the gaming and gambling industry. As mandated by OFCOM, advertisements and sponsorships for gaming and gambling products must not target or attract minors. Additionally, these promotions should be scheduled to minimise the exposure to vulnerable individuals, such as those with gambling problems. They should not be aired during programs likely to have a significant audience under 18.

Ofcom emphasises that advertisements and sponsorships related to gaming and gambling broadcast in the UK must adhere to social responsibility standards. They must not promote excessive or irresponsible gambling behaviour, provide misleading information about the chances of winning, or imply that gambling can resolve financial issues. Moreover, they should not take advantage of the susceptibilities, lack of experience, or insufficient knowledge of vulnerable individuals, including those with gambling problems or mental health concerns.

To ensure transparency, advertisements and sponsorships for gaming and gambling products should be clearly labelled as promotional content. They must also comply with relevant

¹⁷ "THE OFCOM BROADCASTING CODE (with the Cross-promotion Code and the On Demand Programme Service Rules)" 2019.

advertising codes, including regulations on misleading advertising, causing harm or offence, and safeguarding children.

These regulations cover broadcast radio and television and are intended to promote responsible advertising and sponsorship practices in the UK gaming and gambling industry.

URCA's proposed insertion of clause 7.7 is crucial to promoting responsible advertising and sponsorship practices in The Bahamas. This amendment would effectively prohibit broadcasters from advertising, sponsoring, or promoting electronic cigarettes and refill cartridges on radio and television, aligning with global best practices and safeguarding public health.

Part 7: Advertising and Sponsorships

Proposed New Code Provision

7.7 Electronic Cigarettes (e-cigarettes)

Licensees shall not broadcast advertisements or sponsorships that promote the consumption or use of electronic cigarettes (e-cigs), electronic cigarette refill cartridges, or vaping accessories.

Broadcast content rules in The Bahamas currently prohibit tobacco product advertising, but there are no specific regulations regarding advertising electronic cigarettes and other vape products. However, there are compelling reasons for the URCA to consider amending the Code to prohibit advertising electronic cigarettes and vape products.

Firstly, the global rise in popularity of e-cigarettes and vape products, especially among young people, has raised significant concerns about their potential health risks. The U.S. Food and Drug Administration has reported thousands of cases of severe lung illnesses associated with vaping, including dozens of deaths. Furthermore, the long-term health effects of e-cigarette use are still not fully understood, and there are specific concerns about use by pregnant women and individuals with mental health conditions. Similarly, the use of cannabis, particularly in its concentrated forms, has been linked to various health issues, including respiratory problems, cognitive impairment, and addiction.

Moreover, the advertising of e-cigarettes and vape products could pose significant risks to specific vulnerable populations, including those with lower educational attainment and individuals living below the poverty line. This potential harm underscores the necessity for URCA to consider amending the Code to prohibit such advertising.

Furthermore, the marketing and advertising of e-cigarettes often emphasise flavours and convenience, which can appeal to youth. E-cigarettes are marketed in a considerable range of 'flavours', some of which are especially appealing to young people. There is a risk of normalising and promoting these products among adolescents.

Given these concerns, it would be judicious for URCA to act in the interest of public health and consider extending the existing advertising regulations which ban tobacco product ads to include electronic cigarettes and vape products. This initiative-taking approach aligns to reduce nicotine and tobacco use and promote public health, particularly among vulnerable populations and young people.

URCA proposes amending the code by inserting clause 7.6, which would prohibit the broadcast advertising, promotion, and sponsorships of cannabis, cannabis accessories and services related to cannabis by persons who produce, sell or distribute cannabis, persons who sell or distribute cannabis accessories and persons who provide services related to cannabis in the Bahamas.

Part 7: Advertising and Sponsorships

Proposed New Code Provision

7.8 Cannabis

Licensees shall not broadcast advertisements or sponsorships that promote the consumption or use of cannabis or products containing cannabis.

The Bahamas Cannabis Bill of 2023¹⁸ was debated and passed in Parliament on 17 July 2024. It is intended to regulate the handling of cannabis and establish the Cannabis Authority in The Bahamas. The bill legalises medical marijuana use and decriminalises recreational marijuana use. According to Health Minister Dr Michael Darville, the bill aims to help patients who need medical cannabis for severe illnesses without risking breaking the law by crossing borders with certain derivatives of cannabis. The original draft allows licensing for the cultivation, harvesting, and packaging of cannabis and cannabis accessories, as well as for retail sales, analytical testing, manufacturing, research, domestic transport, and religious use.

URCA's proposal to amend the content code by introducing clause 7.8, which prohibits the broadcast advertising, promotion, and sponsorship of cannabis, cannabis accessories, and related services by individuals involved in their production, sale, distribution, or provision in The Bahamas, is a comprehensive and well-considered development. This proposal underscores the overarching need for content regulation to protect viewers and listeners, the importance of adhering to rules and promoting responsible marketing practices, and the challenges associated with drug trafficking in The Bahamas. By aligning with global best practices for broadcasting regulation, the Code of Practice for Content Regulation, licensing requirements, compliance and enforcement measures, marketing guidelines, and the country's efforts to address drug-related challenges, URCA's proposal aims to regulate content, protect the public, and ensure responsible marketing practices regarding cannabis and related services in The Bahamas.¹⁹

Here is an overview of several countries' laws regarding cannabis, focusing on their treatment of cannabis advertising on broadcast media. This comprehensive comparative analysis

¹⁸ <https://opm.gov.bs/wp-content/uploads/2023/08/Cannabis-Bill-2023.pdf>

¹⁹ <https://basis.com/blog/5-considerations-for-cannabis-advertising>

provides an applicable foundation for understanding the global regulatory landscape and making well-informed decisions.

United Kingdom:

The UK Children's Code sets standards for age-appropriate design for online services accessed by children. Although the Code does not explicitly mention cannabis advertising, its principles can be applied to regulate and appropriately restrict cannabis advertising on broadcast media.

Canada:

The Cannabis Act in Canada, which includes Sections 17 to 24, has significant implications for the advertising and promotion of cannabis. These sections prohibit the promotion of cannabis unless authorised under the Act. The Act also outlines various considerations for the authorised promotion of the sale of legalised cannabis, cannabis accessories, and related services. These considerations include providing information about price or distribution, avoiding appeals to young people, refraining from using testimonials or endorsements, and prohibiting depicting individuals, characters, or animals, whether real or fictional, in association with cannabis brands. Additionally, the Act prohibits the use of emotions or images that suggest a glamorous, exciting, vital, risky, or daring way of life in connection with cannabis brands.²⁰

In Canada, specific rules exist regarding the advertising and promotion of cannabis on radio and television broadcasts. These rules include prohibitions on promoting cannabis or cannabis accessories in a manner that could be appealing to young persons, as well as on false promotion, misleading information, or deceptive promotion. There are also limitations on using specific terms in the promotion of cannabis or related products, as well as restrictions on publication in foreign media. However, there are exceptions for informational and brand-preference promotion in specific circumstances. Health Canada's Compliance and Enforcement Policy outlines the principles for compliance and enforcement activities, including accountability, fairness, and evidence-based decision-making.²¹

United States:

In the United States, 24 states and Washington, D.C., have legalised recreational marijuana, while 17 states have legalised its use solely for medical purposes. Despite this, the federal government still classifies marijuana as a Schedule I drug alongside heroin and LSD. Stakeholders in the cannabis industry must understand the unique laws and regulations in each state covering the possession, use, and cultivation of marijuana.

States have varying advertising restrictions for cannabis, including regulations for print and internet media, content regulations, and physical limitations such as proximity to schools. More than half of the states require product warnings for adult-use cannabis advertisements, covering aspects like impairment, health risks, and keeping cannabis away from minors. Furthermore, several states restrict the broadcast advertising of adult-use cannabis.

²⁰ <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/promotion-prohibitions.html>

²¹ "Promotion Prohibitions under the Cannabis Act and Cannabis Regulations" is sourced from Health Canada, Controlled Substances and Cannabis Branch, November 2019.

The restrictions vary, with some states requiring a certain percentage of the audience to be at least 21 years old, while others have more general prohibitions regarding youth exposure.²²

Question 11: Do you agree with URCA's proposal to remove the restrictions set out in clause 7.5(1) of the code, which restricts the broadcast of advertising and sponsorship of alcoholic beverages to the watershed? If not, please provide reasons for your answer.

Question 12: Do you agree with URCA's proposal to remove the watershed restrictions prescribed in clause 7.9(1) on gaming ads and sponsorships? If not, please provide reasons for your answer.

Question 13: Do you agree with URCA's proposal to introduce new provisions within Part 7 of the Code, which would prohibit broadcasters from advertising, sponsoring, or promoting electronic cigarettes and refill cartridges on radio and television in the Bahamas? If not, please provide reasons for your answer.

Question 14: Do you agree with URCA's proposal to introduce new provisions in Part 7 of the Code prohibiting the broadcast advertising, promotion, and sponsorships of cannabis, cannabis accessories and services related to cannabis by persons who produce, sell or distribute cannabis, persons who sell or distribute cannabis accessories and persons who provide services related to cannabis in the Bahamas? If not, please provide reasons for your answer.

²² <https://www.networkforphl.org/wp-content/uploads/2022/11/State-Regulation-of-Adult-Use-Cannabis-Advertising.pdf>

3.7. Part 9: Access Service

URCA proposes amendments to Part 9 of the Code, which would mandate television Licensees to provide access services and replace existing specific guidance on providing access services with broader guidelines, allowing Licensees greater flexibility to use emerging technology to provide more effective access services more efficiently.

Part 9: Access Service

Existing Code:

This Part of the Revised Code sets out the broadcasting standards for the provision of access services for people with hearing or visual impairments.

URCA's Proposed Amendment:

This Part of the Revised Code sets the broadcasting standards for providing access services primarily for people with sight and/or hearing loss.

Part 9: Access Service

Existing Code:

9.1 Access Services in News and Current Affairs

Licensees are encouraged to provide access services in their programming, including but not limited to news and current affairs television programmes.

URCA's Proposed Amendment:

9.1 Access Services in News and Current Affairs

Licensees must offer access services in their News and Educational programmes and are encouraged to provide access services for local, current affairs, and cultural television programs. When designing a program accessible to people with disabilities, providers should make every effort to ensure that important on-screen information is also accessible. This may include spoken warnings about potentially harmful flashing images and audible alerts for product placement and sponsorship.

Part 9: Access Service

Existing Code:

9.2 Access Services in Emergency, Disaster and Safety Announcements

(1) Licensees broadcasting emergency, disaster or safety announcements are required to provide the essential information visually on television (in open captioning, leaving sufficient time to write the details down) and spoken on television and radio. This should include relevant contact numbers for further information.

(2) Licensees should, as far as possible, use sign language as one of their preferred forms of communication when broadcasting emergency broadcasts, news and matters of national and international public importance on television.

URCA's Proposed Amendment:

9.2 Access Services in Emergency, Disaster and Safety Announcements

(1) In the interest of public safety, Licensees must provide clear and accessible information during national and local emergencies. This includes closed captioned (subtitled), signed, and spoken information, relevant phone numbers, and links to more details on television and radio. The captioned (subtitled) information should be in an open format and allow sufficient time for viewers to note down the details.

(2) Additionally, broadcasters should be aware that the government may instruct specified licensed broadcasters to include emergency announcements in their services, particularly during natural disasters. These announcements must be presented in a way that is accessible to people with disabilities.

(3) Licensees should, as far as possible, simultaneously use sign language, closed captions (subtitles), and spoken information as forms of communication when broadcasting emergency broadcasts, news and matters of national and international public importance on television.

Access services are crucial to ensure equal access for individuals with disabilities and protect them from discrimination. The availability of access services, particularly in news and current affairs programming, must not be underestimated when considering the need to promote inclusivity and equal rights and recognise the opportunities to provide an enhanced, high-quality experience to impaired and able audiences. The 2014 Persons with Disabilities Equal Opportunities Act²³ requires broadcasters to provide access services, and URCA plays a crucial role in facilitating and encouraging these legal requirements. Improved access services promote diversity and representation, benefiting not only individuals with disabilities but also enhancing the overall viewer experience.

URCA proposes to insert broad guidance to define and encourage Licensees to provide and maintain the best possible quality of access services.

Part 9: Access Service

Existing Code:

9.3 Closed Captioning

²³https://disabilitiescommissionbahamas.org/assets/files/PersonswithDisabilitiesEqualOpportunitiesAct2014_1.pdf

2) Licensees should exercise due care in the presentation, lay-out, and non- speech information when broadcasting closed captioning, and must ensure that they have adequate procedures in place for monitoring the accuracy, speed and synchronisation of their closed captioned broadcasts.

URCA's Proposed Amendment:

9.3 Closed Captioning

(2) Licensees should regularly monitor the quality of their access services. This should involve ensuring that processes are in place to review access service quality for pre-recorded content before transmission and regularly after transmission. Providers should consider using quantitative models to help assess the quality of their access services, for example, concerning specific aspects of subtitling quality such as accuracy and latency. Viewer feedback should also form an integral part of quality monitoring.

Part 9: Access Service

9.3 Closed Captioning

(3) Closed captioning best practice guidelines which all Licensees providing closed captioning are encouraged to adopt are as follows:

- (d) **Presentation:** closed captioning should use the CEA-708 designated screen fonts for all closed captions. Closed captions on standard and high definition television services should use either the EIA-608 standard ('Line 21') standard developed by the Electronic Industries Alliance (EIA) or the CEA-708 standard developed by the Consumer Electronics Association (CEA) for closed captioning for National Television System Committee (NTSC) and Advanced Television Systems Committee Inc. (ATSC) analogue and digital television broadcasts in the United States and Canada. URCA also recommends that providers of audiovisual media services, carriage services content services and on-demand audiovisual media services adhere to the same equipment standards used to render closed captioning. Licensees and service providers are encouraged to use anti-aliasing techniques to help make the appearance of closed captions clearer. Closed captions should be placed within the 'safe caption area' of a 14:9 display and should normally occupy the bottom of the screen, except where they would obscure the speaker's mouth or other vital information or activity. It is particularly important to avoid obscuring the face, as this convey emotions and tone of voice, as well as being necessary for lip-reading;
- (e) **Pre-recorded and live closed captions/subtitles:** pre-prepared block closed captions is the best approach to providing accurate, easily legible and well-synchronised closed captioning and should be used for pre-recorded programmes. Recommended colours are white, yellow, cyan and green against a solid black background as these provide the best contrast. When scrolling closed captions need to be used, any scripted material should be used for advance preparation. In addition to achieving the highest possible levels of accuracy and synchronisation, live closed captioning should flow continuously and smoothly;
- (f) **Lay-out:** closed captions should normally comprise a single sentence occupying no more than two lines, unless three lines will not obscure the picture. If necessary,

sentences should be broken or reformed into more than one sentence at natural linguistic breaks so that each caption forms an understandable segment. Where breaks occur, the split should be made in a way that makes clear that there is more to come. This can be achieved by ending the first caption with a conjunction, a colon or semi-colon as appropriate, or even a short run of dots. Line breaks within a word must be avoided;

- (g) **Non-speech information:** in addition to speech, closed captioning should clearly describe relevant non-speech information, such as the mood of any music playing and the words of songs if possible (using the (a) # sign to precede and conclude music), louder speech (using capital letters), inaudible mutterings or incoherent shouts, etc. (which should be explained as such). Captions should be displayed horizontally in the direction of any sound effects, and where the source of speech is not immediately apparent the first caption should have a caption to label the source. Italics or punctuation marks may be used to indicate emphasis. Where long speechless pauses in programmes occur, an explanatory caption should be inserted. Different colours should be used to denote different speakers. Captions should be used to identify the source of off-screen/off-camera speech where this is not obvious **Synchronisation of speech and closed captioning:** the aim should be to synchronise speech and closed captioning as closely as possible. Caption appearance should coincide with speech onset and disappearance should coincide roughly with the end of the corresponding speech segment. If necessary, closed captioning may be edited conservatively if this is necessary to avoid long delays between speech and closed captioning;

- (b) **Speed of closed captioning:** the speed should not normally exceed 160 to 180 words per minutes (wpm); closed captioning faster than 200 wpm would be difficult for many viewers to follow. Consideration may be given to displaying three lines of captioning rather than two, to allow a longer period for the subtitles to be read, provided that this does not obscure important parts of the picture. Slower speed and more heavily edited closed captioning are appropriate for young children, though care should be taken to ensure that these are accurate and grammatical, as children and parents use closed captioning in developing literacy skills;

- (c) **Accuracy:** closed captioning users need to be able both to watch what is going on, and to read the captioning, therefore it is important that these are as accurate as possible so that viewers do not need to guess what is meant by an inaccurate caption; and

- (d) **Publicity:** the word 'Subtitles' should be displayed legibly on the screen at the start of the programme.

URCA's Proposed Revision

(3) Closed captioning best practice guidelines, which all Licensees providing closed captioning are encouraged to adopt, are as follows:

- (a) **Presentation:** Closed captioning should be easy to read without distracting from the main picture. Fonts, colours, and sizes should be easily read and visible against the background. Providers are encouraged to use antialiasing techniques to help clarify the appearance of the closed captions. Providers should make sure they use accessible fonts (such as Tiresias and Helvetica) which use simple shapes and characters that are not easily confused, including similar characters (for example,

capital I and lower-case l) and letter characters that mirror each other (for example lower case b and d). Accessible fonts can be particularly important for some disabled audiences (for example, deafblind or dyslexic viewers). Closed Captions are generally positioned at the bottom of the screen but should be moved when necessary to avoid obscuring the speaker's mouth or other vital information or activity. It is particularly important to avoid obscuring the speaker's face, as this conveys emotions and tone of voice and is necessary for lip-reading.

- (b) **Pre-recorded and live closed captions/subtitles:** pre-prepared block closed captions are the best approach to providing accurate, easily legible, and well-synchronised closed captioning and should always be used for prerecorded programmes and in live programmes where possible. *The recommended colours are white, yellow, cyan, and green against a solid black background, which provides the best contrast. When scrolling, closed captions need to be used; any scripted material should be used for advance preparation.* In addition to achieving the highest possible levels of accuracy and synchronisation, live closed captioning should flow continuously and smoothly;
- (c) **Lay-out:** closed captions should normally comprise a single sentence occupying no more than two lines unless three lines do not obscure the picture. When determining the size and position of subtitles, providers should consider the various platforms on which the content will be played out. Providers should consider customisation options in the presentation of subtitles to help address diverse needs and preferences (for example, larger font sizes are particularly important for deafblind people).
- (d) **Non-speech information:** Sound effects and music should be clearly described in addition to speech. Unlike translation closed captioning, closed captions for people with hearing loss and deaf people should clearly describe relevant non-speech information, such as sound effects, the presence and mood of music, and the tone of speech. Song lyrics should also be captioned where possible, and the song title and artist's name can be used to introduce songs. Unexpected pauses or inaudible dialogue should be indicated. Punctuation, italics, or capitals are commonly used to indicate emphasis or emotion, and symbols such as # or a musical note (♪) can indicate music. Music and sound descriptions should be specific rather than generic to describe the sounds as clearly as possible. Captioners should be encouraged to use their creativity to capture the essence of sound effects. Different speakers should be identified. This can be achieved in several ways, including using colours, punctuation, or positioning of captions. Where the source of speech is not immediately apparent, the first subtitle should have a caption to label the source. Captions should also be used to identify the source and direction of off-screen/off-camera speech, which is indicated by the audio but not obvious from the visible context.
- (e) **Speed of closed captioning:** Generally, closed captions should be synchronised with the audio and reflect the speech verbatim as closely as possible. This can help audiences who use closed captioning in conjunction with audio and visual cues, including lip reading. However, closed captions should also be readable, so some paraphrasing may be appropriate in limited circumstances (for example, when the dialogue is very fast). It may also be appropriate to remove some filler words (for example, umms/ errs) that do not carry meaning (for example, conveying a

character's hesitation). Closed captions should not appear before key information is relayed; this is particularly important for punchline delivery, for example, in comedy programmes or quiz/ game shows. Captions should remain on-screen long enough to be read while not hanging on-screen for so long that they are distracting or overrun shot changes, where avoidable. Licensees should also bear in mind the intended audience for their programmes; some people are likely to have slower reading rates and/or reading difficulties, for example, for whom Sign Language is their first language or who have cognitive conditions. Young children may also read more slowly than adults, although the need for editing may depend on the speed of speech. Closed captions that accurately reflect the speech may also help children develop literacy skills.

- (f) **Accuracy:** Closed captions must be as accurate as possible so that viewers do not have their understanding or enjoyment of a programme harmed by inaccuracies. While the programme must comply with URCA's editorial rules, the closed captions should not unnecessarily censor offensive language in the dialogue.

9.4 Signing

Signing best practice guidelines which all Licensees providing signing are encouraged to adopt are as follows:

- (a) **Language:** English should be the default language for signed programmes. However, Licensees may also use other forms of sign language where consultation with disability groups has indicated that this would be acceptable. So far as possible, interpretation and voice-overs of signed programmes should be synchronised with the original speech/sign language;
- (b) **Presentation:** signed programmes may be presented or interpreted into sign language. Signed programmes, whether presented or interpreted in sign language, should be close captioned, to make it easier for people using both signing and closed captioning to understand and enjoy them;
- (c) **Signers:** sign language presenters, reporters and interpreters should be appropriately qualified, both to use sign language of native competency, and to communicate effectively through television. Some latitude is allowed for guests and interviewees, though broadcasters should ensure that they are understandable. The signer should use a style of interpretation and wear clothing that is appropriate to the style of the programme. It is important that signers' clothing allows them to be seen distinctly against the picture;
- (d) **Size of image:** the image of the signer superimposed upon the original programme should generally appear on the left side of the screen and occupy a space no smaller than one sixth of the picture size;
- (e) **Techniques:** the signer should use appropriate techniques to indicate whose speech he or she is interpreting, and to draw attention to significant sound effects (if any);
- (f) **Delivery:** different methods of delivery are permissible, provided that the provision of sign language complies with these rules, and it is available in a form that is accessible to all viewers who want it, without the need to purchase special equipment or services. For example, Licensees may choose to use interactive

services to provide a signed version of a programme simultaneously with an unsigned version, provided the interactive option is publicised at the beginning of the programme, is full-screen and complies with the standards set out in these rules. Licensees may also use 'closed' signing should this become feasible. However, the requirement for accessibility would preclude the use of Internet Protocol Television to provide signed programmes, unless viewers had the necessary equipment or were provided with it free-of-charge. In any case, Licensees who wish to use new forms of delivery should first consult URCA and groups representing persons with hearing or visual impairments.

URCA's Proposed Amendment:

9.4 Signing

Signing best practice guidelines, which all Licensees providing signing are encouraged to adopt, are as follows:

- (a) **Language:** English should be the default language for signed programmes. However, Licensees may also use other forms of sign language where consultation with disability groups has indicated that this would be acceptable. Sign interpretation should be synchronised with the speech as much as possible;
- (b) **Presentation:** Programmes that are signed or interpreted in sign language should also have closed captions to make them accessible for people who use both signing and closed captioning;
- (c) **Signers:** Sign language presenters, reporters, and interpreters should be appropriately qualified to use sign language of native competency and communicate effectively through television. Some latitude is allowed for guests and interviewees, though broadcasters should ensure they are understandable. The signer should use a style of interpretation and wear clothing appropriate to the programme's style. It is important that signers' clothing allows them to be seen distinctly against the picture;
- (d) **Size of image:** Interpreters should be large enough for their facial expressions, hand gestures and upper body to be easy to see and understand while not obscuring key information on-screen. Sign interpreters appear on the right-hand side of the screen and should take up at least 1/6 of the area of a television screen. When determining the size and position of the signer, providers should also consider the various platforms on which the content will be played out and the genre of the programme (including the amount/type of on-screen activity). URCA encourages Licensees to consider customisation tools to change the size of the signer where possible. Sign-language presenters, actors, or guests should be clear in shots when communicating in sign language in programmes.
- (e) **Techniques:** Sign interpretation should be accurate and understandable. Accuracy may be particularly important when essential information is being conveyed (for example, in news programmes), even if this means increased delays. Interpreters should emotionally reflect the content by portraying the speaker's intonations. Interpreters should also identify non-speech information, such as indicating who is speaking and key sound effects.
- (f) **Delivery:** different methods of delivery are permissible, provided that the provision of sign language complies with these rules and is available in a form that is accessible

to all viewers who want it, without the need to purchase special equipment or services. For example, Licensees may choose to use object-based media to provide a signed version of a programme simultaneously with an unsigned version, provided the availability of the interactive option complies with the standards set out in these rules to promote awareness.

Part 9: Access Service

Existing Code:

9.5 Audio Description

(1) Licensees are encouraged wherever possible, but not required, to provide audio description of their television programming.

(2) Licensees providing audio description are required to:

- (a) display a standard audio description video logo and broadcast an audio announcement indicating the presence of audio described video before the broadcast of each audio described programme;
- (b) repeat the announcement and logo following each commercial break; and
- (c) make information available regarding the audio described programmes that they will broadcast.

(3) Audio description best practice guidelines which all Licensees providing audio description are encouraged to adopt are as follows:

- (a) **What to describe:** to the extent relevant to the storyline, audio description should describe characters, locations, time and circumstance, any sounds that are not readily identifiable, on-screen action, and on-screen information;
- (b) **What not to describe:** the description should only provide information about what can be seen on the screen. Information unavailable to the sighted viewer should not be added though discretion is always necessary. 'A concrete bridge over some ships in a waterway' would fall short if the sighted audience sees Nassau's Paradise Island Bridge at Potter's Cay, even without an identifying caption. Generally, descriptions such as camera angles should not be used;
- (c) **When to describe:** audio description should not encroach on dialogue, important or complementary sound effects, or critical sound effects unless really necessary. Even then, audio description should only be used to impart relevant information when the dialogue or other sound is negligible, or to read closed captioning or on-screen captions. To differentiate between closed captioning and audio description, the describer should do this by either the use of their voice (for example, stating the obvious, 'He says in Haitian...' or 'A caption reads...') or a second voice. During opening titles and end credits, care should be taken to avoid clumsy overlaps with song lyrics. During songs, audio description should ideally pause where there is a reprise of the lyrics and where the lyrics are not relevant to the storyline;

- (d) **Language:** audio description provides a real-time commentary, so it should generally be in the present tense ('he sits'), the continuous present ('he is sitting') or the present participle ('Standing at the window, he lets out a deep sigh'), as appropriate. Variety is important, particularly with verbs. 'She scoots into the room' rather than the simple fact 'She enters the room' creates a clearer image for the viewer (a Thesaurus is always useful). Adverbs are useful shorthand to describing emotions and actions, but should not be subjective. Vocabulary should be matched to the genre of the programme, and should be accurate, easily understood, and succinct;
- (e) **Delivery:** delivery should be steady, unobtrusive and impersonal in style (but not monotonous), so that the personality and views of the describer do not colour the programme. Avoid terms such as 'we see'. However, it can be important to add emotion, excitement, lightness of touch at different points in different programmes to suit the mood and the plot development – the style should be matched to the genre of the programme. Diction should be clear and not hurried – every word should be clear, audible and timed carefully so that it does not overrun subsequent dialogue. The aim should be to enhance the enjoyment of a programme, not to distract from it;
- (f) **Balance:** judgement is needed in striking an appropriate balance between the amount of detail that is conveyed and the risk of overburdening the audience with detail and detracting from the enjoyment of the programme. Too much description, even where there is a lot of space for description, can make it difficult for viewers to absorb information. The programme should be allowed to 'breathe'. On the other hand, long gaps in the dialogue may need to be explained if the viewer is not to be left confused (for example, 'the cowboy rides across the prairie into the distance'). If a time slot available for audio description is short, it is better to focus on key moments and dynamics rather than to rush the description or fill every available moment. For example, it may be distracting in dance or fight scenes to describe every piece of action. A consistent approach is important: if a description starts out as detailed, it should not suddenly become limited;
- (g) **Describers:** describers should be chosen to fit the genre, the nature of the programme and the intended audience. Ideally, the same people should be used to describe a series of programmes, both to ensure a consistent style (for example, in terms of level of detail) and because the description forms a part of the programme for users;
- (h) **Children's programmes:** language and pace of delivery for children's television programmes need particular care, having regard to the age and background of the target audience, as well as feedback from children and their parents. A more intimate style may be appropriate than would be the case for programmes aimed at adults;
- (i) **Publicity:** periodic announcements should be made about programmes with audio description;
- (j) **Characters:** identifying and describing characters is vital to effective audio description. Key features should be identified as soon as practicable, to help identify the person in the listener's mind's eye and avoid the need for long-winded and confusing descriptions (for example, 'the tall man' or 'district attorney Lopez'). But the describer should not give the name away if the plot requires the character's

identity to be revealed at a later date. When describing characters, aspects such as dress, physical characteristics, facial expression, body language, ethnicity and age may be significant. Describers should not shy away from using colours or describing a character as pretty, or handsome, where relevant to the story. Generally names (rather than 'he' or 'she') are used more often than in normal speech, so as to avoid confusing the audience, particularly when there are several people taking part in a dialogue;

- (k) **On-screen action:** wherever possible, the describer should try to describe at the same time as the action occurs. This is particularly important with regard to comic situations, where the audience, sighted and visually impaired, should be able to laugh at the same time. Where relevant, key back-references can be included. It may be necessary to set up the next scene during the current description;
- (l) **Settings:** when describing locations, the describer should try to cover scene changes where possible; the locations (including scene changes wherever possible); the time of day/season/date setting where appropriate; any sounds that are not readily identifiable; and on-screen information (for example, signs, hieroglyphics, open subtitles for foreign languages, captions, and opening and closing credits). The description should not censor what is on screen. However, it should not be necessary to use offensive language, unless (for example) when referring to content that is integral to understanding the programme, such as graffiti scrawled on a wall.

URCA's Proposed Amendment:

9.5 Audio Description

- (1) Licensees are encouraged, but not required, to provide audio descriptions of their television programming wherever possible.
- (2) Audio description best practice guidelines, which all Licensees providing audio description are encouraged to adopt, are as follows:
 - (a) **What to describe:** to the extent relevant to the storyline, audio description should describe key visual information which is relevant to the plot, such as characters (including body language and expressions), location, colours, time, on-screen information, sounds that are not easily identifiable, scene changes and/or unexplained pauses in dialogue. It may also be appropriate to provide qualitative judgements to convey meaning or humour;
 - (b) **What not to describe:** the description should only provide information about what can be seen on the screen. Information unavailable to the sighted viewer should not be added, though discretion is always necessary. 'A concrete bridge over some ships in a waterway' would fall short if the sighted audience sees Nassau's Paradise Island Bridge at Potter's Cay, even without an identifying caption. Generally, descriptions such as camera angles should not be used;
 - (c) **When to describe:** Audio description should not interfere with dialogue, important or additional sound effects, or crucial sound effects unless absolutely necessary. In those cases, audio description should only be used to provide relevant information when the dialogue or other sounds are minimal or to read closed or on-screen captions. To distinguish between closed captioning and audio description, the

describer should use either their voice (for example, stating 'He says in Haitian...' or 'A caption reads...') or a second voice. Audio description should avoid describing over the main soundtrack unless it is necessary to convey relevant information or to read subtitles/on-screen text. During songs, audio description should ideally pause when there is a repeat of the lyrics or when the lyrics are irrelevant to the storyline.)

- (d) **Language:** Audio description should use present tense, continuous present, or present participle when describing actions. Using a variety of verbs helps create clearer images for the viewer. Adverbs can describe emotions and actions but should not be subjective. Vocabulary should be appropriate for the program's genre and accurate, easily understood, and concise.
- (e) **Delivery:** License holders should consider the type of program when creating the language and tone of audio descriptions and selecting details to describe. For example, describing clothing may be especially important for fashion-based shows. License holders may want to try different AD styles based on audience preferences, feedback, and the type of program. This could involve using a more neutral or unobtrusive style or a more casual or subjective style, such as incorporating humour that matches the content. Audience preferences for audio description styles vary, so providers may want to offer different styles for different programs. Providers should ensure that the language and style of audio descriptions for children's programming are interesting and suitable for their age.)
- (f) **Balance:** It is important that licensees find the right balance when providing audio descriptions. How much detail to include without overwhelming the audience must be considered. Giving the program room to unfold naturally without overloading it with descriptions is essential. However, gaps must be appropriately filled to prevent confusion for the audience. When time is limited, focusing on key moments and overall dynamics is better than trying to describe every single action. Consistency is also crucial, so the level of detail should remain constant throughout the audio description.)
- (g) **Describers:** Describers' voices should be chosen to suit the genre, the nature of the programming and the intended audience. As far as possible, providers should also ensure that the same describer(s) voice the AD for each episode in a series. This is key to creating a sense of continuity for audiences and is especially important for series where audiences are likely to watch multiple episodes consecutively;
- (h) **Children's programmes:** language and pace of delivery for children's television programmes need particular care concerning the age and background of the target audience, as well as feedback from children and their parents. A more intimate style may be appropriate than would be the case for programmes aimed at adults;
- (i) **Characters:** When creating audio descriptions, it's important to identify and describe characters effectively. This involves identifying key features of the characters early on to help listeners visualize them without the need for lengthy descriptions. However, if the plot requires a character's identity to be revealed later, the describer should avoid giving away the name. When describing characters, it's important to consider aspects such as their clothing, physical characteristics, facial expressions, body language, ethnicity, and age. Describers should not avoid using colours or describing a character as attractive if it's relevant to the story.

Additionally, using names instead of pronouns can help avoid confusion, especially in dialogue involving multiple characters.)

- (j) **On-screen action:** Wherever possible, the describer should try to describe the action at the same time it occurs. This is particularly important concerning comic situations, where the audience, sighted and visually impaired, should be able to laugh simultaneously. Where relevant, key back-references can be included. It may be necessary to set up the next scene during the current description;
- (k) **Settings:** When describing locations, the describer should aim to include scene changes, the locations (including any scene changes), the time of day, season, or date setting when relevant, any unidentified sounds, and on-screen information (such as signs, hieroglyphics, open subtitles for foreign languages, captions, and opening and closing credits). The description should not censor what is on screen. However, the use of offensive language is unnecessary unless it is integral to understanding the program, such as referring to graffiti on a wall.)
- (l) **Audibility:** Licensees should create an appropriate balance in sound levels to ensure the audibility of both the audio description and the main soundtrack. Providers may also wish to consider customisation options to enable audiences to adjust the sound levels of the AD and main soundtrack to match their preferences. Providers should also ensure that the AD can be played through the same audio systems as the main soundtrack, such as any surround sound system.

URCA aims to assist broadcasters in fulfilling their statutory, regulatory, and social obligations and proposes revisions to facilitate improved equal access, customisation, and choice. This includes providing the flexibility to deliver enhanced captioning, audio descriptions, and sign language, ensuring high-quality access services for individuals with disabilities. URCA also intends to insert new provisions to encourage quality standards for access services and outline best practices regarding the promotion of access services by Licensees. Licensees should always, where practical, provide customisation options, prioritise accessible programming, and continuously improve access service availability and quality.

The principles for providing access services remain consistent regardless of the technology used and can be enhanced by new technology. For example, when giving captioning/subtitles, it is critical that the text accurately reflects the spoken dialogue and is synchronised with the audio. Subtitles should be easy to read, provide context, and consider cultural nuances. Consistency in style and formatting is essential, and subtitles should be accessible to all viewers.

When it comes to audio description, the aim is to make audiovisual content accessible to blind or partially sighted individuals. The description should accurately depict the action and visual elements, and additional accessibility features should be considered. Clarity, accuracy, and suitability of the describer's voice are crucial, and efforts should be made to reduce barriers to accessing content for people with sight loss from different backgrounds.

For sign language access services, qualified signers fluent in the relevant sign language are essential. The interpretation should be synchronised with the audio and visual content. Clarity, expressiveness, appropriate positioning of the signers, and technical considerations should be

optimised for the best viewing experience. Compliance with relevant regulations and guidelines is also essential.

URCA proposes inserting guidance for Licensees regarding quality standards and their duty to publicise the availability of access services.

Part 9: Access Service

Proposed New Code Provision

9.6 Promoting Awareness

(1) Licensees must ensure that their audiences are informed about access services as a general feature and their availability on specific services, platforms, and programs. Additionally, Licensees should assist in promoting an understanding of locating programs with access services (for example, through navigational tools and identifying symbols) and provide information on utilising available customisation or personalisation features. This information should be easily accessible to relevant audiences.

(2) Licensees should aim to promote awareness of alternative accessible versions of a programme, such as when an accessible version of a given programme is broadcast at a later time/date or uploaded to a VoD service.

(3) Awareness should be promoted through various effective means, considering the full range of disabled audiences (for example, by including communications in sign language or plain English). This means of communication might include:

- (a) Periodic On-air announcements and on-screen text (in the case of broadcast channels)
- (b) promotional videos
- (c) information online and on social media (such as video tutorials)
- (d) information in emails to subscribers/ users or in publications aimed at people likely to benefit from access services.

(4) Communicating with viewers about availability is particularly important when there are changes to regular scheduling, interruptions in providing access services (for example, during moments of national importance), or service outages. Licensees should, therefore, ensure that they have prepared clear communication plans that are ready to be implemented in case of interruptions to service and that they consider the affected audiences and their needs.

(5) Where there is expected to be a protracted outage, viewers should be informed quickly on the cause, steps to remedy it, and the estimated time for full restoration of service. Also, viewers should be promptly informed when services have been restored. Communication should consider the audiences most likely to be affected. For example, when there is an outage of a signing service, communications should be made available in sign language.

(6) Where broadcast or VoD services are available across multiple platforms, providers should offer information on how much their programmes are accessible on each platform.

This information should be available before the purchase of paid services (for example, subscription services).

(7) Licensees have a duty to promote awareness of the availability of their access services to potential users, which includes general awareness and specific requirements to ensure that programmes that carry access services are clearly indicated, both in their own programme listings and by providing information to electronic programme guide (EPG) operators listing their services. Standard upper-case acronyms for closed captioning (CC) or alternately subtitling (S), audio description (AD), and signing (SL). Should be used. Where practicable, Licensees should use their TV channels (and not just social media) to communicate with viewers during the service disruption. The information provided should be accurate. For example, EPG data on the availability of access services should be kept up to date if any services have been lost.

Part 9: Access Service

Proposed New Code Provision

9.7 Quality Standards

(1) While URCA encourages using different technologies to provide access services, broadcasters should ensure that their access services are of sufficiently high quality to ensure that they effectively contribute to the accessibility of their programming.

(2) URCA considers that access services that are of sufficient quality should take account of a range of factors to assess, including

- (a) For captioning: accuracy, synchronicity, readability, presentation, and description of non-speech information. Whether a program is live or pre-recorded should be considered.
- (b) For audio description: Accuracy, comprehensibility, and audibility.
- (c) For signing: Accuracy, synchronicity, and visibility.

Part 9: Access Service

Existing Code:

9.6 Duty to consult

Licensees are required to consult periodically with groups representing persons with hearing or visual impairments on issues such as the quality of access services, and the selection and scheduling of programs. To facilitate feedback from access service users, Licensees should also provide contact details on their websites, including e-mail addresses, telephone and text phone numbers. Licensees should monitor and respond to this feedback.

9.7 Annual Reports to URCA on the volume of Access Services Programming

Licensees are encouraged to provide URCA, by 31st January in each calendar year, or upon request, with data on the volume of programmes for which they have provided each kind of access service during the preceding calendar year, grouped by genre such as news, factual programmes, current affairs programmes, dramas, comedies and so forth.

URCA's Proposed Amendment:

9.8 Duty to Consult: Licensees must consult periodically with groups representing persons with hearing or visual impairments on issues such as the quality of access services and the selection and scheduling of programs. Licensees should also provide contact details on their websites to facilitate feedback from access service users, including e-mail addresses and telephone and text phone numbers. Licensees should monitor and respond to this feedback.

9.9 Annual Reports to URCA on the Volume of Access Services Programming: Licensees are encouraged to provide URCA, by 31st January in each calendar year, or upon request, with data on the volume of programmes for which they have provided each kind of access service during the preceding calendar year, grouped by genre such as news, factual programmes, current affairs programmes, dramas, comedies and so forth.

Adding specific provisions to the Code of Practice for Content Regulation that separately set out standards of quality and guidelines for publicity of Access Services provided by broadcast Licensees can be justified in a regulatory context for the following reasons:

Ensuring Accountability: By including specific provisions for quality standards, the regulatory authority can hold broadcast Licensees accountable for the accessibility of their content. These provisions establish clear expectations and benchmarks for the quality of Access Services, ensuring that Licensees meet the needs of individuals with disabilities. This promotes transparency and accountability within the broadcasting industry.

Enhancing User Experience: Setting quality standards for Access Services ensures that individuals with disabilities receive high-quality and effective services. Specific provisions can outline technical requirements, such as caption accuracy, audio description clarity, or sign language interpretation standards. This enhances the user experience and ensures that Access Services are provided meaningfully and beneficial to individuals with disabilities.

Promoting Awareness and Visibility: Guidelines for publicity of Access Services can help raise public awareness about their availability. By including provisions that outline how Licensees should promote and publicize their Access Services, individuals with disabilities are more likely to be informed and able to access the content. This promotes inclusivity and ensures that individuals are aware of their options.

Encouraging Compliance and Best Practices: Specific provisions in the Code of Practice can guide broadcast Licensees to comply with accessibility requirements and adopt best practices.

By providing clear publicity and quality standards guidelines, Licensees are more likely to understand their obligations and take proactive steps to improve their Access Services. This fosters a culture of continuous improvement and encourages Licensees to go beyond minimum requirements to provide the best possible accessibility experience.

Overall, adding specific provisions to the Code of Practice for Content Regulation that separately set out quality standards and guidelines for publicity of Access Services helps ensure accountability, enhance user experience, promote awareness, and encourage compliance and best practices within the broadcasting industry.

URCA recognises the immense potential of evolving technology to Licensees, for example, by using object-based media to provide quality access services and elevate overall media product quality and value. These advantages underscore the significance of considering regulatory changes to encourage the full exploration of using new technology in several ways, including improved service quality, production efficiency, enhanced audience engagement, increased accessibility, and flexibility. Technology allows for greater personalisation, multi-format content creation, targeted advertising, improved accessibility features, and dynamic content assembly. Finding the right balance between technology and desired outcomes can help broadcasters stay competitive, attract and retain viewers, and potentially increase revenue through targeted advertising.

Question 15: Do you support URCA's proposal to change the existing recommendation for Licensees to provide access services to a requirement to do so? If not, please provide reasons for your answer.

Question 16: Do you agree with URCA's proposal to replace specific guidance with broader guidelines, allowing Licensees greater flexibility to use emerging technology to provide more effective access services more efficiently? If not, please provide reasons for your answer.

Question 17: Do you agree with URCA's proposal to amend guidance for Licensees on the provision of access services? If not, please provide reasons for your answer.

Question 18: Do you support URCA's suggestion to include guidelines for Licensees' compliance with quality standards and their duty to publicise of available access services? If not, please provide reasons for your answer.

3.8. Part 10: Complaints Handling Process

URCA proposed to revise clauses 10.2(4)(a) and 10.2(5) of the Code to update technology references for public complaints.

Part 10: Complaints Handling Process

Existing Code:

10.2 Scope of Complaints Handling Process

(4) A Code Complaint is a complaint that satisfies Clause 10.2(1) and that is:

- (a) made in writing by letter or fax by a person who signs the letter or fax and provides his or her name, e-mail or postal address and telephone contacts (if applicable) and sent by mail or delivered to the Licensee, or sent by fax to the Licensee's main fax number; or
- (b) (where the Licensee has technological capacity) made by an online electronic complaint form or other relevant digital service or application offered by the Licensee; or
- (c) submitted by electronic mail ("e-mail").

(5) Where, by reason of disability or distance, a complainant cannot lodge a complaint that satisfies the requirements of Clause 10.2(4), a telephoned complaint or a complaint on an audio cassette or on a computer disk in a common format will be a Code Complaint, provided that in each case it otherwise satisfies Clause 10.2(1).

URCA's Proposed Amendment:

10.2 Scope of Complaints Handling Process

(4) A Code Complaint is a complaint that satisfies Clause 10.2(1) and that is:

- (a) made in writing by letter by a person who signs the letter and provides his or her name, e-mail or postal address and telephone contacts (if applicable) and sent by mail or delivered to the Licensee, or
- (b) (where the Licensee has technological capacity) made by an online electronic complaint form or other relevant digital service or application offered by the Licensee or
- (c) submitted by electronic mail ("e-mail").

(5) Where, because of disability or distance, a complainant cannot lodge a complaint that satisfies the requirements of Clause 10.2(4), a telephoned complaint or an electronically recorded complaint will be a Code Complaint, provided that in each case, it otherwise satisfies Clause 10.2(1).

URCA believes that it is appropriate and in line with good regulatory policy to revise the language in clauses 10.2(4)(a) and 10.2(5) of the Code of Practice for Content Regulation by removing and replacing references to obsolete, unused technology for several reasons.

Firstly, updating the language ensures that the information provided to the public is clear and easily understandable. By removing references to obsolete technology, individuals can easily identify the appropriate means of contacting URCA to file a complaint, promoting clarity and accessibility in the complaint-filing process.

Removing references to obsolete technology streamlines the complaint filing process, saving time and resources for the regulatory authority and the public. It also ensures that the regulations remain relevant and adaptable to changing technological advancements, demonstrating the regulatory authority's ability to engage effectively with the public and keep up with modern communication methods.

Additionally, updating the language to include modern and widely used communication methods demonstrates a user-friendly approach. It allows individuals to engage with the regulatory process using familiar communication methods, making it easier to file complaints and participate.

In summary, revising the language to remove and replace references to obsolete, unused technology in the specified clauses enhances clarity, accessibility, efficiency, and adaptability in the complaint-filing process, ensuring that the regulations remain relevant and effectively serve the public.

URCA proposes to revise clauses 10.10(12) and 10.10(14) to change the term ‘working days’ to ‘business days’ for consistency of references in part 10 of the Code.

Part 10: Complaints Handling Process

10.10 Process for investigations and referral of complaints

(12) If URCA considers that it should assess the matter further, it will normally at this stage ask the Licensee for a recorded copy of the relevant programme or advertisement, which must be provided to URCA within three (3) working days. It is not appropriate at this stage for the Licensee to provide written representations.

URCA's Proposed Amendment:

10.10 Process for investigations and referral of complaints

(12) If URCA considers that it should assess the matter further, it will normally, at this stage, ask the Licensee for a recorded copy of the relevant programme or advertisement, which must be provided to URCA within three (3) business days. It is not appropriate for the Licensee to provide written representations at this stage.

Part 10: Complaints Handling Process

10.10 Process for investigations and referral of complaints

(14) URCA aims to complete an initial assessment of all Code Complaints within fifteen (15) working days. However, the circumstances of individual cases can vary considerably and completion of an investigation may in some cases take longer.

URCA's Proposed Amendment:

10.10 Process for investigations and referral of complaints

(14) URCA aims to complete an initial assessment of all Code Complaints within fifteen (15) business days. However, the circumstances of individual cases can vary considerably, and an investigation's completion may take longer in some cases.

URCA aims to develop clear and consistent content rules to ensure clarity, fairness, and uniformity in the regulatory process. Consistency helps to avoid confusion and ambiguity, promotes compliance and enforcement, and enhances transparency and accountability. Using consistent terminology and definitions, URCA can provide more precise guidelines to broadcast Licensees and make it easier for them to understand and comply with the regulations, ensuring that all broadcasters are held to the same standards and can operate within a clear and consistent regulatory framework.

Question 19: Do you agree with URCA's proposal to revise clauses 10.2(4)(a) and 10.2(5) of the Code to update technology references for public complaints? If not, please provide reasons for your answer.

Question 20: Do you agree with URCA's proposal to revise clauses 10.10(12) and 10.10(14) to change the term 'working days' to 'business days' for consistency of references in part 10 of the Code? If not, please provide reasons for your answer.

4. Annex A: Proposed Amendments to the Code of Practice for Content Regulation

This section outlines URCA’s proposed amendments to the Code.

Part 1: Interpretation, Purpose and Applicability

1.1 Definitions and Interpretations

“artificial intelligence” or “AI” —

- (a) means technology enabling the programming or training of a device or software to—
 - (ii) perceive environments through the use of data;
 - (iii) interpret data using automated processing designed to approximate cognitive abilities; and
 - (iv) make recommendations, predictions or decisions with a view to achieving a specific objective; and
- (b) includes generative AI, meaning deep or large language models able to generate text and other content based on the data on which they were trained;²⁴

“business day” means a day when most businesses are open: a weekday that is not a holiday.²⁵

“calendar day” means each day shown on the calendar beginning at 12:00 Midnight, including Saturdays, Sundays and Holidays. The term “day” shall mean calendar day whether or not expressly identified.²⁶

“cannabinoids” means a group of substances found in cannabis and includes cannabidiol and tetrahydrocannabinol;

“cannabidiol” or “CBD” means a substance found in the cannabis plant which reacts with specific receptors in the human brain and body to give therapeutic effect;

“cannabis” means a cannabis plant other than hemp, with a THC concentration of more than 0.3% by dry weight in flowering heads and leaves, which includes —

- (b) phytocannabinoids;
- (c) any substance or mixture of substances that contains or has on, or in it, any part of a cannabis plant;
- (d) any substance that is identical to any phytocannabinoid produced by, or found in, a cannabis plant, regardless of how the substance was obtained;

²⁴ **ELECTRICITY BILL, 2024** -A BILL FOR AN ACT TO MODERNISE AND CONSOLIDATE THE LAW RELATING TO THE SUPPLY OF ELECTRICITY AND TO REPEAL THE ELECTRICITY ACT, CHAPTER 194 AND FOR CONNECTED MATTERS - PART I – PRELIMINARY – 2(1)

²⁵ “business day.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/business%20day>. Accessed 21 Jul. 2024.

²⁶ <https://www.lawinsider.com/dictionary/calendar-day>

“cannabis accessory” means —

- (a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporisers that is commonly used in the consumption of cannabis; or
- (b) a thing represented to be used in the consumption of cannabis and, if sold at the same point of sale as cannabis, is deemed to be used in the consumption of cannabis;²⁷

“electronic cigarette” or **“e-cigarette”** means - a battery-operated device that is typically designed to resemble a traditional cigarette and is used to inhale nicotine vapour.

Part 1: Interpretation, Purpose and Applicability

Existing Code:

1.4 (3) This Code does not apply to content which is delivered by Licensees solely via the Internet, and which is available for access by any person situated within or outside The Bahamas via the Internet unless that content is targeted at persons within The Bahamas by virtue of it being promoted or advertised within The Bahamas.

URCA’s Proposed Amendment:

1.4 (3) For the avoidance of doubt, this Code applies to content which is delivered by Licensees solely via the Internet, and which is available for access by any person situated within or outside The Bahamas.

Part 1: Interpretation, Purpose and Applicability

Existing Code:

1.7 Repeal and Replacement of Interim Codes of Practice

This Revised Code of Practice repeals and replaces the Interim Code of Practice for Political Broadcasts issued by URCA on 19 January 2010 (ECS 01/2010), the Interim Code of Practice for Broadcasting Content issued by URCA on 9 April 2010 (ECS 10/2010) and the Revised Code of Practice for Content Regulation issued by URCA on 2 March 2012 (ECS 06/2012)

URCA’s Proposed Amendment:

1.7 Repeal and Replacement of Interim Codes of Practice

²⁷ CANNABIS BILL, 2023 - A BILL FOR AN ACT TO REGULATE THE HANDLING OF CANNABIS AND THE ESTABLISHMENT OF THE CANNABIS AUTHORITY – Part I – Preliminary 2(1)

This Revised Code of Practice repeals and replaces the Revised Code of Practice for Content Regulation issued by URCA on 17 August 2020 (ECS08/2020).

Part 2: Operational and Technical Rules

Existing Code:

Technical Rules

2.4 Retention and Production of Station Recordings

(2) The Licensee must keep recordings made pursuant to this Clause for the longest of the following periods:

- (a) six (6) weeks starting on the day after the material was broadcast;
- (b) if a complaint has been made to the Licensee under Part 10 of this Code in relation to material contained in a broadcast – one (1) year from the date on which the complaint is resolved; or
- (c) any longer period specified by URCA in writing.

URCA's Proposed Amendment:

Technical Rules

2.4 Retention and Production of Station Recordings

(2) "Broadcast transmitter output" refers to the signal or information transmitted from a broadcasting station to receiving devices, such as radios or televisions. This output carries the audio or video content as intended for delivery to the audience over the airwaves or through other transmission mediums to reach the listeners or viewers. The Licensee must keep broadcast transmitter output recordings made pursuant to this Clause for the longest of the following periods:

- (a) six (6) weeks starting on the day after the material was broadcast;
- (b) if a complaint has been made to the Licensee under Part 10 of this Code in relation to material contained in a broadcast – one (1) year from the date on which the complaint is resolved; or
- (c) any longer period specified by URCA in writing.

Part 2: Operational and Technical Rules

Existing Code:

Technical Rules

2.5 Station Identification

(2) Official station identification shall consist of:

- (a) the name of the Licensee;
- (b) the broadcasting station's radio frequency or channel number as stated on the station's Licence; and
- (c) the broadcasting station's call letters, call sign or station identification immediately followed by the community or communities specified in its Licence as the station's territorial location.

URCA's Proposed Amendment:

Technical Rules

2.5 Station Identification

- (2) Official station identification shall consist of:
 - (a) the name of the Licensee;
 - (b) the broadcasting station's radio frequency or channel number as stated on the station's Licence;
 - (c) the broadcasting station's call letters, call sign or station identification immediately followed by the community or communities specified in its Licence as the station's territorial location; and
 - (d) the identification of the Licensees' digital media presence, including any website, social media, or streaming platform operated by the Licensee.

Part 2: Operational and Technical Rules

Existing Code:

Technical Rules

2.6 Technical Standards

- (4) Every Licensee that intends to adopt technical standards as contemplated by Clause 2.6(2)(c) of this Code shall, **by no later than 1st March 2012 and thereafter** at least two months prior to the Licensee making any changes thereto, submit such technical standards for URCA's non-objection. URCA may, if it considers a Licensee's technical standards are unreasonable, direct that Licensee in writing to amend its technical standards.

URCA's Proposed Amendment:

Technical Rules

2.6 Technical Standards

- (3) Every Licensee that intends to adopt new technical standards as contemplated by Clause 2.6(2)(c) of this Code shall, **at least sixty (60) calendar days before the Licensee making any changes thereto, submit such technical standards for URCA's non-**

objection. URCA may, if it considers a Licensee's technical standards unreasonable, direct in writing that the Licensee amend its proposed technical standards.

Part 2: Operational and Technical Rules

New

Technical Rules

2.8 Synthetic Media

(1) Without limitation to the specific rules set out elsewhere in this Code, Licensees who use Artificial Intelligence (AI), synthetic media, autonomous generative computer applications, or any emerging technology shall in the preparation and scheduling of programming for broadcast via any means of electronic communications, ensure that the content is consistent with rules prohibiting the broadcast of misinformation, deception, and the accuracy of content as set out in Sections 8.1 *Accuracy, objectivity, and impartiality*, 8.2 *Misrepresentation and False Information*, and 8.10 *Fairness*.

"Synthetic media" is a broad term that refers to the artificial creation or alteration of media by machines, particularly programs that use artificial intelligence and machine learning. In simpler terms, it's media that is created by technology. Synthetic media is also known as "AI-generated media".

Part 4: Harm and Offence

Existing Code:

Preservation of Law and Order

4.1 Crime

(1) The following categories indicate material which is of a criminal nature that will invariably be unsuitable for broadcast:

(a) material which:

- (i) is reasonably likely to encourage or incite the commission of a crime;
- (ii) is reasonably likely to lead to public disorder;
- (iii)** threatens harm or evil;
- (iv) presents detailed depiction of the use of illegal drugs, or instruction in or encouragement of illegal drug use;
- (v) advocates or promotes hatred in any form (up to and including genocide) against, or vilifies, any person or identifiable group on the basis of ethnicity,

nationality, race, gender, sexual preference, age, religion or physical or mental disability;

(vi) circulates or makes available false information regarding the outbreak of a deadly or contagious disease.

URCA's Proposed Amendment:

Preservation of Law and Order

4.1 Crime

(1) The following categories indicate material which is of a criminal nature that will invariably be unsuitable for broadcast:

(a) material which:

(i) is reasonably likely to encourage or incite the commission of a crime;

(ii) is reasonably likely to lead to public disorder;

(iii) threatens harm;

(iv) presents a detailed depiction of the use of illegal drugs or instruction in or encouragement of illegal drug use;

(v) advocates or promotes hatred in any form (up to and including genocide) against or vilifies any person or identifiable group based on ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;

(vi) circulates or makes available false information regarding the outbreak of a deadly or contagious disease.

Part 4: Harm and Offence

Existing Code:

Preservation of Law and Order

4.9 Violence in News and Current Affairs Programming

(1) Within their news and current affairs programming, Licensees shall:

(e) exercise judgment during live coverage of domestic terrorist events or civil disorders, to ensure news coverage does not become a factor in inciting additional violence.

URCA's Proposed Amendment:

Preservation of Law and Order

4.9 Violence in News and Current Affairs Programming

(1) Within their news and current affairs programming, Licensees shall:

- (f) exercise judgment during live coverage of global, regional or domestic terrorist events or civil disorder to ensure news coverage does not become a factor in inciting additional violence.

Part 5: Protection of Young Persons

Existing Code:

5.4 Sexual themes

(2) Licensees shall ensure that programmes that take incest or child abuse as their topic or theme shall provide suitable warnings prior to airing and shall be appropriately scheduled. Licensees shall also provide information on relevant telephone help-lines provided by governmental or other specialist agencies. Licensees should treat material of this nature with the utmost care and sensitivity, bearing in mind the psychological effects it might have on child-victims.

URCA's Proposed Amendment:

5.4 Sexual themes

(2) Licensees shall ensure that programmes that take incest or child abuse as their topic or theme shall provide suitable warnings before airing and shall be appropriately scheduled. Licensees should also provide information on relevant telephone helplines, websites, or online applications by which the public may contact and access relevant assistance from governmental or other specialist agencies. Licensees should treat material of this nature with the utmost care and sensitivity, bearing in mind the psychological effects it might have on child victims.

Part 5: Protection of Young Persons

Existing Code:

5.6 Drugs, Alcohol, Solvents and Smoking

The use of illegal drugs, the misuse of alcohol, solvent abuse and smoking must not be condoned, encouraged or glamorised in programmes broadcast outside the watershed.

URCA's Proposed Amendment:

5.6 Drugs, Alcohol, Solvents and Smoking

The use of illegal drugs, tobacco, and electronic cigarettes, the misuse of alcohol, the abuse of solvents, vaping and smoking must not be condoned, encouraged, or glamorised in programmes broadcast outside the watershed.

Part 6: Political Broadcasts and Political Advertisements

Existing Code:

6.7 Prohibitions on polling day

(1) Licensees shall not broadcast the following to the public within any programmes on advanced polling day, election day, bye-election day and referendum day until the close of all polling stations:

- (a) discussion and analysis of election and referendum issues;
- (b) the result or purported result of the voting in a constituency or electoral district before the close of all of the polling stations in that constituency or electoral district;
- (c) the results of any opinion poll;
- (d) any political advertisements, political broadcasts or any other election programming produced by or on behalf of a candidate, political party or other person or entity.

(2) The prohibition in subsection (1) also applies in cases where polling stations in any constituency remains open after the mandatory scheduled time for poll closure due to an extenuating circumstance.

(3) Notwithstanding the prohibition in subsection (1) URCA may exercise its discretion and permit Licensees to broadcast to the public on any polling day the matters listed in subsection (1) where the relevant extenuating circumstance persists for a period exceeding twenty-four hours since the originally schedule closing time of the polls.

(4) In addition to the foregoing matters, the prohibition in subsection (1) does not apply to social media content.

URCA's Proposed Amendment:

6.7 Prohibitions on polling day

(1) Licensees shall not broadcast the following to the public within any programmes on advanced polling day, election day, bye-election day and referendum day until the close of all polling stations:

- (a) the result or purported result of the voting in a constituency or electoral district before the close of all of the polling stations in that constituency or electoral district;
- (b) the results of any opinion poll;
- (c) any political advertisements, political broadcasts or any other election programming produced by or on behalf of a candidate, political party or other person or entity.

(2) The prohibition in subsection (1) also applies in cases where polling stations in any constituency remain open after the mandatory scheduled time for poll closure due to an extenuating circumstance.

(3) Notwithstanding the prohibition in subsection (1), URCA may exercise its discretion and permit Licensees to broadcast to the public on any polling day the matters listed in subsection (1) where the relevant extenuating circumstance persists for a period exceeding twenty-four hours since the originally schedule closing time of the polls.

~~(4) In addition to the foregoing matters, the prohibition in subsection (1) does not apply to social media content.~~

Part 7: Advertising and Sponsorships

Existing Code

7.5 Alcohol

(1) Licensees shall not broadcast advertisements and sponsorships for alcohol during programmes directed towards children or outside the watershed period.

(2) Licensees shall not broadcast advertisements and sponsorships that encourage the consumption of alcohol by persons under the legal age to purchase alcohol, especially by advertisements for alcohol:

- (a) reflecting or being associated with youth culture; or
- (b) showing adolescent or juvenile behaviour; or
- (c) including a person or character whose example is likely to be followed by those aged under eighteen (18) years, or who has a strong appeal to those aged under eighteen (18).

(3) Advertisements must not feature, imply, condone or encourage irresponsible or immoderate drinking of alcohol. This applies to both the amount of drink consumed and the way drinking of alcohol is portrayed.

(4) Advertisements for alcohol should not:

- (a) detract from the need for responsibility and moderation in consumption;
- (b) imply that alcohol can contribute to an individual's:
 - (i) popularity or confidence,
 - (ii) daring, toughness and aggression,
 - (iii) social success or acceptance,
 - (iv) sexual activity, sexual success or seduction; or
- (c) imply that the success of a social occasion depends on the presence or consumption of alcohol; or
- (d) imply that alcohol enhances personal qualities or attractiveness; or
- (e) imply that refusal of alcohol is a sign of weakness.

URCA's Proposed Amendment:

7.5 Alcohol

(2) Licensees shall not broadcast advertisements and sponsorships for alcohol during programmes directed towards children.

(3) Licensees shall not broadcast advertisements and sponsorships that encourage the consumption of alcohol by persons under the legal age to purchase alcohol, especially by advertisements for alcohol:

- (a) reflecting or being associated with youth culture or
- (b) showing adolescent or juvenile behaviour; or
- (c) including a person or character whose example is likely to be followed by those under eighteen (18) years or who strongly appeals to those under eighteen (18).

(3) Advertisements must not feature, imply, condone, or encourage irresponsible or immoderate drinking of alcohol. This applies to both the amount of drink consumed and the way drinking of alcohol is portrayed.

(4) alcohol advertisements should not:

- (a) detract from the need for responsibility and moderation in consumption;

- (b) imply that alcohol can contribute to an individual's:
- (3) popularity or confidence,
 - (4) daring, toughness and aggression,
 - (5) social success or acceptance,
 - (6) sexual activity, sexual success, or seduction; or
- (c) imply that the success of a social occasion depends on the presence or consumption of alcohol or
- (d) imply that alcohol enhances personal qualities or attractiveness or
- (e) imply that refusal of alcohol is a sign of weakness.

Part 7: Advertising and Sponsorships

Proposed New Code Provision

7.7 Electronic Cigarettes (e-cigarettes)

Licensees shall not broadcast advertisements or sponsorships that promote the consumption or use of electronic cigarettes (e-cigs), electronic cigarette refill cartridges, or vaping accessories.

Part 7: Advertising and Sponsorships

Proposed New Code Provision

7.8 Cannabis

Licensees shall not broadcast advertisements or sponsorships that promote the consumption or use of cannabis or products containing cannabis.

Part 7: Advertising and Sponsorships

Existing Code:

7.9 Gambling

(1) Advertisements or sponsorships pertaining to lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service shall not be broadcast outside the watershed period.

(2) Licensees must take all reasonable steps to promote socially responsible gambling. Particular care should be taken to protect children and young persons from being harmed by such advertisements or sponsorships that features or promotes gambling.

(3) In addition to the foregoing, advertisements or sponsorships pertaining to lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service shall bear a general disclaimer.

URCA's Proposed Amendment:

4.1. Gambling

(1) Where Licensees take on Advertisements or sponsorships of lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service, they must take all reasonable steps to promote socially responsible gambling.

(2) Licensees should take particular care to protect children and young persons from harm from advertisements or sponsorships that feature or promote lawful gambling, gaming, betting, bookmaking, lotteries or any similar lawful activity or service.

(3) In addition to the foregoing, advertisements or sponsorships of lawful gambling, gaming, betting, bookmaking, lotteries, or any similar lawful activity or service shall bear a general disclaimer.

Section Number Changes related to insertions to Part 7: Advertising and Sponsorships

Existing Code Part 7 Section Numbers:

7.7 Prescription Drugs

7.8 Films and Video Games

7.9 Gambling

7.10 Sexual Services and Pornography

7.11 Financial Products

7.12 Food

URCA's Proposed Code Part 7 Section Number Amendment:

7.9 Prescription Drugs

7.10 Films and Video Games

7.11 Gambling

7.12 Sexual Services and Pornography

7.13 Financial Products

7.14 Food

Part 9: Access Service

Existing Code:

This Part of the Revised Code sets out the broadcasting standards for the provision of access services for people with hearing or visual impairments.

URCA's Proposed Amendment:

This Part of the Revised Code sets the broadcasting standards for providing access services primarily for people with sight and/or hearing loss.

Part 9: Access Service

Existing Code:

9.1 Access Services in News and Current Affairs

Licensees are encouraged to provide access services in their programming, including but not limited to news and current affairs television programmes.

URCA's Proposed Amendment:

9.1 Access Services in News and Current Affairs

Licensees must offer access services in their News and Educational programmes and are encouraged to provide access services for local, current affairs, and cultural television programs. When designing a program accessible to people with disabilities, providers should make every effort to ensure that important on-screen information is also accessible. This may include spoken warnings about potentially harmful flashing images and audible alerts for product placement and sponsorship.

Part 9: Access Service

Existing Code:

9.2 Access Services in Emergency, Disaster and Safety Announcements

(1) Licensees broadcasting emergency, disaster or safety announcements are required to provide the essential information visually on television (in open captioning, leaving sufficient time to write the details down) and spoken on television and radio. This should include relevant contact numbers for further information.

(2) Licensees should, as far as possible, use sign language as one of their preferred forms of communication when broadcasting emergency broadcasts, news and matters of national and international public importance on television.

URCA's Proposed Amendment:

9.2 Access Services in Emergency, Disaster and Safety Announcements

(4) In the interest of public safety, Licensees must provide clear and accessible information during national and local emergencies. This includes closed captioned (subtitled), signed, and spoken information, relevant phone numbers, and links to more details on television and radio. The captioned (subtitled) information should be in an open format and allow sufficient time for viewers to note down the details.

(5) Additionally, broadcasters should be aware that the government may instruct specified licensed broadcasters to include emergency announcements in their services, particularly during natural disasters. These announcements must be presented in a way that is accessible to people with disabilities.

(6) Licensees should, as far as possible, simultaneously use sign language, closed captions (subtitles), and spoken information as forms of communication when broadcasting emergency broadcasts, news and matters of national and international public importance on television.

Part 9: Access Service

Existing Code:

9.3 Closed Captioning

(2) Licensees should exercise due care in the presentation, lay-out, and non- speech information when broadcasting closed captioning, and must ensure that they have adequate procedures in place for monitoring the accuracy, speed and synchronisation of their closed-captioned broadcasts.

URCA's Proposed Amendment:

9.3 Closed Captioning

(2) Licensees should regularly monitor the quality of their access services. This should involve ensuring that processes are in place to review access service quality for pre-recorded content before transmission and regularly after transmission. Providers should consider using quantitative models to help assess the quality of their access services, for example, concerning specific aspects of subtitling quality such as accuracy and latency. Viewer feedback should also form an integral part of quality monitoring.

Part 9: Access Service

9.3 Closed Captioning

Existing Code:

(3) Closed captioning best practice guidelines which all Licensees providing closed captioning are encouraged to adopt are as follows:

- (a) **Presentation:** closed captioning should use the CEA-708 designated screen fonts for all closed captions. Closed captions on standard and high definition television services should use either the EIA-608 standard ('Line 21') standard developed by the Electronic Industries Alliance (EIA) or the CEA-708 standard developed by the Consumer Electronics Association (CEA) for closed captioning for National Television System Committee (NTSC) and Advanced Television Systems Committee Inc. (ATSC) analogue and digital television broadcasts in the United States and Canada. URCA also recommends that providers of audiovisual

media services, carriage services content services and on-demand audiovisual media services adhere to the same equipment standards used to render closed captioning. Licensees and service providers are encouraged to use anti-aliasing techniques to help make the appearance of closed captions clearer. Closed captions should be placed within the 'safe caption area' of a 14:9 display and should normally occupy the bottom of the screen, except where they would obscure the speaker's mouth or other vital information or activity. It is particularly important to avoid obscuring the face, as this convey emotions and tone of voice, as well as being necessary for lip-reading;

- (b) **Pre-recorded and live closed captions/subtitles:** pre-prepared block closed captions is the best approach to providing accurate, easily legible and well-synchronised closed captioning and should be used for pre-recorded programmes. Recommended colours are white, yellow, cyan and green against a solid black background as these provide the best contrast. When scrolling closed captions need to be used, any scripted material should be used for advance preparation. In addition to achieving the highest possible levels of accuracy and synchronisation, live closed captioning should flow continuously and smoothly;
- (c) **Lay-out:** closed captions should normally comprise a single sentence occupying no more than two lines, unless three lines will not obscure the picture. If necessary, sentences should be broken or reformed into more than one sentence at natural linguistic breaks so that each caption forms an understandable segment. Where breaks occur, the split should be made in a way that makes clear that there is more to come. This can be achieved by ending the first caption with a conjunction, a colon or semi-colon as appropriate, or even a short run of dots. Line breaks within a word must be avoided;
- (d) **Non-speech information:** in addition to speech, closed captioning should clearly describe relevant non-speech information, such as the mood of any music playing and the words of songs if possible (using the (a) # sign to precede and conclude music), louder speech (using capital letters), inaudible mutterings or incoherent shouts, etc. (which should be explained as such). Captions should be displayed horizontally in the direction of any sound effects, and where the source of speech is not immediately apparent the first caption should have a caption to label the source. Italics or punctuation marks may be used to indicate emphasis. Where long speechless pauses in programmes occur, an explanatory caption should be inserted. Different colours should be used to denote different speakers. Captions should be used to identify the source of off-screen/off-camera speech where this is not obvious
- Synchronisation of speech and closed captioning:** the aim should be to synchronise speech and closed captioning as closely as possible. Caption appearance should coincide with speech onset and disappearance should coincide roughly with the end of the corresponding speech segment. If necessary, closed captioning may be edited conservatively if this is necessary to avoid long delays between speech and closed captioning;
- (e) **Speed of closed captioning:** the speed should not normally exceed 160 to 180 words per minutes (wpm); closed captioning faster than 200 wpm would be difficult for many viewers to follow. Consideration may be given to displaying three lines of captioning rather than two, to allow a longer period for the subtitles to be read, provided that this does not obscure important parts of the picture. Slower speed and more heavily edited closed captioning are

appropriate for young children, though care should be taken to ensure that these are accurate and grammatical, as children and parents use closed captioning in developing literacy skills;

- (f) **Accuracy:** closed captioning users need to be able both to watch what is going on, and to read the captioning, therefore it is important that these are as accurate as possible so that viewers do not need to guess what is meant by an inaccurate caption; and
- (g) **Publicity:** the word 'Subtitles' should be displayed legibly on the screen at the start of the programme.

URCA's Proposed Revision

(3) Closed captioning best practice guidelines, which all Licensees providing closed captioning are encouraged to adopt, are as follows:

- (a) **Presentation:** Closed captioning should be easy to read without distracting from the main picture. Fonts, colours, and sizes should be easily read and visible against the background. Providers are encouraged to use antialiasing techniques to help clarify the appearance of the closed captions. Providers should make sure they use accessible fonts (such as Tiresias and Helvetica) which use simple shapes and characters that are not easily confused, including similar characters (for example, capital i- and lower-case l) and letter characters that mirror each other (for example lower case b and d). Accessible fonts can be particularly important for some disabled audiences (for example, deafblind or dyslexic viewers). Closed Captions are generally positioned at the bottom of the screen but should be moved when necessary to avoid obscuring the speaker's mouth or other vital information or activity. It is particularly important to avoid obscuring the speaker's face, as this conveys emotions and tone of voice and is necessary for lip-reading.
- (b) **Pre-recorded and live closed captions/subtitles:** pre-prepared block closed captions are the best approach to providing accurate, easily legible, and well-synchronised closed captioning and should always be used for prerecorded programmes and in live programmes where possible. *The recommended colours are white, yellow, cyan, and green against a solid black background, which provides the best contrast. When scrolling, closed captions need to be used; any scripted material should be used for advance preparation.* In addition to achieving the highest possible levels of accuracy and synchronisation, live closed captioning should flow continuously and smoothly;
- (c) **Lay-out:** closed captions should normally comprise a single sentence occupying no more than two lines unless three lines do not obscure the picture. When determining the size and position of subtitles, providers should consider the various platforms on which the content will be played out. Providers should consider customisation options in the presentation of subtitles to help address diverse needs and preferences (for example, larger font sizes are particularly important for deafblind people).
- (d) **Non-speech information:** Sound effects and music should be clearly described in addition to speech. Unlike translation closed captioning, closed captions for people with hearing loss and deaf people should clearly describe relevant non-speech

information, such as sound effects, the presence and mood of music, and the tone of speech. Song lyrics should also be captioned where possible, and the song title and artist's name can be used to introduce songs. Unexpected pauses or inaudible dialogue should be indicated. Punctuation, italics, or capitals are commonly used to indicate emphasis or emotion, and symbols such as # or a musical note (♪) can indicate music. Music and sound descriptions should be specific rather than generic to describe the sounds as clearly as possible. Captioners should be encouraged to use their creativity to capture the essence of sound effects. Different speakers should be identified. This can be achieved in several ways, including using colours, punctuation, or positioning of captions. Where the source of speech is not immediately apparent, the first subtitle should have a caption to label the source. Captions should also be used to identify the source and direction of off-screen/off-camera speech, which is indicated by the audio but not obvious from the visible context.

- (e) **Speed of closed captioning:** Generally, closed captions should be synchronised with the audio and reflect the speech verbatim as closely as possible. This can help audiences who use closed captioning in conjunction with audio and visual cues, including lip reading. However, closed captions should also be readable, so some paraphrasing may be appropriate in limited circumstances (for example, when the dialogue is very fast). It may also be appropriate to remove some filler words (for example, umms/ errs) that do not carry meaning (for example, conveying a character's hesitation). Closed captions should not appear before key information is relayed; this is particularly important for punchline delivery, for example, in comedy programmes or quiz/ game shows. Captions should remain on-screen long enough to be read while not hanging on-screen for so long that they are distracting or overrun shot changes, where avoidable. Licensees should also bear in mind the intended audience for their programmes; some people are likely to have slower reading rates and/or reading difficulties, for example, for whom Sign Language is their first language or who have cognitive conditions. Young children may also read more slowly than adults, although the need for editing may depend on the speed of speech. Closed captions that accurately reflect the speech may also help children develop literacy skills.
- (f) **Accuracy:** Closed captions must be as accurate as possible so that viewers do not have their understanding or enjoyment of a programme harmed by inaccuracies. While the programme must comply with URCA's editorial rules, the closed captions should not unnecessarily censor offensive language in the dialogue.

Part 9: Access Service

Existing Code:

9.4 Signing

Signing best practice guidelines which all Licensees providing signing are encouraged to adopt are as follows:

- (a) **Language:** English should be the default language for signed programmes. However, Licensees may also use other forms of sign language where consultation with disability groups has indicated that this would be acceptable. So far as possible, interpretation and voice-overs of signed programmes should be synchronised with the original speech/sign language;
- (b) **Presentation:** signed programmes may be presented or interpreted into sign language. Signed programmes, whether presented or interpreted in sign language, should be close captioned, to make it easier for people using both signing and closed captioning to understand and enjoy them;
- (c) **Signers:** sign language presenters, reporters and interpreters should be appropriately qualified, both to use sign language of native competency, and to communicate effectively through television. Some latitude is allowed for guests and interviewees, though broadcasters should ensure that they are understandable. The signer should use a style of interpretation and wear clothing that is appropriate to the style of the programme. It is important that signers' clothing allows them to be seen distinctly against the picture;
- (d) **Size of image:** the image of the signer superimposed upon the original programme should generally appear on the left side of the screen and occupy a space no smaller than one sixth of the picture size;
- (e) **Techniques:** the signer should use appropriate techniques to indicate whose speech he or she is interpreting, and to draw attention to significant sound effects (if any);
- (f) **Delivery:** different methods of delivery are permissible, provided that the provision of sign language complies with these rules, and it is available in a form that is accessible to all viewers who want it, without the need to purchase special equipment or services. For example, Licensees may choose to use interactive services to provide a signed version of a programme simultaneously with an unsigned version, provided the interactive option is publicised at the beginning of the programme, is full-screen and complies with the standards set out in these rules. Licensees may also use 'closed' signing should this become feasible. However, the requirement for accessibility would preclude the use of Internet Protocol Television to provide signed programmes, unless viewers had the necessary equipment or were provided with it free-of-charge. In any case, Licensees who wish to use new forms of delivery should first consult URCA and groups representing persons with hearing or visual impairments.

URCA's Proposed Amendment:

9.4 Signing

Signing best practice guidelines, which all Licensees providing signing are encouraged to adopt, are as follows:

- (a) **Language:** English should be the default language for signed programmes. However, Licensees may also use other forms of sign language where consultation with disability groups has indicated that this would be acceptable. Sign interpretation should be synchronised with the speech as much as possible.;
- (b) **Presentation:** Programmes that are signed or interpreted in sign language should also have closed captions to make them accessible for people who use both signing and closed captioning;

- (c) **Signers:** Sign language presenters, reporters, and interpreters should be appropriately qualified to use sign language of native competency and communicate effectively through television. Some latitude is allowed for guests and interviewees, though broadcasters should ensure they are understandable. The signer should use a style of interpretation and wear clothing appropriate to the programme's style. It is important that signers' clothing allows them to be seen distinctly against the picture;
- (d) **Size of image:** Interpreters should be large enough for their facial expressions, hand gestures and upper body to be easy to see and understand while not obscuring key information on-screen. Sign interpreters appear on the right-hand side of the screen and should take up at least 1/6 of the area of a television screen. When determining the size and position of the signer, providers should also consider the various platforms on which the content will be played out and the genre of the programme (including the amount/type of on-screen activity). URCA encourages licensees to consider customisation tools to change the size of the signer where possible. Sign-language presenters, actors, or guests should be clear in shots when communicating in sign language in programmes.
- (e) **Techniques:** Sign interpretation should be accurate and understandable. Accuracy may be particularly important when essential information is being conveyed (for example, in news programmes), even if this means increased delays. Interpreters should emotionally reflect the content by portraying the speaker's intonations. Interpreters should also identify non-speech information, such as indicating who is speaking and key sound effects.
- (f) **Delivery:** different methods of delivery are permissible, provided that the provision of sign language complies with these rules and is available in a form that is accessible to all viewers who want it, without the need to purchase special equipment or services. For example, Licensees may choose to use object-based media to provide a signed version of a programme simultaneously with an unsigned version, provided the availability of the interactive option complies with the standards set out in these rules to promote awareness.

Part 9: Access Service

Existing Code:

9.5 Audio Description

(1) Licensees are encouraged wherever possible, but not required, to provide audio description of their television programming.

(2) Licensees providing audio description are required to:

(d) display a standard audio description video logo and broadcast an audio announcement indicating the presence of audio described video before the broadcast of each audio described programme;

(e) repeat the announcement and logo following each commercial break; and

- (f) make information available regarding the audio described programmes that they will broadcast; and

(3) Audio description best practice guidelines which all Licensees providing audio description are encouraged to adopt are as follows:

- (m) **What to describe:** to the extent relevant to the storyline, audio description should describe characters, locations, time and circumstance, any sounds that are not readily identifiable, on-screen action, and on-screen information;
- (n) **What not to describe:** the description should only provide information about what can be seen on the screen. Information unavailable to the sighted viewer should not be added though discretion is always necessary. 'A concrete bridge over some ships in a waterway' would fall short if the sighted audience sees Nassau's Paradise Island Bridge at Potter's Cay, even without an identifying caption. Generally, descriptions such as camera angles should not be used;
- (o) **When to describe:** audio description should not encroach on dialogue, important or complementary sound effects, or critical sound effects unless really necessary. Even then, audio description should only be used to impart relevant information when the dialogue or other sound is negligible, or to read closed captioning or on-screen captions. To differentiate between closed captioning and audio description, the describer should do this by either the use of their voice (for example, stating the obvious, 'He says in Haitian...' or 'A caption reads...') or a second voice. During opening titles and end credits, care should be taken to avoid clumsy overlaps with song lyrics. During songs, audio description should ideally pause where there is a reprise of the lyrics and where the lyrics are not relevant to the storyline;
- (p) **Language:** audio description provides a real-time commentary, so it should generally be in the present tense ('he sits'), the continuous present ('he is sitting') or the present participle ('Standing at the window, he lets out a deep sigh'), as appropriate. Variety is important, particularly with verbs. 'She scoots into the room' rather than the simple fact 'She enters the room' creates a clearer image for the viewer (a Thesaurus is always useful). Adverbs are useful shorthand to describing emotions and actions, but should not be subjective. Vocabulary should be matched to the genre of the programme, and should be accurate, easily understood, and succinct;
- (q) **Delivery:** delivery should be steady, unobtrusive and impersonal in style (but not monotonous), so that the personality and views of the describer do not colour the programme. Avoid terms such as 'we see'. However, it can be important to add emotion, excitement, lightness of touch at different points in different programmes to suit the mood and the plot development – the style should be matched to the genre of the programme. Diction should be clear and not hurried – every word should be clear, audible and timed carefully so that it does not overrun subsequent dialogue. The aim should be to enhance the enjoyment of a programme, not to distract from it;
- (r) **Balance:** judgement is needed in striking an appropriate balance between the amount of detail that is conveyed and the risk of overburdening the audience with detail and detracting from the enjoyment of the programme. Too much description, even where there is a lot of space for description, can make it difficult for viewers to absorb information. The programme should be allowed to 'breathe'. On the other

hand, long gaps in the dialogue may need to be explained if the viewer is not to be left confused (for example, 'the cowboy rides across the prairie into the distance'). If a time slot available for audio description is short, it is better to focus on key moments and dynamics rather than to rush the description or fill every available moment. For example, it may be distracting in dance or fight scenes to describe every piece of action. A consistent approach is important: if a description starts out as detailed, it should not suddenly become limited;

- (s) **Describers:** describers should be chosen to fit the genre, the nature of the programme and the intended audience. Ideally, the same people should be used to describe a series of programmes, both to ensure a consistent style (for example, in terms of level of detail) and because the description forms a part of the programme for users;
- (t) **Children's programmes:** language and pace of delivery for children's television programmes need particular care, having regard to the age and background of the target audience, as well as feedback from children and their parents. A more intimate style may be appropriate than would be the case for programmes aimed at adults;
- (u) **Publicity:** periodic announcements should be made about programmes with audio description;
- (v) **Characters:** identifying and describing characters is vital to effective audio description. Key features should be identified as soon as practicable, to help identify the person in the listener's mind's eye and avoid the need for long-winded and confusing descriptions (for example, 'the tall man' or 'district attorney Lopez'). But the describer should not give the name away if the plot requires the character's identity to be revealed at a later date. When describing characters, aspects such as dress, physical characteristics, facial expression, body language, ethnicity and age may be significant. Describers should not shy away from using colours or describing a character as pretty, or handsome, where relevant to the story. Generally names (rather than 'he' or 'she') are used more often than in normal speech, so as to avoid confusing the audience, particularly when there are several people taking part in a dialogue;
- (w) **On-screen action:** wherever possible, the describer should try to describe at the same time as the action occurs. This is particularly important with regard to comic situations, where the audience, sighted and visually impaired, should be able to laugh at the same time. Where relevant, key back-references can be included. It may be necessary to set up the next scene during the current description;
- (x) **Settings:** when describing locations, the describer should try to cover scene changes where possible; the locations (including scene changes wherever possible); the time of day/season/date setting where appropriate; any sounds that are not readily identifiable; and on-screen information (for example, signs, hieroglyphics, open subtitles for foreign languages, captions, and opening and closing credits). The description should not censor what is on screen. However, it should not be necessary to use offensive language, unless (for example) when referring to content that is integral to understanding the programme, such as graffiti scrawled on a wall.

URCA's Proposed Amendment:

9.5 Audio Description

- (3) Licensees are encouraged, but not required, to provide audio descriptions of their television programming wherever possible.
- (4) Audio description best practice guidelines, which all Licensees providing audio description are encouraged to adopt, are as follows:
- (m) **What to describe:** to the extent relevant to the storyline, audio description should describe key visual information which is relevant to the plot, such as characters (including body language and expressions), location, colours, time, on-screen information, sounds that are not easily identifiable, scene changes and/or unexplained pauses in dialogue. It may also be appropriate to provide qualitative judgements to convey meaning or humour;
 - (n) **What not to describe:** the description should only provide information about what can be seen on the screen. Information unavailable to the sighted viewer should not be added, though discretion is always necessary. 'A concrete bridge over some ships in a waterway' would fall short if the sighted audience sees Nassau's Paradise Island Bridge at Potter's Cay, even without an identifying caption. Generally, descriptions such as camera angles should not be used;
 - (o) **When to describe:** Audio description should not interfere with dialogue, important or additional sound effects, or crucial sound effects unless absolutely necessary. In those cases, audio description should only be used to provide relevant information when the dialogue or other sounds are minimal or to read closed or on-screen captions. To distinguish between closed captioning and audio description, the describer should use either their voice (for example, stating 'He says in Haitian...' or 'A caption reads...') or a second voice. Audio description should avoid describing over the main soundtrack unless it is necessary to convey relevant information or to read subtitles/on-screen text. During songs, audio description should ideally pause when there is a repeat of the lyrics or when the lyrics are irrelevant to the storyline.)
 - (p) **Language:** Audio description should use present tense, continuous present, or present participle when describing actions. Using a variety of verbs helps create clearer images for the viewer. Adverbs can describe emotions and actions but should not be subjective. Vocabulary should be appropriate for the program's genre and accurate, easily understood, and concise.
 - (q) **Delivery:** License holders should consider the type of program when creating the language and tone of audio descriptions and selecting details to describe. For example, describing clothing may be especially important for fashion-based shows. License holders may want to try different AD styles based on audience preferences, feedback, and the type of program. This could involve using a more neutral or unobtrusive style or a more casual or subjective style, such as incorporating humour that matches the content. Audience preferences for audio description styles vary, so providers may want to offer different styles for different programs. Providers should ensure that the language and style of audio descriptions for children's programming are interesting and suitable for their age.)
 - (r) **Balance:** It is important that licensees find the right balance when providing audio descriptions. How much detail to include without overwhelming the audience must

be considered. Giving the program room to unfold naturally without overloading it with descriptions is essential. However, gaps must be appropriately filled to prevent confusion for the audience. When time is limited, focusing on key moments and overall dynamics is better than trying to describe every single action. Consistency is also crucial, so the level of detail should remain constant throughout the audio description.)

- (s) **Describers:** Describers' voices should be chosen to suit the genre, the nature of the programming and the intended audience. As far as possible, providers should also ensure that the same describer(s) voice the AD for each episode in a series. This is key to creating a sense of continuity for audiences and is especially important for series where audiences are likely to watch multiple episodes consecutively;
- (t) **Children's programmes:** language and pace of delivery for children's television programmes need particular care concerning the age and background of the target audience, as well as feedback from children and their parents. A more intimate style may be appropriate than would be the case for programmes aimed at adults;
- (u) **Characters:** When creating audio descriptions, it's important to identify and describe characters effectively. This involves identifying key features of the characters early on to help listeners visualize them without the need for lengthy descriptions. However, if the plot requires a character's identity to be revealed later, the describer should avoid giving away the name. When describing characters, it's important to consider aspects such as their clothing, physical characteristics, facial expressions, body language, ethnicity, and age. Describers should not avoid using colours or describing a character as attractive if it's relevant to the story. Additionally, using names instead of pronouns can help avoid confusion, especially in dialogue involving multiple characters.)
- (v) **On-screen action:** Wherever possible, the describer should try to describe the action at the same time it occurs. This is particularly important concerning comic situations, where the audience, sighted and visually impaired, should be able to laugh simultaneously. Where relevant, key back-references can be included. It may be necessary to set up the next scene during the current description;
- (w) **Settings:** When describing locations, the describer should aim to include scene changes, the locations (including any scene changes), the time of day, season, or date setting when relevant, any unidentified sounds, and on-screen information (such as signs, hieroglyphics, open subtitles for foreign languages, captions, and opening and closing credits). The description should not censor what is on screen. However, the use of offensive language is unnecessary unless it is integral to understanding the program, such as referring to graffiti on a wall.)
- (x) **Audibility:** Licensees should create an appropriate balance in sound levels to ensure the audibility of both the audio description and the main soundtrack. Providers may also wish to consider customisation options to enable audiences to adjust the sound levels of the AD and main soundtrack to match their preferences. Providers should also ensure that the AD can be played through the same audio systems as the main soundtrack, such as any surround sound system.

Proposed New Code Provision

9.6 Promoting Awareness

(1) Licensees must ensure that their audiences are informed about access services as a general feature and their availability on specific services, platforms, and programs. Additionally, licensees should assist in promoting an understanding of locating programs with access services (for example, through navigational tools and identifying symbols) and provide information on utilising available customisation or personalisation features. This information should be easily accessible to relevant audiences.

(2) Licensees should aim to promote awareness of alternative accessible versions of a programme, such as when an accessible version of a given programme is broadcast at a later time/date or uploaded to a VoD service.

(3) Awareness should be promoted through various effective means, considering the full range of disabled audiences (for example, by including communications in sign language or plain English). This means of communication might include:

- (a) Periodic On-air announcements and on-screen text (in the case of broadcast channels)
- (b) promotional videos
- (c) information online and on social media (such as video tutorials)
- (d) information in emails to subscribers/ users or in publications aimed at people likely to benefit from access services.

(4) Communicating with viewers about availability is particularly important when there are changes to regular scheduling, interruptions in providing access services (for example, during moments of national importance), or service outages. Licensees should, therefore, ensure that they have prepared clear communication plans that are ready to be implemented in case of interruptions to service and that they consider the affected audiences and their needs.

(5) Where there is expected to be a protracted outage, viewers should be informed quickly on the cause, steps to remedy it, and the estimated time for full restoration of service. Also, viewers should be promptly informed when services have been restored. Communication should consider the audiences most likely to be affected. For example, when there is an outage of a signing service, communications should be made available in sign language.

(6) Where broadcast or VoD services are available across multiple platforms, providers should offer information on how much their programmes are accessible on each platform. This information should be available before the purchase of paid services (for example, subscription services).

(7) Licensees have a duty to promote awareness of the availability of their access services to potential users, which includes general awareness and specific requirements to ensure that programmes that carry access services are clearly indicated, both in their own programme listings and by providing information to electronic programme guide (EPG)

operators listing their services. Standard upper-case acronyms for closed captioning (CC) or alternately subtitling (S), audio description (AD), and signing (SL). Should be used. Where practicable, licensees should use their TV channels (and not just social media) to communicate with viewers during the service disruption. The information provided should be accurate. For example, EPG data on the availability of access services should be kept up to date if any services have been lost.

Part 9: Access Service

Proposed New Code Provision

9.7 Quality Standards

(1) While URCA encourages using different technologies to provide access services, broadcasters should ensure that their access services are of sufficiently high quality to ensure that they effectively contribute to the accessibility of their programming.

(2) URCA considers that access services that are of sufficient quality should take account of a range of factors to assess, including

- (d) For captioning: accuracy, synchronicity, readability, presentation, and description of non-speech information. Whether a program is live or pre-recorded should be considered.
- (e) For audio description: Accuracy, comprehensibility, and audibility.
- (f) For signing: Accuracy, synchronicity, and visibility.

Part 9: Access Service

Existing Code:

9.6 Duty to consult

Licensees are required to consult periodically with groups representing persons with hearing or visual impairments on issues such as the quality of access services, and the selection and scheduling of programs. To facilitate feedback from access service users, Licensees should also provide contact details on their websites, including e-mail addresses, telephone and text phone numbers. Licensees should monitor and respond to this feedback.

9.7 Annual Reports to URCA on the volume of Access Services Programming

Licensees are encouraged to provide URCA, by 31st January in each calendar year, or upon request, with data on the volume of programmes for which they have provided each kind of access service during the preceding calendar year, grouped by genre such as news, factual programmes, current affairs programmes, dramas, comedies and so forth.

URCA's Proposed Amendment:

9.8 Duty to Consult: Licensees must consult periodically with groups representing persons with hearing or visual impairments on issues such as the quality of access services and the selection and scheduling of programs. Licensees should also provide contact details on their websites to facilitate feedback from access service users, including e-mail addresses and telephone and text phone numbers. Licensees should monitor and respond to this feedback.

9.9 Annual Reports to URCA on the Volume of Access Services Programming: Licensees are encouraged to provide URCA, by 31st January in each calendar year, or upon request, with data on the volume of programmes for which they have provided each kind of access service during the preceding calendar year, grouped by genre such as news, factual programmes, current affairs programmes, dramas, comedies and so forth.

Part 10: Complaints Handling Process

Existing Code:

10.2 Scope of Complaints Handling Process

(5) A Code Complaint is a complaint that satisfies Clause 10.2(1) and that is:

- (d) made in writing by letter or fax by a person who signs the letter or fax and provides his or her name, e-mail or postal address and telephone contacts (if applicable) and sent by mail or delivered to the Licensee, or sent by fax to the Licensee's main fax number; or
- (e) (where the Licensee has technological capacity) made by an online electronic complaint form or other relevant digital service or application offered by the Licensee; or
- (f) submitted by electronic mail ("e-mail").

(5) Where, by reason of disability or distance, a complainant cannot lodge a complaint that satisfies the requirements of Clause 10.2(4), a telephoned complaint or a complaint on an audio cassette or on a computer disk in a common format will be a Code Complaint, provided that in each case it otherwise satisfies Clause 10.2(1).

URCA's Proposed Amendment:

10.2 Scope of Complaints Handling Process

(5) A Code Complaint is a complaint that satisfies Clause 10.2(1) and that is:

- (d) made in writing by letter by a person who signs the letter and provides his or her name, e-mail or postal address and telephone contacts (if applicable) and sent by mail or delivered to the Licensee, or
- (e) (where the Licensee has technological capacity) made by an online electronic complaint form or other relevant digital service or application offered by the Licensee or
- (f) submitted by electronic mail ("e-mail").

(5) Where, because of disability or distance, a complainant cannot lodge a complaint that satisfies the requirements of Clause 10.2(4), a telephoned complaint or an electronically recorded complaint will be a Code Complaint, provided that in each case, it otherwise satisfies Clause 10.2(1).

Part 10: Complaints Handling Process

10.10 Process for investigations and referral of complaints

(12) If URCA considers that it should assess the matter further, it will normally at this stage ask the Licensee for a recorded copy of the relevant programme or advertisement, which must be provided to URCA within three (3) working days. It is not appropriate at this stage for the Licensee to provide written representations.

URCA's Proposed Amendment:

10.10 Process for investigations and referral of complaints

(12) If URCA considers that it should assess the matter further, it will normally, at this stage, ask the Licensee for a recorded copy of the relevant programme or advertisement, which must be provided to URCA within three (3) business days. It is not appropriate for the Licensee to provide written representations at this stage.

Part 10: Complaints Handling Process

10.10 Process for investigations and referral of complaints

(14) URCA aims to complete an initial assessment of all Code Complaints within fifteen (15) working days. However, the circumstances of individual cases can vary considerably and completion of an investigation may in some cases take longer.

URCA's Proposed Amendment:

10.10 Process for investigations and referral of complaints

(14) URCA aims to complete an initial assessment of all Code Complaints within fifteen (15) business days. However, the circumstances of individual cases can vary considerably, and an investigation's completion may take longer in some cases.

5. Annex B: Summary of Public Consultation Questions

In this section, URCA summarises the questions in this consultation document.

Part 1- Interpretation, Purpose and Applicability

Question 1: Do you agree with URCA’s proposal to revise the language contained in 1(4) of The Revised Code to remove any doubt that it applies to digital and social media content platforms used by broadcast Licensees to deliver content, regardless of the platform or whether that content is marketed explicitly to audiences in the Bahamas? If not, please provide reasons for your answer.

Part 2 – Operation and Technical Rules

Question 2: Do you agree with URCA’s proposal to introduce *Clause 2.8 Synthetic Media*, under Part 2: Operational and Technical Rules, which would mandate that licensed broadcast operators modify existing or develop new internal policies governing their use of synthetic media, AI, or any emerging technologies they employ to ensure their use complies with the Code? If not, please provide reasons for your answer.

Question 3: Do you agree with URCA’s proposal to amend the existing requirement in clause 2.4(1) for radio stations to retain recordings of their content to specify that their broadcast transmitter output is maintained, not studio or live streaming outputs, to ensure that retained recordings are consistent with the respective broadcasts they are purported to represent? If not, please provide reasons for your answer.

Question 4: Do you agree with URCA’s proposal to revise clause 2.5(2) of the Code to ensure broadcasters identify their digital presence in addition to their traditional station identification requirements? If not, please provide reasons for your answer.

Question 5: Do you agree with URCA’s proposal to amend clause 2.6(3) to eliminate the outdated reference to the transitional date for Licensees who wish to adopt new technical standards for broadcast content submitted by individuals or entities who want that content to be broadcast? If not, please provide reasons for your answer.

Part 4 - Harm and Offence

Question 6: Do you agree with URCA’s proposal to remove the term “evil” from clause 4.1(1)(a)(iii) of the Revised Code? If not, please provide reasons for your answer.

Question 7: Do you agree with URCA’s proposal to expand the provision in clause 4.9(1)(e) of the Code, Violence in News and Current Affairs Programming, to apply equally to domestic, regional, or global terrorist events? If not, please provide reasons for your answer.

Part 5 – Protection of Young Persons

Question 8: Do you agree with URCA’s proposal to update clause 5.4(2) of the Code to modernise its language to accommodate new and evolving forms of communication better? If not, please provide reasons for your answer.

Question 9: Do you agree with URCA’s proposal to amend clause 5.6 (Drugs, Alcohol, Solvents and Smoking) of the code to include electronic cigarettes (e-cigs)? If not, please provide reasons for your answer.

Part 6- Political Broadcasts and Political Advertisements

Question 10: Do you agree with URCA’s proposal to revise the “election silence” rules as set out in provision 6.7(1) of the Code to allow for the broadcast of discussion and analysis of election and referendum issues on polling days? If not, please provide reasons for your answer.

Part 7- Advertising and Sponsorships

Question 11: Do you agree with URCA’s proposal to remove the restrictions set out in clause 7.5(1) of the code, which restricts the broadcast of advertising and sponsorship of alcoholic beverages to the watershed? If not, please provide reasons for your answer.

Question 12: Do you agree with URCA’s proposal to remove the watershed restrictions prescribed in clause 7.9(1) on gaming ads and sponsorships? If not, please provide reasons for your answer.

Question 13: Do you agree with URCA’s proposal to introduce new provisions within Part 7 of the Code, which would prohibit broadcasters from advertising, sponsoring, or promoting electronic cigarettes and refill cartridges on radio and television in the Bahamas? If not, please provide reasons for your answer.

Question 14: Do you agree with URCA’s proposal to introduce new provisions in Part 7 of the Code prohibiting the broadcast advertising, promotion, and sponsorships of cannabis, cannabis accessories and services related to cannabis by persons who produce, sell or distribute cannabis, persons who sell or distribute cannabis accessories and persons who provide services related to cannabis in the Bahamas? If not, please provide reasons for your answer.

Part 9: Access Services

Question 15: Do you support URCA's proposal to change the existing recommendation for Licensees to provide access services to a requirement to do so? If not, please provide reasons for your answer.

Question 16: Do you agree with URCA’s proposal to replace specific guidance with broader guidelines, allowing Licensees greater flexibility to use emerging technology to

provide more effective access services more efficiently? If not, please provide reasons for your answer.

Question 17: Do you agree with URCA's proposal to amend guidance for Licensees on the provision of access services? If not, please provide reasons for your answer.

Question 18: Do you support URCA's suggestion to include guidelines for Licensees' compliance with quality standards and their duty to publicise of available access services? If not, please provide reasons for your answer

Part 10: Complaints Handling

Question 19: Do you agree with URCA's proposal to revise clauses 10.2(4)(a) and 10.2(5) of the Code to update technology references for public complaints? If not, please provide reasons for your answer.

Question 20: Do you agree with URCA 's proposal to revise clauses 10.10(12) and 10.10(14) to change the term 'working days' to 'business days' for consistency of references in part 10 of the Code? If not, please provide reasons for your answer.