

Representation of the People

Cap. 12.

REPRESENTATION OF THE PEOPLE (GENERAL ELECTIONS) (ALLOCATION OF BROADCASTING TIME) REGULATIONS, 1990

1990/38.
2007/11.

Authority: These Regulations were made on 29th March, 1990 by the Electoral and Boundaries Commission under the *Constitution* and section 68 of the *Representation of the People Act*.

Commencement: 29th March, 1990.

1. These Regulations may be cited as the *Representation of the People (General Elections) (Allocation of Broadcasting Time) Regulations, 1990*. Citation.

2. (1) For the purposes of these Regulations, Interpreta-
tion.

"broadcast" means transmission by means of a radio station or a television station;

"broadcaster" means the operator of a radio or television station;

"election advertising" means broadcasting time for spot advertisements designed to support and promote the election of members of a political party who are nominated candidates for election, or the election of other individuals who are nominated candidates for election, limited to the purposes and extent specified in regulations 9 and 10 of these Regulations;

"election broadcast" means a political broadcast which is to take place or takes place between nomination day and polling day;

"election period" means the period beginning with the publication of the notice of election for a general election and ending with the declaration of the final result of the election;

"political broadcast" means a broadcast designed to promote or reduce the popularity of a political party or a candidate for an election;

"radio" includes a station transmission, by means of a wired network connecting a transmitting instrument to a number of receiving instruments, of matter designed for aural reception by the general public;

"television" includes a station for the transmission, by means of a wired or other guided network connecting a transmitting instrument to a number of receiving instruments, of matter designed for visual reception by the general public;

"text" includes script, whether written or recorded.

(2) Unless otherwise stated in these Regulations, words and expressions used in these Regulations shall have the same meanings as in the enactments in force relating to the election of members of the House of Assembly.

Restrictions on political broadcasts.

3. (1) During an election period, no broadcasting time for political broadcasts shall be made available by broadcasters to any person except under and in accordance with these Regulations.

(2) No political broadcast may be made on polling day or the day preceding polling day.

Allocation of broadcasting time. Schedule.

4. (1) During an election period, broadcasting time for election broadcasts will be allocated by the Commission to any political party which makes application in the Form 1 set out in the *Schedule* hereto and satisfies the Commission that no less than 10 of its members are validly nominated candidates for the election.

Schedule.

(2) The allocation of broadcasting time for election broadcasts, which shall be confirmed by the Commission in the Form 2 set out in the *Schedule* hereto, will be made on the determination of the Commission on the following basis:

- (a) two broadcasts of not more than 15 minutes duration and a third and final broadcast of not more than 30 minutes duration, to the political party which qualifies for an allocation under paragraph (1) of this regulation and which commanded the support of the majority of the membership of the House of Assembly immediately prior to the last dissolution of Parliament;
 - (b) one broadcast of not more than 15 minutes duration and a second and final broadcast of not more than 30 minutes duration, to the political party which qualifies for an allocation under paragraph (1) of this regulation and which commanded the support of the majority of the opposition membership of the House of Assembly immediately prior to the last dissolution of Parliament;
 - (c) one broadcast of not more than 15 minutes duration, to any other political party which qualifies for an allocation under paragraph (1) of this regulation.
- (3) A political party may nominate any person or persons to use broadcasting time allocated to it under this regulation.
- (4) Broadcasting time must be made available by broadcasters free of charge for the allocations of broadcasting time made by the Commission under this regulation.
- (5) Broadcasting time allocated under this regulation not used by the political party for which it is reserved lapses.

5. (1) The Commission will by notice in writing notify all broadcasters of the allocations of broadcasting time made, and the dates reserved, under regulation 4. Dates and times for allocation.

(2) Broadcasters must reserve the time between the hours of 8.00 p.m. and 9.00 p.m. on the dates for election broadcasts allocated and determined under regulation 4, but, subject to this provision, may after consulting with the political party concerned determine the actual time at which an election broadcast may be made between 8.00 p.m. and 9.00 p.m.

(3) Every broadcaster shall, as soon as possible after he has made arrangements with a political party for an election broadcast to take place on the television or radio stations operated by him, give notification to all other broadcasters of the date and time that the said election broadcast is scheduled to take place.

Cap. 12. (4) Every broadcaster who receives a notification as referred to under paragraph (3) of this regulation from another broadcaster shall, subject to the rights given to an operator of a broadcasting station under section 40A of the *Representation of the People Act*, transmit a simultaneous broadcast of the said broadcast from every radio station operated by him.

Right to first and last broadcasts. **6.** The political party which commanded the majority of the membership of the House of Assembly immediately prior to the last dissolution of Parliament shall, if it so desires, have the right of the first and last election broadcast.

Application for broadcast. **7.** (1) A political party wishing to make use of broadcasting time allocated to it under regulation 4 shall apply in writing to a broadcaster at least 5 days before the date on which the broadcast to which the application relates is to take place.

(2) The text for an election broadcast shall be submitted to the broadcaster not later than 4 days before the time for the recording of the broadcast by the broadcaster.

(3) The text for an election broadcast, whether on television or radio, shall be recorded by the broadcaster at least 24 hours in advance of the scheduled time for broadcasting.

(4) The broadcaster of an election broadcast shall clearly identify at the beginning and end of each broadcast the political party on whose behalf the broadcast is made.

Content of broadcast. **8.** An election broadcast shall not include

- (a) any matter in contravention of the laws of Barbados;
- (b) any abusive comment upon any race, creed or religion;

- (c) any obscene, indecent or profane matter;
- (d) any malicious, scandalous or defamatory matter.

9. (1) During an election period, no broadcasting time for election advertising shall be made available by broadcasters to any person except under and in accordance with these Regulations. Restrictions on election advertising.

(2) No broadcasting time for election advertising shall be made available by broadcasters to any person during the period beginning with the publication of the notice of election for a general election and ending with nomination day, nor during the period beginning with polling day and ending with the declaration of the final result of the election.

10. (1) Subject to regulation 9, during an election period political parties and individual candidates for the election who are not members of a political party are allowed to purchase broadcasting time for election advertising from broadcasters subject to the following conditions, limitations and restrictions: The purchase of election advertising time permitted.

- (a) each political party which qualifies for an allocation of broadcasting time under regulation 4 of these Regulations, and each individual candidate for the election who is not a member of a political party but who is validly nominated, is allowed in relation to each radio station,
 - (i) in the case of a political party, a maximum number of advertisements calculated on the basis of 5 advertisements for each candidate for the election who is a member of the political party and who is validly nominated; and
 - (ii) in the case of an individual candidate, 5 advertisements;

(b) no single advertisement on radio is to be more than 60 seconds duration, and not less than 96 hours notice must be given to the broadcaster of the number of advertisements to be taken for a given day. Saturdays and Sundays will for this purpose be regarded like any other day; 2007/11.

- (c) each political party which qualifies for an allocation of broadcasting time under regulation 4 of these Regulations, and each individual candidate for the election who is not a member of a political party but who is validly nominated, is allowed in relation to each television station,
- 2007/11. (i) in the case of a political party, a maximum number of advertisements calculated on the basis of 5 advertisements for each candidate for the election who is a member of the political party and who is validly nominated; and
- 2007/11. (ii) in the case of an individual candidate, a maximum number of 5 advertisements;
- (d) no single advertisement on television is to be more than 60 seconds duration, and not less than 96 hours notice must be given to the broadcaster of the number of advertisements to be taken for a given day. Saturdays and Sundays will for this purpose be regarded like any other day.
- 2007/11. (2) There shall be no more than 16 election advertisements in any hour during the course of one day.
- Record of broadcasting times. **11.** Every broadcaster shall keep, in such manner and containing such details as the Commission approves, a record of the broadcasting time made available to political parties and individual candidates under regulations 4 and 10 of these Regulations, and such record shall be made available to the Commission by the broadcaster for inspection whenever a request is made by the Commission.
- Notice of broadcasts and meetings. **12.** (1) During an election period, it is lawful for a political party or any individual candidate for the election to purchase broadcasting time from broadcasters, limited to the purpose of advertising a notice of the making of an election broadcast, or the holding of a political meeting which it or he may lawfully make or hold, the date, time and place of the broadcast or meeting, the speakers at the broadcast or meeting, the candidate or candidates supported and, where appropriate, the political party relationship.

(2) During an election period, broadcasters may give publicity in their principal newscasts to notices of the making of election broadcasts and the holding of political meetings by the parties and individual candidates.

13. (1) The provisions of subsections (1), (2), (3), (4) and (6) of section 40A of the *Representation of the People Act* (relating to broadcasts) are deemed to be incorporated in and form a part of these Regulations.

Incorporation of provisions of the *Representation of the People Act*, Cap. 12.

(2) Any person who contravenes the provisions of subsection (3) or (4) of section 40A of the *Representation of the People Act* as incorporated in and forming a part of these Regulations is guilty of an offence.

Cap. 12.

14. (1) Any person who contravenes the provisions of regulation 3, 4(4), 5, 8, 9, 10, 11 or 12 of these Regulations is guilty of an offence.

Offences.

(2) Any person who is guilty of an offence under these Regulations is liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months or to both.

SCHEDULE

FORM 1

APPLICATION FOR BROADCASTING TIME

(IN TRIPLICATE)
(Regulation 4(1))

TO: The Electoral and Boundaries Commission,
National Insurance Building,
Fairchild Street, Bridgetown.

1. I
(Name)
of
(Address)
Leader/Chairman/General Secretary of the Political Party designated as
the
(Name of Political Party)
hereby make application on behalf of my party for broadcasting time for
election broadcasts in accordance with the provisions of the *Representation of
the People (General Elections) (Allocation of Broadcasting Time)
Regulations, 1990*.
2. I am aware that the
(Name of Political Party)
must provide evidence of qualification for broadcasting time as required
under the Regulations before any time allocated to the party can be taken up.
3. To the best of my knowledge and belief the
(Name of Political Party)
*will be nominating/has nominated no less than 10 of its members as
candidates on Nomination Day the
for General Elections due to be held on

Signed
*Leader/Chairman/General Secretary
of the Political Party

Date

***Delete if inapplicable**

P.T.O.

FOR OFFICIAL USE ONLY

Date Received

The

(Name of Political Party)

has been allocated provisional broadcasting time for the dates and times set out below on condition that the said Political Party provides the evidence of qualification in accordance with regulation 4(1) of the Representation of the People (General Elections) (Allocation of Broadcasting Time) Regulations, 1990.

Day of Week

(1) the day of20

(2) the day of20

(3) the day of20

.....
Electoral and Boundaries Commission

Date

FORM 2

(IN TRIPLICATE)

(Regulation 4(2))

CONFIRMATION OF BROADCASTING TIME ALLOCATED

TO:

(Name of Leader/Chairman/General Secretary
of the Political Party)

The

(Name of Political Party)

having met the requirements of regulation 4(1) of the Representation of the People (General Elections) (Allocation of Broadcasting Time) Regulations, 1990 is permitted to take up the broadcasting time allocated under regulation 4(2) of the Regulations.

.....
Electoral and Boundaries Commission

Date