

CHAPTER No. 5

**BROADCASTING (AMENDMENT)  
ACT 2007**

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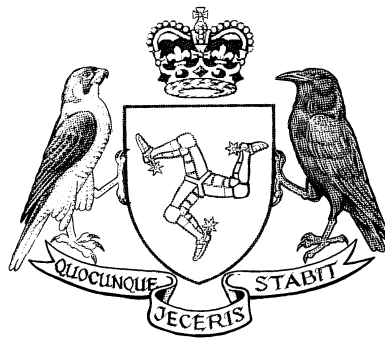
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# **BROADCASTING (AMENDMENT) ACT 2007**

## **Arrangement of Sections**

### Section

1. Public service broadcasting service
2. Conditions for public service broadcasting service licence
3. Gaelic broadcasting
4. Funding of public service broadcasting service
5. Short title and commencement



Isle of Man Signed in Tynwald: 10th July 2007  
 in Wit Received Royal Assent: 11th July 2007  
 Announced to Tynwald: 11th July 2007

## AN ACT

to make provision for a public  
 service broadcasting service and to  
 amend the Broadcasting Act 1993.

**W**E, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say): —

**1.** In section 2 (licensing of programme services) of the Broadcasting Act 1993 —

Public service  
 broadcasting  
 service

- (1) In subsection (2)(a), omit "sound" and "and".
- (2) In subsection (2)(b), after "interests" insert "; and".
- (3) After subsection (2)(b) insert —

[c.12]

"(c) one public service broadcasting service is provided from a place in the Island."

- (4) After subsection (2), insert —

"(2A) Where the Commission is determining whether to grant a licence under this Part it shall have regard to the following matters, namely —

- (a) the ability of the applicant for the licence to maintain, throughout the period for which the licence would be in force, the service which that person proposes to provide;

- (b) the extent to which any such proposed service would broaden the range of programmes available to persons living in the Island, by way of services licensed or to be licensed under this Part, and in particular the extent to which the service would cater for tastes and interests different from those already catered for by services licensed or to be licensed under this Part;
- (c) the extent to which any such proposed service would affect the ability of any existing service licensed under this Part to be maintained for the remainder of the period for which the licence for that existing service is to be in force; and
- (d) the extent to which any reasonable demand for programme service is or is to be met by other means.”.

(5) In subsection (3), before “A licence may be granted” insert “Subject to subsection (3A),”.

(6) After subsection (3), insert —

“(3A) In the case of a licence for the provision of a public service broadcasting service, a licence may be granted for a period not exceeding 30 years.”.

(7) After subsection (6), insert —

“(7) In this section —

“public service broadcasting service” means a broadcasting service which is provided as a public service for disseminating information, education and entertainment, which is responsive to the tastes, interests and concerns of the whole community, where the programmes reflect the varied elements which make up the culture of the people of the Island and has especial regard for the elements which distinguish that culture, where the programmes have a wide range in their subject matter, having regard both to the programmes as a whole and also to the days of the week on which, and the times of the day at which, programmes are broadcast, and where a sufficient amount of time

in the programmes is given to news programmes and to current affairs programmes which are of high quality.”.

**2.** (1) In section 4 of the Broadcasting Act 1993, before “A licence may include —” insert “(1)”.

Conditions for public service broadcasting service licence

(2) In section 4 insert the following subsection —

“(2) In the case of a licence granted under section 2(2)(c) to provide a public service broadcasting service, in addition to those conditions which may be included under subsection (1) of this section, the licence shall, if the licence is granted for a period exceeding 10 years include conditions requiring the Commission to undertake a periodical review of the provision of the service at least every 10 years, against such criteria as the Commission may prescribe.”.

**3.** In section 12 (Gaelic broadcasting) of the Broadcasting Act 1993 in subsection (1) omit “sound”.

Gaelic broadcasting

**4.** After section 12 (Gaelic broadcasting) of the Broadcasting Act 1993 there is inserted the following section —

Funding of public service broadcasting service

“Funding of public service broadcasting service

**12A.** Where a licence is granted for the provision of a public service broadcasting service under section 2, the Treasury may, after consultation with the Council of Ministers and with the approval of Tynwald, make payments, by way of grants or otherwise, to the holder of the licence for the purpose of providing that public service broadcasting service.”.

**5.** (1) This Act may be cited as the Broadcasting (Amendment) Act 2007, and this Act and the Broadcasting Act 1993 may be cited together as the Broadcasting Acts 1993 to 2007.

Short title and commencement

(2) This Act shall come into operation on such day or days as the Department of Home Affairs may by order appoint.