



Tuvalu

**TELEVISION LICENCE REGULATIONS
2005**

LN: 05 /05



Tuvalu

TELEVISION LICENCE REGULATIONS 2005

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TUVALU TELECOMMUNICATIONS CORPORATION ACT 1993

Commencement [Date]

IN THE EXERCISE of the powers conferred by section 38 of the Tuvalu Telecommunications Corporation Act 1993 the Minister makes the following regulations.

1 Short Title

These Regulations may be cited as the Television Licence Regulations 2005.

2 Commencement

These Regulations shall come into force on the date it is endorsed by the Minister.

3 Interpretation

All words and phrases defined in the Tuvalu Telecommunications Corporation Act 1993 shall bear the same meaning in these Regulations unless the context otherwise requires —

“**Act**” means the Tuvalu Telecommunications Corporation Act 1993;

“**broadcast**” means the contents or intelligence over any transmission medium intended to be received by the public, directly or by the intermediary or relay stations;

“**corporation**” means the Tuvalu Telecommunications Corporation as established under section 4 of the Act;

“**licensee**” means any person who holds a television licence under these Regulations;

“**person**” includes an individual and a juridical person;

“**public interest**” means any act carried out or the lack of such act in respect to the delivery of the television service, content and charges involved in the provision of the television service that is of concern or likely to affect a person of the public;

“**special event**” refers to the testing of a television service;

“**television licence**” means a licence issued by the Corporation under regulation 4 of these Regulations;

“**television service**” means any service consisting or having its principal feature, the conveyance of moving or still images or of legible text or of any combination of those things, with or without sounds to be seen on television;

“**transmission medium**” means the physical path between transmitters and receivers, such physical path includes a substance, such as coaxial cable, fibre-optical, twisted pair, waveguide, water and air that can be used for propagation of signals.

4 Licensing: Grant and Renewal of Television Licence

- (1) Subject to the provisions of these Regulations, the Corporation may grant to any person or group of people a television licence to provide a television service.
- (2) An applicant for a television licence shall:
 - (a) have a sound technical knowledge and know how of television or related technical and managerial experience; and
 - (b) submit an application for a television licence in the form prescribed by the Corporation from time to time.
- (3) The Corporation is authorised to issue the following types of television licences:
 - (a) Commercial Licence;
 - (b) Non Commercial Licence;
 - (c) Temporary provisional Licence.

- (4) All television licences shall be valid for the period starting 1 January and ending 31 December of each calendar year save as otherwise provided in these Regulations.

5 Renewal, Suspension or Revocation of a Television Licence

- (1) The Corporation may, refuse to renew a licence, suspend a television licence for such period as it thinks fit, or revoke any television licence pursuant to these regulations if, in its opinion, it is in the public interest to do so, or on any of the following grounds;
- (a) The licensee has failed to provide an appropriate television service to the general public of Tuvalu;
 - (b) The licensee has failed to comply with any conditions of the television licence or with any provision(s) of these regulations relating to the operation of the television service;
 - (c) The licensee is no longer suitable to hold the television licence or that it no longer has the financial, technical or management capability to provide an appropriate television service to the general public of Tuvalu;
 - (d) The licensee failed to comply with payment of all relevant fees;
 - (e) The licensee has been convicted of an offence under the Act or these Regulations;
 - (f) The Licensee has failed to comply with regulation 12;
 - (g) Without limiting the generality of the foregoing, the Corporation may refuse a licence if it considers it, by reasons of the social or political climate, to be tendentious on an issue of public controversy.
- (2) Subject to regulation 5(1) the Corporation shall state in writing its refusal to renew, suspend or revoke the television licence as the case may be, to the applicant or licensee.
- (3)
- (1) Any person aggrieved by a decision under regulation 5(2) may appeal to the Minister within 21 days from the date the decision was made by the Corporation.
 - (2) The decision of the Minister on appeal shall be final.

6 Transfer of television licence

The licensee shall not, without the express consent of the Corporation, transfer the television licence to another person or persons or allow the acquisition of shares in the licensee company by a person other than initial shareholders.

7 Surrender of television licence

A licensee may, by notice in writing to the Corporation, surrender its television licence if, for any reason(s), it can no longer provide the television service.

8 Commercial Licence

A holder of a television licence in the form of a commercial licence shall be entitled to provide a television service to the public.

9 Non-Commercial Licence

A holder of a television licence in the form of a non commercial licence shall be entitled to use a television service for his or her personal use only.

10 Temporary provisional licence

- (1) The Corporation may grant to any person a television licence in the form of a temporary provisional licence authorising that person to provide a television service for the purpose of:
 - (a) Test transmission;
 - (b) Transmission relating to a special event; or
 - (c) Transmission during an emergency;
- (2) A temporary provisional licence shall be valid for a period not exceeding 28 days as specified in the licence.
- (3) A temporary provisional licence may be issued for commercial or non commercial purposes.
- (4) The Corporation may at any time, impose a condition or conditions on a temporary provisional licence, and may vary or revoke any such conditions.
- (5) The Corporation may, at any time, invalidate or revoke a temporary provisional licence.
- (6) A decision under sub-regulation 5 may be appealed within 21 days to the Minister whose decision shall be final.

11 Specifications attaching to a licence

- (1) Before granting a television licence under these Regulations, the Corporation shall state all the specifications of the transmission and reception installations authorised to be used for the purposes of the television licence.
- (2) The specification may relate to —
 - (a) The design, site, installation, maintenance or operation (including operating power, constancy and frequency) of transmission and reception, and;
 - (b) Such other matters of a technical nature, as the Corporation considers relevant.

12 Environmental Impact Assessment

- (1) A licensee who intends to construct, build, or otherwise acquire and operate a satellite dish or earth station for the purpose of transmitting a television service shall, at his own expense, carry out an environment impact assessment prior to the commencement of such activities.
- (2) The environment impact assessment shall be assessed by the Corporation in consultation with the Government department responsible for the protection and conservation of the environment.

13 Classification of programs

The classification of programs that a licensee intends to broadcast over any transmission medium must first have the approval of the Minister. The Minister shall have all the powers to direct and remove the programs that he considers not suitable for the public.

14 Fees chargeable to the public

The licensee shall, prior to commencement of the service, submit in writing to the Corporation its intended charges or fees to the public together with the supporting documents justifying such charges or fees.

15 Miscellaneous

- (1) Any person found guilty of an offence under these Regulations is liable on conviction to imprisonment of not more than one month or to a fine not exceeding \$1000.

- (2) In addition to the sentence provided for in sub-regulation (I), a person found guilty may be required to carry out community work that promotes the protection of the environment.

16 Penalty for person who assists in an offence

Any person who assists or procures the commission of any offence against the provisions of these Regulations shall be liable to be dealt with in the same manner as the principal offender.

17 Validity of licences issued before these Regulations

- (1) All licences issued before the coming into effect of these Regulations shall with necessary modification remain in effect as though they had been made under these Regulations.
- (2) No licence issued before the coming into effect of these Regulations shall remain in effect unless the appropriate fees under these Regulations have been paid.

Schedule 1**FEES)**

	Cost	per channel
Commercial	\$500	\$100
Non Commercial	\$250	
Temporary Provisional Licence	\$300	

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References