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## **ADVISORY: 02/2024**

**TO: ALL LICENSEES**

**DATE: FEBRUARY 5, 2024**

**SUBJECT: LAW GOVERNING POLITICAL ADVERTISEMENT & BROADCASTS**

Dear Licensee,

A local government election has been scheduled for 26<sup>th</sup> February 2024. The Broadcasting Commission is therefore reminding all licensees of the legal requirements governing the transmission of political broadcasts.

Specific attention must be given to the requirements in the **Broadcasting and Radio Re-Diffusion Act ("Act")**, the **Television and Sound Broadcasting Regulations ("Regulations")** and the **Representation of the People (Amendment) Act, 2016 ("ROPA")**. All licensees are obliged to observe these mandatory requirements when transmitting political broadcasts:

- In the spirit of fair treatment, any financial concessions for air-time to the advantage of any political party or candidate must also be offered to other parties or candidates who may be prejudiced by the material transmitted – **Section 21(2) of the Act**.
- All political broadcasts, including advertisements, must incorporate opening and closing tags identifying the sponsor or political party affiliated with the broadcast – **Regulation 12(1)(a)**.
- All television, radio and cable operators as well as newspapers will cease transmission or publication of political broadcasts (including political advertisements) 24 hours before the start of voting on Election Day. Similarly, no results of any new opinion polls or surveys are to be released within 48 hours of the start of voting – **Section 81(A) (1) of ROPA**.

Please note that licensees are also required to ensure that broadcasts:

- Are not abusive or derogatory of anyone's race, colour, creed, religion or sex – **Regulation 30(b)**;
- Are not libelous – **Regulation 30(c)**;

- Do not contain any false or misleading information – **Regulation 30(e)**;
- Do not contain any material which is likely to incite violence, criminal activity or any public disorder – **Regulation 30(j)**;
- Do not include any portrayal of violence that offends against good taste, decency or public morality – **Regulation 30(k)**.

Your attention is also drawn to **Regulation 9**, which speaks to the time devoted to on-air commercials. While it is recognized that licensees have a particular interest in an election period in transmitting material that will allow the electorate to make informed choices at the polls, the Commission must remind all licensees of the public interest in ensuring a balanced flow of information on a broad range of issues, including education and entertainment.

The Commission is aware that some of the media professionals employed by various stations, e.g., on-air presenters, are also actively engaged in political life. This is, of course, their right and duty as citizens. Licensees are strongly encouraged, however, to use their in-house quality control mechanisms to ensure that an inappropriate level of additional airtime is not allocated to what are effectively political broadcasts from on-air presenters.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Waller".

Professor Lloyd Waller  
**Chairman**