



## **For Immediate Release**

### **New Code of Practice for Regulation of Content**

March 2, 2012, the Utilities Regulation and Competition Authority (URCA) published its Statement of Results and Final Decision on the widely consulted Code of Practice for the Regulation of Content Services and Audiovisual Media Services. The consultation, initiated on November 9, 2011, received the largest volume of written responses on record for an URCA consultation, including documented feedback from seventy-two (72) entities and individuals including URCA licensees, community and advocacy groups and organisations, and members of the general public. All responses have been available on the URCA website since 4 January, 2012, following the 30 December, 2011, end-response date. The new provisions became effective upon publication of the URCA decision.

The Code will impact all licensed broadcasters in The Bahamas, radio and television, as it establishes a code of practice for audiovisual media services over which Licensees exercise editorial control and responsibility, including all locally produced programming. For material over which Licensees do not hold editorial authority, consisting mainly foreign programming, the Code requires a programme classification system on the basis of an age-appropriateness rating of the content in addition to advance audience advisories, to precede airings of material with content of mature subjects, violence, coarse or offensive language and other types of explicit material.

The Code establishes regulatory boundaries across six (6) core content areas: Harm and Offence, Protection of Young Persons, Political Broadcasts and Political Advertisements, Advertising and Sponsorships, News and Factual Programmes, and Access Services. While the Code requires Licensees to exercise decency and good taste in their selection, preparation and scheduling of programming, it also recognises the right of adult persons to select specific programming of their choice, as may be the case for pay-television services. The Code also encourages the inclusion of material that promotes Bahamian cultural and educational awareness.

In the case of Harm and Offence, the Code addresses various areas in which broadcast content has the potential of causing harm. It addresses issues such as the preservation of law and order, harmful and offensive material. In particular, subjects that may include crime, malicious and scandalous allegations, abuses and discriminatory material, sexual content, violence and other such subjects. The Code also requires that religious programming takes into account people's right to alternative belief systems and is inoffensive to other religions. The Code also establishes 'rules-of-play' for contests and promotions.

In requiring broadcasters to adopt responsible policies through scheduling, advisories and programme classifications, the Code sets out standards for the Protection of Young Persons, in order to limit the exposure of children to potentially harmful or unsuitable broadcasts. The Code establishes a watershed period, commencing at 9:00 PM on any given evening and ending at 5:00 AM the following morning. Material that is unsuitable for children may only be broadcast during this watershed period.

The new rules address issues of language use, violence, sexual themes and nudity, drugs, alcohol and smoking, and other subjects including the participation of children in programmes and advertisements. The Code also defines a television programme classification system including ratings ranging from TV-Y, to distinguish content that is appropriate for all audiences, to TV-MA which identifies content suitable only for mature audiences, and includes four other distinct ratings categories in between: TV-Y7 (children aged 7 and up), TV-G (general audiences), TV-PG (suggested parental guidance) and TV-14 (strong parental caution).

In the case of Political Broadcasts and Advertisements, the Code sets out standards for the broadcasting of political advertisements and election programmes arranged and paid for by potential candidates, actual candidates, political parties and other persons or entities within and outside of defined election periods. The new rules extend coverage established in the now-repealed Interim Codes of Practice to now also include local government elections and referendums, in addition to general and bye-elections. In the case of a general election, the defined election period is unchanged, beginning with the dissolution of Parliament and ending with the close of the poll.

During an election period, political broadcasts and advertisements are permitted only up to midnight at the end of the day before polling day. Broadcasts of political material on polling day are prohibited. The Code also prohibits the use of material which defames or slanders a political party or candidate and encourages broadcasters to seek legal indemnities from candidates and political parties against defamation, copyright and similar legal risks. Broadcasters are also likewise entitled to reject and refuse to broadcast any material the licensee may deem non-compliant with URCA standards or the Licensee's own technical standards, or any written law in The Bahamas.

The new content regulations establish rules and guidelines for advertising and sponsorships which are intended to ensure that such material is legal, decent, honest and truthful, and representative of a sense of obligation to the consumer. In the case of news and current affairs programming, the Code imposes standards intended to ensure that such content is delivered with accuracy and impartiality. It also addresses the need for sensitivity for diverse audiences, recognition of personal privacy, the importance of timely correction of errors in content, among a range of other issues. The Code's section on Access Services sets out broadcasting standards for the provision of services for people with hearing and visual impairments.

The coverage of content issues in the new regulations is extensive. URCA will shortly undertake a further consultation to look at expanding the new Code to address issues unique to Licensees providing carriage services, content services and on-demand audio-visual media services, including in particular, operators that facilitate the provision of content for which they hold no editorial authority. URCA will be supported in this ensuing consultation effort, in administration of the new Code and in monitoring compliance with the Code by a co-regulatory Content Regulation Industry Group led by URCA and including Licensee participants drawn from various broadcast markets. This group of ten (10) industry professionals will become operational as soon as URCA has completed the notification, nomination and selection process detailed in Terms of Reference prepared by URCA.

The full Code of Practice for Content Regulation [URCA document reference number ECS 06/2012] may be downloaded from URCA's website, [www.urbahamas.bs](http://www.urbahamas.bs). URCA's publication of the Code follows a wide reaching consultative process including, industry workshops, public meetings, television and radio appearances. URCA extends its thanks to all that participated in the process, and advises of its intention to proceed with more such activities in the coming months, in an overall industry and public education and awareness effort on understanding the new provisions.

##

2 March, 2012

**Media contact:**

A. Gabriella Fraser  
Corporate and Consumer Relations Manager  
**Utilities Regulation & Competition Authority**  
P. O. Box N 4860  
Nassau, The Bahamas  
*Email: [agfraser@urbahamas.bs](mailto:agfraser@urbahamas.bs)*  
Telephone: (242) 396 5201  
Facsimile: (242) 393 0153  
[www.urbahamas.bs](http://www.urbahamas.bs)