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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

SRI LANKA RUPAVAHINI CORPORATION ACT, No. 6 OF 1982

REGULATIONS made by the Minister of Mass Media and Information under Section 31 of the Sri Lanka Rupavahini Corporation Act, No.6 of 1982.

ANURA PRIYADARSHANA YAPA,
Minister of Mass Media and Information.

Colombo,
10th October, 2008.

Regulations

1. These regulations may be cited as Private Television Broadcasting Station Regulations of 2007.
2. Private Television Broadcasting Stations shall be classified —
 - (a) on the basis of the extent of its geographical coverage, as —
 - (i) an International Television Broadcasting Station, where authorized area of coverage is deemed to extend beyond the territory of Sri Lanka and which may cover a part or whole of the territory of Sri Lanka;
 - (ii) a Country-wide Television Broadcasting Station, where the area of coverage is deemed to be the entire territory of Sri Lanka;
 - (iii) a Regional Television Broadcasting Station, where the authorized area of coverage is provided as an aggregate of the respective Divisional Secretariat Areas, which may be covered in part or in full.
 - (b) on the basis of the method used to access the television viewer, as —
 - (i) Terrestrial Television Broadcasting Station;
 - (ii) Cable Based Television Broadcasting Station;
 - (iii) Satellite Based Television Broadcasting Station;
 - (iv) Internet Based Television Broadcasting Station; and
 - (v) Mobile Telephony Platform Based Television Broadcasting Station;

- (c) on the basis of the technology used to access the television viewer; as —
- (i) Analogue; and
 - (ii) Digital;
- (d) on the basis of using its own broadcast transmitting infrastructure; and
- (e) on the basis of using another licensees or authorized broadcasters infrastructure.
3. (1) The Licensing Area Plan which specifies the number of Broadcasting Licenses to be issued and the television broadcasting channels that are authorized under each such category classified under Regulation 2, shall be as specified in Schedule I of these Regulations.
- (2) The Minister may, from time to time, in consultation with the Consultative Committee on Television Broadcasting, amend the Licensing Area Plan specified in Schedule I.
- (3) An application for the purpose of obtaining a license to establish and maintain a private television broadcasting station shall be evaluated in accordance with the Licensing Area Plan.
4. (1) An application for a licence may be made to the Minister by —
- (a) a citizen of Sri Lanka
 - (b) a partnership, where all the partners are citizens of Sri Lanka;
 - (c) a company which is a company incorporated under the Companies Act, No.7 of 2007, in which the majority of the shareholding is held by citizens of Sri Lanka; or
 - (d) a statutory body established by law.
- (2) An application for a licence shall be accompanied a fee of Rs. 10,000.00
5. Where the applicant for a licence is a company, it shall provide the names and details of all the directors of the company and of the chief executive officer of the company.
6. A recognized political party shall not be eligible to obtain a licence for the establishment or maintenance of a private television broadcasting station or a network.
7. Where any person to whom a licence is issued thereafter becomes a Member of a recognized political party during the period of the validity of the license, he shall be required to immediately surrender the licence.
8. A person who applies for a licence shall —
- (a) furnish, technical details such as nomenclature, make, model, name and address of the manufactures of the equipments and instruments to be used for down linking and distribution, the block schematic diagram of the down linking and distribution system and also demonstrate the facilities for monitoring and storing records for sixty days;
 - (b) submit the audited annual accounts to the Ministry
9. Any person who is applying for an Internet Based Television Broadcasting license, shall be required to —
- (a) hold a valid license issued by the Telecommunications Regulatory Commission of Sri Lanka, for maintaining an Internet Service Provider Network ; or

- (b) have duly entered into an agreement with a licensed Internet Service Provider Network operator, referred to in paragraph (a), for the use of such network facilities required for the establishment or maintaining of such a television broadcasting operation

10. Any person who is applying for a license for establishing and maintaining a Telephony Based Private Television Broadcasting Station shall be required to —

- (a) hold a valid license issued by the Telecommunications Regulatory Commission of Sri Lanka, for maintaining a Telephony Network; or
- (b) have duly entered into an agreement with a licensed Telephony Network operator, referred to in paragraph (a), for the use of such network facilities required for the establishment or maintaining of such a television broadcasting operation

11. Every person to whom a licence is issued and whose licence is renewed thereafter shall be required to pay an annual licence fee and an annual renewal fee consisting of such amounts as specified in Schedule II of these Regulations.

GENERAL CONDITIONS APPLICABLE TO LICENCES

12. A license issued shall be valid for a period of one year from the date of its issue and may thereafter be renewed for a further period of one year each, upon application for a renewal of the license being made by the licensee.

13. A license may be cancelled on any one or more of the following grounds:-

- (a) change in ownership of the Television Broadcasting Station in respect of which the license was issued and all other Associated movable, immovable and intellectual assets, which includes a change in the shareholding if the licensee is a company, without the prior approval of the Minister;
- (b) change in the name of the licensee without, the prior approval of the Minister;
- (c) assigning in full or part of the rights granted under the license to another party, without the prior approval of the Minister;
- (d) non-payment of licensing fee or any other fees required to be paid under these regulations; and
- (e) broadcasting programs which are —
- (i) detrimental to the interests of national security;
 - (ii) inciting breakdown of public order;
 - (iii) inciting ethnic, religious or cultural hatred;
 - (iv) in violation of any laws of the country;
 - (v) morally offensive or indecent;
 - (vi) detrimental to the rights and privileges of children;
 - (vii) in violation of the code of ethics, standards and practices of Television Broadcasting.

14. The Consultative Committee on Television Broadcasting shall-

- (a) monitor the performance of all licensees to ensure due compliance with the provisions of these Regulations; and
- (b) evaluate the eligibility of a licensee to have the license renewed.

15. (1) The validity of a licence issued shall be limited to —
- (a) the number and the identity of the programme channels described in the licence;
 - (b) the number and the identity of the broadcast transmitting stations described in the licence;
 - (c) the area of broadcast coverage described in the licence; and
 - (d) the mode of broadcasting described in the licence.
- (2) Any modification pertaining to the scope of the validity of a licence as referred to in paragraph (1), would require to be approved by the Minister.
16. (1) The licensee shall —
- (a) furnish such information related to the business being carried on under the licence, as may be required by the Minister from time to time;
 - (b) facilitate entry into the premises of operations by any person authorized by the Secretary to the Ministry of the Minister, in order to inspect and aspect of the operations of the business being carried on under the licence.
- (2) The licensee, shall be required to maintain electronic copies of all the material broadcasted, in such form as may be determined by the Minister, for a minimum period of sixty days, and shall make available such material to the Secretary to the Ministry of the Minister or to any other person designated by him, as and when so required.
17. A licensee shall not be exempt from obtaining any approval or permission from any other regulatory authority or agency where such approval or permission is required under any written law, by virtue of holding the licence issued to him under the Act.
18. A licensee shall commence broadcasting operations within a period of six months from the date of issue of the licence.
19. The Minister shall have the right to suspend the permission granted to a licensee to operate any channel for a specified period, in the interest of the public or in the interest of National Security, in order to prevent the misuse of such channel. In the event of such a suspension, the licensee shall immediately comply with the directive issued by the Minister in this regard.
20. A company to which a licence is issued shall inform the Minister regarding any change to the directorship, key executives or foreign direct investments in the company, within fifteen days of such a change taking place, and shall obtain security clearance for such changes.
21. A licensee shall have a minimum net worth as specified in Schedule III to these Regulations.
22. A Licensees shall —
- (a) obtain prior approval of the Ministry before undertaking any upgrading, expansion or any other changes in the downlinking and distribution system or network configuration; and
 - (b) ensure that the television broadcasting network being operated by him does not interfere, in anyway, with the functioning of any other telecommunication or broadcasting systems.
23. Subject the Licensing Area Plan, the number of private television broadcasting channels that any licensee is permitted to operate shall be as specified in Schedule IV to these Regulations.

SATELLITE TELEVISION AND CABLE TELEVISION OPERATIONS

24. The special conditions applicable to broadcasting or re-broadcasting of television programmes using satellite, cable or both as the media of reception, shall be as follows :—

- (a) The licensee shall provide information regarding particulars of every subscriber, technical and other details of terminal equipment, including decoders supplied to the respective subscriber;
- (b) Every satellite or cable television operator shall facilitate the re-broadcast of at least two of the channels broadcast by Sri Lanka Rupavahini Corporation upon request by the latter, through his network;
- (c) The Sri Lanka Rupavahini Corporation channels referred to in paragraph (b), shall be re-broadcasted without any deletion or alteration of any program transmitted on such channel; and
- (d) Other than for any special conditions that may be applicable in relation to the mode of broadcasting as stipulated in the licence, the licensees of satellite or cable based television broadcasting shall not be exempt from any other requirements specified in these Regulations.

25. The conditions imposed under these Regulations shall apply to every person to whom an Internet Based or Telephony Based Television Broadcasting licence has been issued, other than these conditions imposed under regulation 26, relating to the mode of broadcasting.

26. (1) Subject to provisions of paragraph (2), no television channel shall broadcast transmission which originates outside the territory of Sri Lanka for the view of the public within Sri Lanka, unless permission for the same has been obtained from Minister.
- (2) A licensee may broadcast or re-broadcast a television channel the broadcast transmission of which originates outside the territory of Sri Lanka, where the broadcast or re-broadcast of such channel is permitted to be done under any licence already issued.

27. The Minister may grant permission referred to in paragraph (1) of regulation 26, upon application made in that behalf and on being satisfied that —

- (a) the applicant has the same qualifications as those that are required for obtaining a licence under Regulations 4 to 8;
- (b) the television channels caused to be viewed by the public shall meet the same criteria as those required in the event such channels are re-broadcast by a licensed television broadcast operator; and
- (c) the conditions applicable, in the event permission is granted for a license, shall be the same as those that are applicable for a licensed television broadcast operator.

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28. In the event any licensee is found to have used a channel for transmitting any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security or failing to comply with the provisions of Regulation 19, the Minister shall refer such matter to the Consultative Committee on Television Broadcasting for purpose of holding an inquiry pertaining to the same. The Committee after holding an inquiry may recommend to the Minister the revocation of the licence and may further that such licensee be disqualified from being issued a licence for a period of five years thereafter.

29. (1) Where the licensee is found to have acted in violation of any of the terms and conditions of the licence issued, the Consultative Committee on Television Broadcasting to which the matter is referred to by the Minister shall, after holding such inquiry as it may consider appropriate, make its recommendations to the Minister. The Minister may on receipt of the recommendations of such Committee, take any one or more of the following decisions:-
- (a) where the violation concerned is a violation for the first time, suspend the licensee from broadcasting the channel or channels which acted in violation of the terms and conditions of the licence, up to a period of sixty days;
 - (b) where the violation concerned is a violation for the second time, suspend the licensee from broadcasting the channel or channels which acted in violation of the terms and conditions of the licence, up to a period of one hundred and twenty days; and
 - (c) where the violation concerned is a violation for the third time, revocation of the permission granted, up to the remaining period of registration.
- (2) Notwithstanding the suspension of a licence as referred to in paragraph (1), the licensee shall be required to discharge its obligations under the licence issued and the licence agreement, including the payment of the licence fee, during the period of the suspension of the licence.
- (3) In the event of the revocation of a licence, the fees paid will be forfeited.

30. In these regulations —

“A company” means a company registered under the Companies Act, No. 7 of 2007;

“Act” means the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982;

“Cable Operator” means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;’

“Cable service” means the transmission by cable of programs, including retransmission by cable of any broadcast television signals;

“Cable television network” means any system consisting of a set of closed transmission path and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

“Consultative Committee on Television Broadcasting” means the Consultative Committee on Television Broadcasting established under section 29 of the Act;

“Internet Service Provider Network (ISP)” means a network operated by a person who has been duly issued with a license by the Telecommunications Regulatory Commission of Sri Lanka for the purpose of providing Internet access facilities to the subscribers;

“Sri Lanka Rupavahini Corporation” means the Sri Lanka Rupavahini Corporation established by the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982;

“Telecommunications Regulatory Commission of Sri Lanka” means the Telecommunications Regulatory Commission established by the Sri Lanka Telecommunications Act, No. 21 of 1991;

“Telephony Network” means a telecommunication network capable of providing telecommunication facilities.

31. (1) Any person who is in possession of a valid licence issued to establish and maintain a private television broadcasting station as on the date of the coming into operation of these Regulations, may within thirty days of the date of coming into operation of these Regulations, apply in writing to the Minister for the issue of a fresh licence for the same under these Regulations.
- (2) The Minister shall, taking into consideration the contents of the Licensing Area Plan, inform of his decision on the application made under paragraph (1), within sixty days from the date of receipt of the same.
- (3) Where a licence is issued under paragraph (2), such licenses shall be subject to the terms and conditions applicable to a similar type of licence, under these Regulations.

[Regulation 3 (1)]

SCHEDULE I

LICENSING AREA PLAN

<i>Licensing Period</i>	<i>Category of License</i>	<i>Coverage Area</i>	<i>No of Licenses Authorized</i>
01.01.2007-31.12.2011	Analogue Terrestrial Television Broadcasts on VHF/UHF* bands	Category 1: All districts in the Western Province:- Colombo, Gampaha and Kaluthara	The maximum number of TV channels shall be 20
		Category 2: All districts in the Southern, Central, North West, and Sabaragamuwa Provinces	
		Category 3: All districts in North East. Uva and North Central Provinces	
	Digital Terrestrial Television Broadcasts	As determined by the Minister	As determined by the Minister
	Cable-based Television Broadcasts	Same as the Analogue Terrestrial Television Broadcasts on VHF/UHF* bands	As determined by the Minister
	Digital Satellite Television Broadcasts	Island wide	As determined by the Minister
	Internet based Television Broadcasting	Island wide	To be determined
	Telephony Network based Television Broadcasting	Island wide	To be determined

* VHF/UHF

[Regulation 12]

SCHEDULE II

LICENSE FEE STRUCTURE

<i>Category of License</i>	<i>Coverage Area</i>	<i>Licensing Fee in LKR</i>	<i>Annual Renewal Fee in LKR</i>
Analogue Terrestrial Television Broadcasts on VHF/UHF bands	Category 1: (Ref Table 1)	Rs. 100,000	5% of License Fee
	Category 2: (Ref Table 1)	Rs. 50,000	5% of License Fee
	Category 3: (Ref Table 1)	Rs. 25,000	5% of License Fee
Digital Terrestrial Television	To be determined		
Cable-based Television Broadcasts	Same as the Analogue Terrestrial Television	Same as Analogue Terrestrial Television	5% of the Fees applicable to Analogue Terrestrial Television
Digital Satellite Television Broadcasts	Island wide	Rs. 100,000	Same as Analogue Terrestrial Television
Internet based Television Broadcasts	Island wide	Rs. 50,000	5% of License Fee
Telephony Network based Television Broadcasts	Island wide	Rs. 50,000	5% of License Fee

[Regulation 21]

SCHEDULE III

MINIMUM NET WORTH REQUIREMENT

<i>Type of Television Broadcasting Operation</i>	<i>Minimum Net Worth Requirement for the First Channel/In Rupees</i>	<i>Minimum Net Worth Requirement for each Additional Channel/In Rupees</i>
Analogue Terrestrial Television Broadcasts on VHF/UHF bands	75 Million	Not applicable
Digital Terrestrial Television	As determined by the Minister	
Cable-based Television Broadcasts	50 Million	100 Million
Digital Satellite Television Broadcasts	150 Million	2.5 Million
Internet based Television Broadcasts	10 Million	0.5 Million
Telephony Network based Television Broadcasting	10 Million	0.5 Million

SCHEDULE IV

NUMBER OF CHANNELS PERMITTED PER LICENSE

<i>Type of Television Broadcasting Licensee</i>	<i>Number of Channels Permitted per License</i>
Analogue Terrestrial Television Broadcasts on VHF/UHF bands	01
Digital Terrestrial Television Broadcasts	Minimum of 04
Cable-based Television Broadcasts	Minimum of 20
Satellite Television Broadcasts resulting in direct to home reception	Minimum of 20
Internet based Television Broadcasting Channels	Minimum of 05
Telephony Network based Television Broadcasting Channels	Minimum of 05

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