



ANALYSIS

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1997, No. 19

An Act to amend the Broadcasting Act 1989

(2nd September 1997)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title and commencement - (1) This Act may be cited as the Broadcasting Amendment (No. 2) Act 1997 and shall be read together with and deemed part of the Broadcasting Act 1989 (hereinafter referred to as "the principal Act").

(2) This Act shall be deemed to have come into force on the 21st day of July 1997.

2. Interpretation - Section 2 of the principal Act is amended by inserting the following definitions -

"Free-to-air television service" means the broadcasting of television programmes where persons wishing to view such programmes are not required to pay to do so.

"Pay television" or "a pay television service" means the broadcasting of television programmes that is not free-to-air".

3. Grant and renewal of radio and television licences - Section 27 of the principal Act, as amended by the Broadcasting Amendment Act 1997, is amended -

- (a) by deleting from subsection (3) the words "five years" and substituting the words "ten years";
- (b) by deleting from subsection (4) the words "up to not exceeding five years" and substituting the words "not exceeding ten years";
- (c) by inserting the following subsection (5) -
"(5) Any person who is granted a licence to operate a pay television service shall also provide a free-to-air television service to those islands of the Cook Islands excluding Manuae, Suvarrow and Takutea and the requirement to provide a free-to-air television service shall be a condition of the pay television service licence."

4. Exclusivity - The principal Act is amended by inserting the following section -

"27A. Exclusivity - (1) Notwithstanding anything contained in section 27 of this Act, the Minister may grant to any person upon such terms and conditions as the Minister deems appropriate, an exclusive radio and/or television licence to operate in the Cook Islands.

(2) An exclusive licence for the purposes of this section means a licence for a person to operate a radio and/or television service in accordance with the provisions of this Act to the exclusion of any other person.

(3) An exclusive licence granted under this section shall be for a period not exceeding ten years and shall expire in any event on or before 1 August 2007.

(4) Any person who is granted an exclusive licence to operate a pay television service shall also provide a free-to-air television service to those islands of the Cook Islands excluding Manuae, Suvarrow and Takutea and the requirement to provide a free-to-air television service shall be a condition of the pay television service licence."

This Act is administered by the Cook Islands Broadcasting Corporation