

Broadcasting Act

CHAPTER 1

Preliminary and General Matters

Introduction

1. a. This Act make provision for the establishment of a juristic body as an independent Commission, to formulate and implement its mandated responsibilities, stating broadcasting general rules, stating broadcast licensing conditions and stating all other broadcast related activities.
- b. This Act is cited as the “Broadcasting Act”.

Purpose

2. Purpose of this Act is to facilitate the following actions by formulating the broadcasting policy of Maldives together with the development and operation of this sector.
 - a. uphold and encourage the right to freedom of expression stated in the Constitution of the Maldives;
 - b. nation building, nurturing democracy, protection and enrichment of religion, cultural, economic, political, national, social, artistic creativity status of Maldives;
 - c. within the jurisdiction of this Act, facilitate for the representation of more than one party in the dissemination of news, information and for different perspectives and opinions;
 - d. introduction of principles and establishment of resources to provide Public Service Broadcasting, Commercial Broadcasting, Community Broadcasting services in the Maldives;
 - e. facilitate to broadcast information and awareness programs focusing on diverse demographics of the population;
 - f. facilitate the opportunity to invest in the broadcasting sector of Maldives, to improve financial wealth, fair and neutral competitive viability in the broadcasting sector of Maldives;
 - g. to prevent monopolization of broadcasting sector of the Maldives and open opportunities for fair competition in the broadcasting sector;
 - h. to encourage the development of factual programs;
 - i. to facilitate and encourage the establishment of local broadcasters who would focus on providing their services to the entire population;
 - j. to issue licenses to broadcasters who would provide their services to the various regions of Maldives, and facilitate the coverage of service to all regions of Maldives.

- k. to encourage the appropriate use of new technology;
- l. encourage to develop and promote 'Dhivehi content' in the broadcasting sector of Maldives.

CHAPTER 2

Maldives Broadcasting Commission

- Inception of the Commission** 3. The Commission titled as “*Maldives Broadcasting Commission*” is hereby established as an independent institution under Article 2 of this Act; Encompassing the endorsement, to defend, uphold and implementation of broadcasting policies, overseeing the implementation of the policies by broadcasters, taking action against broadcasters in breach of these policies and undertaking other broadcast policy related activities, to carry forward all activities related to strengthening and promoting responsible broadcasting services in the Maldives. This Commission has the legal authority to independently represent itself in court.
- Mandate of the Commission** 4. The following are the responsibilities of the Commission.
- a. developing a plan for utilizing the broadcast frequency;
 - b. administer license issuing procedure to broadcasters;
 - c. ensuring that licensing conditions are respected by the broadcast licensees;
 - d. formulate and oversee the implementation of Broadcast Code of Practice; and
 - f. counsel the government on broadcasted related matters.
- Members of the Commission** 5. a. The Commission shall consist of 7 (seven) members appointed as per Article 6 of this Act. By virtue of their education or experience each member shall have relevant expertise in the field of broadcasting, especially in formulating policies, laws, innovations, journalism and or business, and shall be individuals who maintain socially accepted moral standards, integrity, good conduct, impartiality
- b. Members shall meet the following requirements;
 1. be a Muslim.
 2. be a Maldivian citizen.
 3. be 18 years and above.
 4. not be convicted of a crime or corruption within last 5 (five) years, in which the penalty is stipulated in the Islamic Sharia.
 5. should not hold an elected or appointed position stated in the Constitution or any laws of Maldives.

6. should not be employed in the civil service, government or a government share holding company;
7. should not have any financial interests in the fields of communication and broadcasting

Appointment of Members

6. a. The President of Maldives, pursuant to this Article, will appoint members of the Commission.
- b. In the election process of the Commission members, the President's Office should announce for interested applicants to submit their names, curriculum vitae, and send the submitted documents to Parliament. As seemed fit the President should prioritize the list of applicants to be appointed to the Commission prior to sending it to the Parliament. The members shall be appointed once the President receives
- c. The President should appoint members to the Commission as approved by the Parliament;

Tenure of Members

7. a. Members shall serve in the Commission for a period of 5 (five) years from the date of appointment.
- b. Members can be re-elected for a consecutive term.

President and Vice-President of the Commission

8. a. The Commission shall appoint its own President and Vice President from among its members.
- b. The President shall preside meetings of the Commission. Also, facilitate and encourage performing the functions and responsibilities stipulated in this Act.
- c. If, the President is incapacitated to perform his responsibilities or is indisposed or the position falls vacant, then the Vice-President shall temporarily execute the responsibilities of the Presidential position. In addition, the Vice President has to carry forward the tasks assigned by the President.

Vacancy of Post

9. a. The post of Commission member will be deemed vacant upon the fulfillment of a following condition.
 1. completion of term.
 2. resignation.
 3. termination from the position, in accordance to Article 12 of this Act.
 4. is elected to a political position stated in the Constitution or laws of the Maldives.
 5. death.
 6. failure to fulfill any prerequisites for Commission members stipulated in this Act.
 7. convicted for an offence, in which the penalty is determined in Islamic Sharia.

- b. The post of Commission's President and Vice-President shall be deemed vacant upon fulfillment of the same prerequisites for a vacancy of a member's position.
- Election procedure for vacant post** 10. a. New members shall be elected before the completion of the ongoing term, ensuring this post occupied at all times.
- b. If the post for Commission Member is vacant for any of the reason stated in Article 9 (a) from 2 to 7, a member shall be elected to that post within 60 (sixty) days.
- Responsibilities of Commission Members** 11. Below states the responsibilities of the Commission Members;
- a. Members shall attend all the Commission meetings, unless for an accepted
- b. Establish policies and guidelines and counsel on how to execute Commission's responsibilities;
- c. The Commission shall appoint a Secretary General;
- d. Members elected to the Commission shall be unbiased and maintain autonomy, when performing the duties and responsibilities of members in accordance with the Commission's rules and public opinion. Members shall constantly work for the development of Broadcasting Policies.
- Termination of membership** 12. a. A Commission member maybe removed from their post upon fulfillment of the following conditions and when President submits the matter to the Parliament or; when the respective committee of the Parliament submits the matter to the Parliament floor and the matter is passed by majority of members at the
1. bankruptcy declared by a court of law.
 2. incapable or failure to perform to his/her duties and responsibilities effectively as a Commission member.
 3. negligent when executing their duties stated in this Act.
 4. contradicts with broadcasting policies.
 5. failure to attend 03 (three) consecutive Commission meetings without a valid reason.
- b. Member maybe removed from the post, once the Parliament endorses the termination as stated in Article 12 (a).
- c. No member shall be removed from the post without first being given an opportunity to present their defense at the Parliament.
- d. Any member who is removed from the post shall be provided with written reasons for his/her removal.

- Resignation**
13. a. A member may any time resign from his/her post by giving notice in writing to the President. Once the President receives the resignation letter the member is deemed removed from the post.
- b. President and Vice-president may resign as pursuant to Article 13(a). Resignation from these titles will not terminate the member posts.
- Employment of Commission Secretary General and staff**
14. a. The Commission shall appoint a Secretary General to administer its secretariat. The Secretary General shall be responsible for the proper administration and management of the functions in accordance with the regulation laid down by the
- b. The Commission shall employ a Secretary General who meets with the conditions stated in this Act.
- c. The Commission shall set conditions of employment of the Secretary General.
- d. Secretary General shall be responsible for the management of the Commission in accordance with the Commission policies.
- e. Commission may vote to remove the Secretary General, if found guilty of an offense stated in the laws and regulations of Maldives. In such an instance, the Commission shall provide the Secretary General with written reasons of his/her removal. The Secretary General may appeal his/her removal to court.
- f. The Commission shall, in accordance with the budget and in consultation with the Secretary General, establish a secretariat with staff qualified to perform its functions effectively.
- g. The Secretary General and the employees shall be independent and impartial in the exercise of their functions and shall work in accordance with the broadcasting policies.
- Salary and other Allowances**
15. a. The Parliament will confirm the salary and other allowances given to the Commission President, Vice-President and Members. In accordance with the budget, the Commission shall provide travel expenses for the official visits of the President, Vice-President and members.
- b. The salary and other allowances given to President and Vice-President shall not be reduced during their period of designation. Similarly, The salary and and other allowances given to Commission members shall not be reduced during their period of membership.
- c. The Commission, in consultation with Ministry of Finance and Treasury, will determine the salary and other allowances given to employees.
- Financial Matters**
16. a. The Commission may receive funds from the following sources;
1. license fees paid by broadcasters under this Act;
 2. finance from the government budget;
 3. financial aid by local and foreign bodies;

4. loans; and
5. money received from other sources within the law and regulations of Maldives.

b. Before the end of each year, the Commission shall submit a budget statement for the next financial year to Ministry of Finance & Treasury. Subsequently, the Ministry shall send it to the Parliament for endorsement.

c. The Commission shall submit a financial report, according to the Public Financial Act, to the President Office and Parliament; comprising Commission's revenue, expenditure, assets and financial statistics, with the consultation of the Auditor General, and an audited statement of accounts, prepared in accordance with Commission's regulations; along with Annual report pursuant to

**Commission's
Operational Regulation**

17. a. Commission shall establish regulations stated in this Act and execute their work according to these regulations.

b. The Commission shall hold meetings as often as it deems necessary to perform its functions effectively, with no duration exceeding 30 (thirty) days between two consecutive meetings.

c. Meetings of the Commission shall be convened by the Commission's President, or in his or her absence the Vice-president; a meeting shall be convened within 7 (seven) days of a request for such a meeting by not less than 3 (three) members.

d. The quorum for the meetings of the Commission will depend on the majority of total Commission members.

e. The Commission shall strive to arrive on decisions unanimously. Instances where decisions cannot be reached unanimously and if not stated otherwise, the Commission shall come to a decision by majority vote of members present in the meeting. In case of equal votes, the chair of the meeting shall cast a vote to decide on the matter. Chair of the meeting cannot cast a vote unless in the case of equal

f. Minutes shall be kept of every meeting of the Commission and shall be endorsed in the following meeting and signed by the Chair of the meeting.

g. The Secretary General of the Commission shall attend all meetings of the Commission as a non-voting member, unless decided otherwise by the Commission.

h. The Commission may invite any person to attend a meeting of the Commission for advising it on any matter under discussion, provided that the person so attending shall have no right to vote at the meeting.

Disclosure of interest

18. a. Any member of the Commission therefore who has an interest as a personal, financial, or other beneficial matter under discussion by the Commission meeting, shall disclose the fact and nature of his/her interest to the Commission.

- b. Disclosure, under Article 18(a), shall be included in the minutes of that particular Commission meeting.
- c. After a disclosure, under Article 18(a), a member in question shall not take part nor be present during any discussion, deliberation or decision of that meeting.

Commission Authorities

- 19. The Commission shall have the authority to execute the following responsibilities;
 - a. Commission has the authority to issue, renew and temporarily hold broadcasting license.
 - b. Commission shall have the power to summon persons to investigate as necessary to discharge its responsibilities under this Act.
 - c. Impose necessary sanctions when required, as stated in the Laws.
 - d. Commission shall formulate and implement a Code of Conduct to be followed by the broadcast service providers.
 - e. Commission shall work to meet with the additional obligations stated under this Act.

Annual Report

- 20.
 - a. Commission shall submit an Annual report to the President and Parliament by 28th February of each year, encompassing the activities undertaken by the Commission in the previous year.
 - b. The Annual Report stated in 20 (a) of this Article shall include the following information:
 - 1. details of activities undertaken and the extent to which the Commission has met its objectives;
 - 2. a copy of auditors report;
 - 3. information relating to issued license, complaints and conducted researches;
 - 4. Details of the actions taken against broadcasters/rebroadcasters;
 - 5. any change brought to organizational structure or Commission's membership;
 - 6. any recommendations to alter operational procedure of the Commission.

CHAPTER 3

Types of Services

- Types of Broadcasting Service**
21. a. Commission will decide on which parts to utilize on the electromagnetic wave spectrum when broadcasting.
- b. The Commission shall, in consultation with interested stakeholders and the government, develop and from time to time revise a Broadcasting Frequency Plan, which shall include a locator map, in order to promote the optimal use of the broadcasting frequency spectrum and the widest possible broadcasting diversity.
- c. The Broadcasting Frequency Plan shall ensure that, in accordance with broadcasting policy as stated in Article 21(b), the broadcasting frequency spectrum is shared equitably among;
1. Public Broadcasting;
 2. Commercial Broadcasting; and
 3. Community Broadcasting.
- d. Broadcasting Frequency Plan, along with any revisions to it, should be published and disseminated widely.
- e. Broadcasting Frequency Plan may reserve certain frequencies for future use for specific categories of broadcasters in order to ensure diversity and equitable access to frequencies over time.

CHAPTER 4

License

- Broadcast license requirement**
22. a. Any party willing to broadcast in Maldives shall possess a broadcast license issued by the Commission, and provide the service according to the conditions stated in the license.
- b. The Commission shall have the exclusive authority to issue and and renew licenses.
- c. The Commission shall maintain a registry of licenses, which shall be publicized.
- d. Commission shall categorically publish information of Broadcast licenses and types of licenses.
- Licenses granted prior to the enactment of this Act**
23. a. Licenses issued for broadcasting services in Maldives prior to the enactment of this Act, shall be considered valid for the purpose of this Act.
- b. Broadcasters licensed prior to the enactment of this Act shall complete the licensing conditions, in Article 6 of this Act, within 12(twelve) months upon enactment of this Act.
- Submissions for License**
24. a. Broadcast service license shall be issued upon applications submitted or through bidding.
- b. In order to issue an additional broadcast license the Commission shall, take into consideration the Broadcasting Frequency Plan stated under Article 21 of this Act, broadcast policy, interest by potential broadcasters and market capacity to determine whether it is in the public interest to open for tender.
- c. Tenders issued shall be publicly announced by the Commission, pursuant to Article 24(b) of this Act. The notice shall include all relevant information about the proposed license and the tender.
- d. Applications for broadcast service license shall be submitted at any time excluding the broadcast services for nation-wide or only Male’.
- e. The Commission shall publish in advance a regulation setting out the process to be followed in submitting an application and a description of what information must be provided as well as a sample form for submitting those information and a schedule of the annual license fee.
- f. Applicants shall provide, in relation to the proposed broadcasting service, at least the following information;

1. company profile;
2. financing sources and the proposed financial plan;
3. details of the organization and management structure, including resources and staff available to deliver the services;
4. the programme schedule or, in the case of a cable TV or satellite TV service, information about the channels proposed to be provided within the basic service, as well as any other channels which may be purchased;
5. the technical facilities for delivery of the service;
6. the type of license required according to Article 22 (d) of this Act.

- Rebroadcasting License**
25. Commission may decide to issue a Rebroadcasting License to an applicant in accordance with the guideline line set by the Commission and by taking the following factors into account;
- a Any international channel, being requested to be Rebroadcast in the Maldives, shall carry an authorized broadcast license issued from their respective country.
 - b License applicant shall have the content rights to Rebroadcast the channel.

- Assessing license applications**
26. a. The Commission shall have a fair and transparent system of assessing the license applications.
- b. The Commission shall take the following factors into account when deciding on the issuance of a broadcast service license to an applicant;
1. taking into account the nature of the proposed service the Commission shall determine if the applicant is technically able or not to deliver a quality service;
 2. loss of fair competition in the industry;
 3. the importance placed on the need to promote local productions which serve the needs and interests of Maldivians.
- c. The Commission may charge an administration fee to issuing licenses. If a fee is charged, the fee time table shall be included in the regulation under this Act.
- d. The Commission shall provide written notice of its decision to all applicants of licenses within thirty (30) days. Where an application is refused, the notice shall include the reason for refusal of issuing the license.
- License Frequency**
27. The Commission shall discuss with Ministry of Transport and Communication in order to issue a broadcast service license in line with TV and Radio frequency license, in accordance with Broadcasting Frequency Plan.
- License Renewal**
28. a. Prior to the expiry of an existing license issued by the Commission, an application to renew the broadcasting license shall be made 3 (three) months before the date of expiry.
- b. Apart from the following exceptions, the Commission shall renew a broadcasting service license;
1. where there is a breach in one of the licensing conditions; and/or
 2. the Commission may refuse to renew the license for public interest based on broadcast policy.
- c. When considering an application to renew a license, the Commission may request for new or additional information as it may deem necessary.
- d. The Commission shall give written notice of any reason to not renew a license to the licensee in advance of a final decision and shall give the licensee an opportunity to make a written appeal.
- Conditions of the licensee**
29. Under this Act, a broadcast service license shall be granted if the applicant meets the following conditions.
- a. license applicant shall be a private limited company or a public limited company

or a company established under a Presidential decree , a statutory company or a corporative society;

- b. should not be a company established to promote a specific political party;
- c. the company shall not have as shareholder, a policy level staff working in the ministry or offices under the jurisdiction of the ministry.

**General
Conditions**

Licensing

- 30.
- a. License issued to a specific party can be transferred to another with the approval of the Commission.
 - b. Licensing application should meet all general conditions of licensing including program schedule which is considered as a licensing condition.
 - c. The license issued by the Commission will be cancelled if the service has not been initiated within 12 (twelve) months from the date specified in the license for the commencement of service.
 - d. Licensed broadcasters may send test signals to test the transmission equipment in accordance with the guidelines set by the Commission.
 - e. All licensed broadcasters are required to keep a master recording and on air log of all programmes and advertisements aired for a period of 2 (two) months from the date they have been broadcasted. Nonetheless, if a specific programme or an advertisement aired is the subject of dispute, the relevant broadcaster shall at the request of the Commission, keep the master recording and on air log of that content until the case has been resolved.
 - f. Below stated licenses shall be valid for the following period of time;
 - 1. community Broadcasting license shall be valid for a period of 3 (three) years
 - 2. commercial radio and television broadcasting license shall be valid for a period of 10 (ten) years
 - h. All broadcasters shall annually report to the Commission, the level of adherence to licensing prerequisites and all activities carried out.

Copyright

31. All licensed broadcasters may only broadcast programmes which they have produced or for which they hold the broadcasting rights. Copyrights must be clearly displayed in the credits of all programmes.

**Local
Requirement**

Content

32. All licensed broadcasters shall include the following minimum quotas of local content in their broadcast programmes;
- a. 10% (ten percent) within 6 (six) months from the enactment of this Act;
 - b. 15% (fifteen percent) within 2 (two) years from the enactment of this Act;
 - c. 25% (twenty five percent) within 5 (five) years from the enactment of this Act;

Annual License Fee

33. a. The Commission shall, in consultation with stakeholders of broadcasting and

taking into account the status of the economy, classifying the tier, type and region, formulate a broadcast annual fee schedule.

- b. The annual fee schedule stated in Article 33 (a) shall come into effect once it's submitted to the People's Majlis for their information, lasting for a period of 30 (thirty) days and at the end of which shall be published in the Government of Maldives Gazette.

Station Identification

- 34. a. All broadcast licensees, shall procure their service name or logo or station identification authorized by the relevant government authorities and get it registered in the Commission.
- b. If broadcasting via a visual medium the logo or station identification must be displayed on the screen at all times.
- c. If broadcasting via an audio medium, station identification announcement must be aired at least once in every 30 (thirty) minutes. Programmes aired with the authorization of the Commission and commercially sold air time is an exemption. Where rebroadcasting programmes are longer than 60 (sixty) minutes, station identification announcement or logo must be aired at least once in every 60 (sixty) minutes.

Special Conditions for Licensing

- 35. a. Commission has the authority to make compulsory special licensing conditions to license applicants, which the Commission deems necessary in order to implement Broadcast policy.
- b. conditions stated in the Article 35 (a) may include;
 - 1. set the minimum number of broadcast hours on either daily, weekly or annual basis,
 - 2. specify technical conditions such as output power,
 - 3. set minimum local content requirements over and above the minimum specified in this Act
- c. Under Article 35, special licensing conditions can be defined if the following are fulfilled;
 - 1. the condition shall be relevant to broadcasting,
 - 2. the condition shall enhance broadcasting policy,
 - 3. The condition shall be reasonable and one which can be fulfilled by the licensee.

Amendments to the License

- 36. The Commission has the right to make amendments to licensing conditions in order to enhance the broadcasting policy.

CHAPTER 5

Broadcasting Content

Code of Practice

37. a. The Commission shall in consultation with broadcasters, media personnel and stakeholders formulate a “Code of Practice” for broadcasters and review and amend when necessary.
- b. Under the Article 37 (a) the Commission shall publish and provide a copy of the Code of Practice to every licensee.
- c. Inclusive of the following the Code shall address programming related aspects.
 1. prioritize balance and impartiality in news and current affairs programs and strive to disseminate factual information;
 2. Protect the rights and dignity of children and refrain from broadcasting content in contravention to this;
 3. classification of programs and films according to the recommended age.
 4. Terms, principles in conducting interviews and editing;
 5. Information recorded without permission and the use of such equipment;
 6. Content which amounts to pornography or any visual or sound depicting a sexual act or any visual or sound depicting a sexual organ and any visual or sound depicting an object which represents sexual organs, shall not be aired.
 7. content which damages the dignity, nobility and respect of an individual or a group of people or the use of derogatory and abusive language; and actions and activities beyond accepted social norms shall not be aired.
 8. distinguish between factual and fictional content;
 9. content which disrespects the rights and dignity of any race, gender, any age group and disabled persons shall not be aired;
 10. respect for privacy of individuals;
 11. low quality images and sound shall not be used;
 12. Advertising;
 13. no content that violates the religion, Constitution of Maldives or contravenes any law or promotes any religion other than Islam shall not be aired
- d. The Commission shall formulate the Code of Practice in a manner that promotes mass participation in line with democracy, catering to competitive debate and facilitate for the production of creative, entertaining programs and Commission shall actively facilitate to provide fair and balance information through a series of

programs.

Advertising

38. Broadcasters have the right to air advertisements in accordance with the following principles and Code of Practice;
 - a. advertisements which depicts a product or service that is prohibited in protection of the environment and health or any product or service which promotes alcohol, drugs or smoking shall not be aired
 - b. No broadcaster shall air advertisements that misinterpret the product or service to the customer

CHAPTER 6

Service Rendering

- Broadcast Service Fee**
39. a. Any licensed broadcaster shall charge a service fee after endorsement of the fee from the Commission.
- b. Any licensed broadcaster who has been providing a free service shall inform their customers and the Commission 2 (two) months prior to charging a fee for that service.
- Temporary Termination of Service**
40. a. If a broadcaster decides to temporarily terminate a service, they shall get the approval of the Commission 15 (fifteen) days prior to the temporary termination and inform customers 7 (seven) days prior to the temporary termination.
- b. If a service of a license broadcaster is temporarily disrupted or disconnected through an incident beyond their control, the Commission shall work to provide the best solution within the jurisdiction of this Act.
- Termination of Service**
41. If a broadcaster wishes to terminate their service within the license period they shall inform the Commission with reason and shall make a public announcement minimum 15 (fifteen) days prior to termination; if the customer base is individually known the broadcaster shall directly inform them of the termination.

CHAPTER 7

Breach of the Act and Regulation

Complaints Monitoring

- and** 42. a. Anyone who believes that a broadcast service licensee has breached the Code of Practice under the Article 37 of this Act, may lodge a complaint in writing to the Commission; and the Commission shall investigate every such complaint, unless it considers the complaint to be unfounded.
- b. It is a duty of the Commission to ensure that broadcast service licensees comply with this Act; and the Commission shall monitor the licensees and undertake an investigation where it believes there may have been a breach of this Act or a condition of the License
- c. Where the Commission conducts an investigation pursuant to Article 42 (b) the Commission shall provide the licensee with adequate written notice of any allegation of a breach and with a reasonable opportunity to make representations. In the case of a complaint, the Commission shall also provide the complainant with a reasonable opportunity to make representation.

Decisions

43. a. The Commission shall come to a decision on a complaint lodged or a case investigated within 2 (two) months' time unless an exceptional circumstance arise.
- b. Where the Commission determines that a broadcast service licensee is in breach of this Act, or any license condition, or Code of Practice, it shall publish its decision inclusive of the reasons and any sanctions to be imposed pursuant to Article 44; and notify the broadcaster of their right to appeal to the relevant authority. The Commission shall provide the broadcaster and the complainant with a copy of its decision.

Sanctions

44. a. Where the Commission determines that a broadcast service licensee is in breach of this Act, or any license condition, or Code of Practice, it may apply one or more of the following sanctions;
1. inform the licensee to rectify the specified action.
 2. issue a public warning to the licensee.
 3. inform the licensee to broadcast a statement of correction or retraction at a specified time and manner the Commission prescribes.
 4. inform the licensee to take such action or desist from taking such actions as

it deems necessary to rectify or prevent repetition of the breach.

- b. In case of repeated breach of license conditions, the Commission may order the broadcast licensee to pay a fine not exceeding 2% (two percent) of the licensee's total revenue of the previous year.
- c. If a broadcast licensee is in constant breach of this Act and Broadcast Regulation and if they fail to rectify the breach after the Commission informs, the Commission may order a temporary suspension of part of their program schedule. And in cases where such a breach is repeated the Commission may submit to cancel the license to court and terminate the license as per the court decision.
- d. If a broadcast licensee breaches any rule relating to broadcast content under this Act and Regulation, the Commission shall not impose sanctions prescribed in Article 44 (b) and (c) unless by majority vote of total Commission members and where other, lesser sanctions have failed to prevent further breach.
- e. Where any party carries out broadcasting services without a license, or bring changes to a broadcast license without the consent of the Commission, the Commission may order the termination of such broadcast activity, impose a fine and/or confiscate equipment used for such broadcast.
- f. If any party fails to comply with a directive of the Commission, issued under this Article, it shall be deemed non-compliance of a directive of the Commission. And the Commission may request the relevant authority to press charges of non-compliance.

CHAPTER 8

Other Provisions

- Advocate for the rights of Broadcast licensees 45. Any person aggrieved by the Commission's decision in granting or refusing to grant a license, renewing or refusing to renew a license, imposing conditions in issuing a license, imposing or refusing to impose a sanction on a licensee, they may appeal to the courts for a review of that decision within 3 (three) months of that decision being taken.
- Formulation of Regulations 46. The formulation and implementation of all regulations under this Act shall be carried out by the Commission.
- Enactment of Act 47. This Act will be enacted within 90 (ninety) days from the date of it being published in the government Gazette after it being passed and ratified.
- Definitions 48. Unless the context is stated otherwise in this Act, the following definitions shall be utilized;
- “**Customer**” refers to people who pay a fee for broadcast services by a license broadcaster under this Act.
- “**Rebroadcasting**” refers to re-transmission of content of a third party, without any changes, by a facility established in the Maldives
- “**Broadcasting**” refers to transmitting video and audio or video or audio using any medium to the general public or a target audience. Presentation of video and audio at a public place is an exception. Under this Act “broadcasting” refers to both broadcasting and re-broadcasting.
- “**Broadcasting service**” refers to the transmission of content to the customers.
- “**Broadcasting license**” refers to the license issued under Article 24 of this Act to provide broadcasting services in Maldives.
- “**Content**” refers to news, information, advertisements or other materials aired by the broadcaster.
- “**Advertisement**” means specific content aired by a broadcaster to promote the sale or increase the appeal of a product, service, place or a production.
- “**Exclusive Broadcasting right**” refers to the approval given to one specific broadcaster or re-broadcaster to broadcast a specific content
- “**Audio**” refers to the sound produced using or through an electronic equipment.
- “**Visual**” refers to the image produced using or through electronic equipment.
- “**Ministry**” refers to the ministry assigned with the responsibility of establishing policies and regulating all matters relating to broadcasting.

“Licensee” refers to any party that has been granted a license under Article 23 of this Act to provide broadcasting service within the Maldives.

“Local content” refers to broadcast material produced by people under the direct management of the licensee, material produced by any other party with the guidance and for the purposes specified by the licensee, local content produced with ownership of a Maldivian for the Maldivian society, or by a Maldivian or under the directions of a Maldivian relating to Maldives, Maldivian language, culture or which has the interest of Maldivians. Local content excludes material produced by foreign parties which has local audio.

“Programme schedule” refers to the plan indicating the genre of programs, proportion of broadcast airtime allocated for the programs, airtime allocated for advertisements and target audience.

Unofficial Translation for Internal Use