

Subsidiary Legislation made under ss.9(1) and 15(6).

## **Broadcasting (Licensing) Regulations 2019**

**LN.2019/063**

*Commencement*                      **28.3.2019**

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### **ARRANGEMENT OF REGULATIONS**

#### Regulation

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**2012-12**

Broadcasting

**2019/063**

**Broadcasting (Licensing) Regulations 2019**

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*This version is out of date*

*In exercise of the powers conferred on him by sections 9(1) and 15(6) of the Broadcasting Act 2012, and of all other enabling powers, the Minister has made the following Regulations—*

**Title and commencement.**

1. These Regulations may be cited as the Broadcasting (Licensing) Regulations 2019 and come into operation on the day of publication.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Broadcasting Act 2012;

“charging year” means –

- (a) the period beginning with the commencement of these Regulations and ending with the next 31st March; or
- (b) any subsequent period of twelve months beginning with 1st April;

“FM radio” means broadcasting using frequency modulation;

“MW radio” means broadcasting using medium wave;

“restricted FM service” means the transmission on the FM (VHF) waveband at a maximum radiated power of 5W by means of a directional-antenna within a defined site or location and shall not, to the greatest extent possible, extend outside of the territory of Gibraltar.

**Application Fee.**

3. An application for a licence under the Act shall be accompanied by the appropriate application fee as set out in Schedule 1.

**Licence fee.**

- 4.(1) A person who, at any time in a charging year, is a person to whom this regulation applies shall pay to the Authority the relevant licence fee that is applicable to that person as set out in Schedule 2 and/or Schedule 3.

(2) This regulation applies to a person to whom a licence has been granted pursuant to section 15(1) of the Act.

(3) The fee shall be paid to the Authority on the date of issue of the licence and subsequently, if the licence is renewed, on the anniversary of the date of grant of the licence.

**Term of Licence.**

5.(1) A licence shall be granted for a term of 10 years with the exception of a licence granted for a restricted FM radio service which shall be for a term of twelve months.

(2) A licence granted under subregulation (1) is not transferable.

(3) The Authority may renew a licence for further periods of up to 5 years at a time, with the exception of a licence granted for a restricted FM radio service which shall be renewed for a term of twelve months at a time, unless the licence has previously been revoked.

**Audio/Audiovisual media service licence.**

6.(1) A media service provider under Gibraltar jurisdiction shall require an audio media service licence or an audiovisual media service licence to provide such service via an electronic communications network.

(2) Subregulation (1) does not apply to a licensed media service provider who holds a valid licence to provide at least one of the services in Schedule 2, insofar as the content to be broadcast exclusively via an electronic communications network is the same, and broadcast simultaneously, as the service or services already being broadcast.

**On-demand media service content usage rights.**

7. No media service provider shall make available as part of their on-demand services any content which has not been agreed with the rights holders and shall comply with the provisions of the Intellectual Property (Copyright and Related Rights) Act 2005.

**Exemptions.**

8.(1) The Minister may, after consultation with the Authority, exempt small community broadcasters which in the opinion of the Authority do not form part of a national network from—

- (a) the requirement to obtain a licence under the Act; or
- (b) the payment of the relevant licence fee.

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(2) The Minister may not grant an exemption under subregulation (1) with respect to an FM or MW radio licence.

(3) The exemption under subregulation (1) does not relieve the person so exempted of any requirement to comply with the applicable broadcasting standards listed under Part IV of the Act.

**Revocation.**

9. The Broadcasting (Licensing) Regulations 2015 (LN 2015/228) are revoked.

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**SCHEDULE 1**

Regulation 3

<i>Service</i>	<i>Fee</i>
FM Radio	£500
MW Radio	£500
Audio Media Service	£100
Restricted FM Radio	£500
Audiovisual Media Service	£100
Digital Audio Broadcasting (DAB+)	£500
Digital Terrestrial Television (DTT)	£1,000

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**SCHEDULE 2**

Regulation 4(1)

<i>Service</i>	<i>Fee</i>
FM Radio	£10,000
MW Radio	£2,500
Restricted FM Radio	£1,000
Digital Audio Broadcasting (DAB+)	£2,500
Digital Terrestrial Television (DTT)	£25,000

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**SCHEDULE 3**

Regulation 4(1)

<i>Service</i>	<i>Fee</i>
Audio Media Service	£ 500
Audiovisual Media Service	£ 1,000