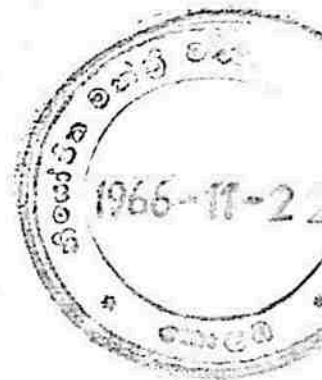


PARLIAMENT OF CEYLON

2nd Session 1966-67



Ceylon Broadcasting Corporation Act, No. 37 of 1966

Date of Assent : November 15, 1966

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION KNOWN AS THE CEYLON BROADCASTING CORPORATION FOR THE PURPOSE OF CARRYING ON THE SERVICE OF BROADCASTING IN CEYLON AND FOR DEVELOPING, EXTENDING AND IMPROVING THAT SERVICE ; FOR THE ISSUE OF LICENCES BY THE MINISTER TO OTHER PERSONS FOR THE ESTABLISHMENT OF PRIVATE BROADCASTING STATIONS WHERE IT IS NECESSARY SO TO DO ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: November 15, 1966]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Ceylon Broadcasting Corporation Act, No. 37 of 1966, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (in this Act referred to as the "appointed date").

Short title and date of operation.

PART I

The Ceylon Broadcasting Corporation

2. (1) There shall be established a Corporation, which shall be called the Ceylon Broadcasting Corporation (hereinafter referred to as "the Corporation") and which shall consist of the persons who are for the time being members of the Corporation under section 6.

Establishment of the Ceylon Broadcasting Corporation.

(2) The Corporation shall by the name assigned to it by sub-section (1) be a body corporate, and shall be capable of holding property, both movable and immovable, and may sue and be sued in such name.

3. (1) The functions of the Corporation shall be—

Functions of the Corporation.

(a) to carry on a broadcasting service within Ceylon and from time to time develop, extend, and improve that service in the public interest ;

- (b) to exercise supervision and control over programmes broadcast by the Corporation ;
- (c) to advise the Minister in respect of matters relating to broadcasting ; and
- (d) to exercise and perform such powers and duties in relation to broadcasting as are conferred or imposed on it by or under this Act.

(2) For the exercise of its functions under paragraph (b) of sub-section (1), it shall be the duty of the Corporation to satisfy itself that, as far as practicable, the programmes broadcast by the Corporation comply with the following requirements :—

- (a) that nothing is included in any such programme which offends against good taste or decency or is likely to incite to crime or to lead to disorder or to offend any racial or religious susceptibilities or to be offensive to public feelings ;
- (b) that the programmes maintain a proper balance in their subject-matter and a high general standard of quality ; and
- (c) that any news given in the programmes (in whatever form) is presented with due accuracy and impartiality and with due regard to the public interest.

Powers of
the
Corporation.

4. The Corporation shall have such powers, rights, and authorities as may reasonably be necessary or expedient to carry out its functions, and in particular it may—

- (a) establish, instal, and operate broadcasting stations ;
- (b) acquire by purchase, lease, sublease, or otherwise any land or interest in land, with or without any building ;
- (c) erect, alter, or reconstruct any broadcasting station, or any building or structure for use in connection with any broadcasting station, or in connection with the exercise of its powers, on any land belonging to or administered by the Corporation ;
- (d) with the prior approval of the Minister, dispose of by sale, lease, sublease, or otherwise any land or interest in land ;

(e) acquire by purchase or otherwise, any property, rights, or privileges that it considers necessary for the purposes of this Act ;

(f) dispose of by sale or otherwise, or turn to account or otherwise deal with, any movable property, rights, or privileges of the Corporation ;

(g) with the prior approval of the Minister given with the concurrence of the Minister of Finance, and subject to such terms and conditions as may be approved, advance money to any person or body of persons, whether incorporated or not, carrying on or intending to carry on the business of producing programmes for broadcasting, whether in conjunction with any other business or not, or give in respect of any advances made to any such person or body as aforesaid by any other person any guarantee, indemnity, or security ;

(h) with the prior approval of the Minister given with the concurrence of the Minister of Finance, subscribe for, acquire, and hold, and dispose of or otherwise deal with, shares or stock in any company, whether incorporated within or outside Ceylon, carrying on or intending to carry on the business of providing programmes for broadcasting, whether in conjunction with any other business or not ;

(i) use the facilities and equipment of the broadcasting service in such manner as may be thought fit for the purpose of promoting and assisting in the development and carrying on of those arts and cultural pursuits which are usually included in the purpose of broadcasting ;

(j) take on lease, rent, or purchase houses, or purchase sites and erect houses, for the use of its officers ;

(k) publish or arrange for the publication of such periodicals or other publications as it may consider of benefit to any broadcasting service carried on by the Corporation ;

(l) do all such things as the Corporation considers to be in the interests of the community for the purpose of developing and improving broadcasting talent ; and

(m) act in combination or association with any person or body of persons, whether incorporated or not and whether in Ceylon or elsewhere, for any of the aforesaid purposes.

Corporation to comply with Government policy.

5. In the exercise of its functions and powers under this Act, the Corporation shall comply with the general policy of the Government with respect to broadcasting and shall comply with any general or special directions given by the Minister pursuant to the policy of the Government in relation thereto.

Constitution of the Corporation.

6. (1) The Corporation shall consist of five members appointed by the Minister, one of whom shall be designated the Chairman of the Corporation.

(2) A person shall be disqualified for being appointed, or for continuing, as a member of the Corporation—

(a) if he is or becomes a Senator or a Member of Parliament ; or

(b) if he is or becomes the owner, a partner, a director, a major shareholder or an employee of or in any business which has a business transaction with the Corporation.

Term of office of the members of the Corporation.

7. Every member of the Corporation shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of four years.

Power of the Minister to remove from office a member of the Corporation.

8. (1) The Minister may, if he considers it expedient so to do, remove, by Order published in the *Gazette*, any member of the Corporation without reason stated.

(2) A member of the Corporation in respect of whom an Order under sub-section (1) is made by the Minister shall vacate his office on the date of the publication of such Order in the *Gazette*.

Resignation of members.

9. A member of the Corporation may at any time resign his office by letter addressed to the Minister.

10. (1) If a member of the Corporation dies or resigns or is removed from office, the Minister may appoint any other person to be a member in place of the member who dies or resigns or is removed from office.

Casual
vacancies
among
members.

(2) A member appointed under sub-section (1) shall, unless he earlier resigns or vacates office by death or removal, hold office for the unexpired part of the term of office of the member whom he succeeds.

11. Any member of the Corporation who vacates office, other than a member who is removed from office under section 8, shall be eligible for reappointment.

Eligibility of
members for
reappointment.

12. No act or proceeding of the Corporation shall be deemed to be invalid by reason only of the existence of any vacancy amongst its members or defect in the appointment of any member thereof.

Acts or
proceedings of
the Corporation
deemed not to
be invalid by
reason of any
vacancy, or
defect in the
appointment, of
a member.

13. (1) The seal of the Corporation shall be in the custody of the Corporation.

Application of
the seal of the
Corporation.

(2) The seal of the Corporation may be altered in such manner as may be determined by the Corporation.

(3) The application of the seal of the Corporation shall be authenticated by the signature of the Chairman of the Corporation or some other member of the Corporation authorized by the Corporation to authenticate the application of the seal and of the officer of the Corporation who is designated the Director-General of the Corporation or some other officer of the Corporation authorized by name by the Corporation to act in his stead in that behalf.

14. The members of the Corporation shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made under this Act.

Remuneration.

15. Rules may be made under this Act in respect of the meetings of the Corporation, and the quorum for, and the procedure to be followed, at such meetings.

Meetings of the
Corporation.

Temporary appointments of members of the Corporation.

16. Where a member of the Corporation is by reason of illness, infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint another person to act in his place.

Delegation of powers of the Corporation.

17. (1) The Corporation may delegate in writing to the Director-General such of its powers as the Corporation thinks fit :

Provided that no such delegation shall prevent the exercise by the Corporation of any power so delegated.

(2) Any delegation made under sub-section (1) may be subject to such conditions and restrictions as the Corporation thinks fit, and may be made either generally or in relation to any particular matter.

Transfer of property, etc., to the Corporation.

18. (1) With effect from the appointed date all property, movable or immovable, which immediately prior to the appointed date are held by or on behalf of the Government by the Department of Broadcasting shall be transferred to, vested in and held by the Corporation.

(2) All debts, liabilities, obligations and contracts of the Department of Broadcasting, outstanding or subsisting at the appointed date, shall, with effect from the appointed date, be deemed to be the debts, liabilities, obligations and contracts of the Corporation.

PART II

Staff of the Corporation

Appointment of the Director-General and other officers and servants to the staff of the Corporation.

19. (1) The Corporation may, in consultation with the Minister, appoint to the staff of the Corporation a Director-General who shall be the chief executive officer :

Provided that the Corporation may, with the concurrence of the Minister, appoint the Chairman of the Corporation to perform, in addition to his duties, the duties of the Director-General.

(2) The Director-General shall, subject to the provisions of sub-section (3), hold office for a period of five years, and may at the termination of that period be reappointed for a further period as the Corporation may, with the concurrence of the Minister, determine.

(3) The Director-General—

- (a) shall retire from office on reaching the age of sixty years ; and
- (b) may at any time, with the prior approval of the Minister, be removed from office.

(4) The Corporation may appoint to the staff of the Corporation such other officers and servants as the Corporation may deem necessary.

20. (1) Subject to the other provisions of this Act, the Corporation may—

Powers of the Corporation in regard to the staff of the Corporation.

- (a) dismiss and exercise disciplinary control over the staff of the Corporation ;
- (b) fix the wages or salary or other remuneration of such staff ;
- (c) determine the terms and conditions of the service of such staff ; and
- (d) may establish and regulate provident funds or schemes for the benefit of such staff, and may make contributions to any such fund or scheme.

(2) Rules may be made under this Act in respect of all or any of the matters referred to in sub-section (1).

21. (1) Within six months after the appointed date any officer or servant of the Department of Broadcasting who does not belong to a transferable service of the Government may be employed by the Corporation on such terms and conditions as shall be agreed upon by that officer or servant and the Corporation ; and in any such case paragraphs (a), (b) and (c) of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall apply, *mutatis mutandis*, to any such officer or servant.

Officers and servants of the Department of Broadcasting.

(2) Where an officer or servant of the Department of Broadcasting, not belonging to a transferable service of the Government, is not employed by the Corporation, he shall be retired ; and if on the date of his retirement his substantive post in that Department was a post declared to be pensionable under the Minutes on Pensions, he shall be eligible for such an award under

those Minutes as might have been made to him if he had retired from the public service on the ground of ill health on the date of his retirement.

Appointment of public officers not in the Department of Broadcasting.

22. (1) Where an officer in the public service (other than an officer of the Department of Broadcasting) is permanently appointed to the staff of the Corporation, the provisions of paragraphs (a), (b) and (c) of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to such officer.

(2) At the request of the Corporation, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Corporation for such period as may be determined by the Corporation, with like consent and where such officer is so appointed the provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

PART III

Finance

The Fund of the Corporation.

23. (1) The Corporation shall have its own Fund.

(2) There shall be paid into the Fund of the Corporation—

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Corporation ;

(b) all such sums of money as may be advanced from time to time by the Minister of Finance to the Corporation ;

(c) all sums of money received by the Corporation in the exercise, discharge and performance of its functions, powers and duties ;

(d) such portion of the fees received each year under the Telecommunications Ordinance for the issue and renewal of radio licences as may be determined by the Minister in consultation with the Minister of Finance ; and

- (e) all other sums of money as are required by this Act or any regulation made thereunder to be paid to such Fund by the Corporation.

(3) There shall be paid out of the Fund of the Corporation all sums of money required to defray any expenditure incurred by the Corporation in the exercise, discharge and performance of its functions, powers and duties under this Act or any other written law and all such sums of money as are required to be paid out of such Fund by or under this Act.

24. (1) The Corporation may, from time to time, with the consent of the Minister and on and subject to such terms and conditions as he thinks fit, borrow temporarily, by way of overdraft or otherwise, such sums as the Corporation may require for meeting the obligations of the Corporation :

Borrowing
powers.

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Corporation under this sub-section shall not exceed such sum as may be determined by the Minister in consultation with the Minister of Finance.

(2) The Corporation may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money otherwise than by way of a temporary loan under sub-section (1) for all or any of the following purposes :—

- (a) the provision of money for meeting any expenses incurred in connection with any work involving the installation, establishment, operation and maintenance of any apparatus required for broadcasting and of broadcasting stations ;
- (b) the acquisition of any land or interest in land for the above-mentioned purposes ;
- (c) the redemption of any stock issued or any loan raised by the Corporation ;
- (d) the repayment of any money temporarily borrowed under sub-section (1).

(3) The Corporation may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money for any of the

purposes mentioned in sub-section (2) by the issue of stock under sub-section (4) or in any other manner whatsoever.

(4) The Corporation may create and issue any stock required for the purposes of exercising the powers of the Corporation under sub-section (3) and the stock so created and issued is in this Act referred to as "Broadcasting Corporation Stock".

Investments of
the funds of the
Corporation.

25. Any funds of the Corporation which are not immediately required for the exercise of the functions of the Corporation under this Act may be invested by the Corporation in such manner, or in such securities, as may be authorized by the Minister with the concurrence of the Minister of Finance. The Corporation may make investments in connection with such activities as are directly connected with broadcasting, subject to the approval of the Minister given with the concurrence of the Minister of Finance.

Accounts of the
Corporation
and financial
year.

26. (1) The Corporation shall cause its accounts to be kept in such form and manner as may be determined by the Corporation.

(2) Rules may be made under this Act in respect of the matters referred to in sub-section (1).

(3) The financial year of the Corporation shall be the period of twelve months commencing on the first day of October.

Audit of the
accounts of the
Corporation.

27. (1) The Corporation shall have its accounts for each financial year audited by the Auditor-General.

(2) For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Corporation, the Auditor-General shall be paid from the Fund of the Corporation such remuneration as the Minister may determine with the concurrence of the Minister of Finance.

(4) For the purposes of this section, the expression "qualified auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute ; or
- (b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

28. (1) The Auditor-General shall examine the accounts of the Corporation and furnish a report—

The Auditor-General's report.

- (a) stating whether he has or has not obtained all the information and explanations required by him ;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Corporation ; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Corporation.

(2) The Auditor-General shall transmit his report to the Corporation.

29. The Corporation shall, on receipt of the Auditor-General's report on the accounts for each financial year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, and a statement by the Corporation of its activities during that financial year to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives before the end of the year next following the year to which such report and accounts relate.

Annual accounts with the auditor's report and a report of the annual activities of the Corporation to be transmitted to the Minister.

30. (1) The Corporation shall, for each financial year, prepare in such form as may be approved by the Minister an estimate of the income and expenditure for that year.

Estimate of income and expenditure of the Corporation for each financial year to be transmitted to the Minister.

(2) The estimate referred to in sub-section (1) shall be in duplicate and shall be transmitted to the Minister on or before the first day of March

in the financial year preceding the one to which it relates.

Programme of work to be undertaken by the Corporation during a financial year to be transmitted to the Minister for his approval.

Exemption from income tax and customs duty.

31. The Corporation shall before the first day of November in each financial year transmit to the Minister for his approval a programme of the work involving capital expenditure which is to be undertaken by the Corporation during that financial year, and the Corporation shall have regard to any directions given by the Minister in respect of that programme.

32. (1) The income of the Corporation shall be exempt from income tax.

(2) Notwithstanding anything in any other written law, the Principal Collector of Customs may, with the sanction of the Secretary to the Treasury, waive the customs duty on articles imported by the Corporation for any of its purposes.

PART IV

General

Corporation may insure employees.

33. The Corporation may from time to time enter into contracts of insurance insuring employees of the Corporation against loss from personal accident arising out of and in the course of the exercise by them of any power or duty conferred or imposed upon the Corporation under this Act and may pay the premiums payable in respect of any such contracts. The categories of employees to be so insured shall be determined by the Corporation by rules made under this Act.

Protection for action taken under this Act, &c., or on the direction of the Corporation.

34. (1) No suit or prosecution shall lie—

(a) against the Corporation for any act which in good faith is done or purports to be done by the Corporation under this Act, or any regulation made thereunder ;

(b) against any member, officer, servant or agent of the Corporation for any act which in good faith is done or purports to be done by him under this Act or any regulation made thereunder, or on the direction of the Corporation.

(2) Any expense incurred by the Corporation in any suit or prosecution brought by or against the Corporation before any court shall be paid out of the Fund of the Corporation and any costs paid

to, or recovered by, the Corporation in any such suit or prosecution shall be credited to the Fund of the Corporation.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act or any regulation made thereunder, or on the direction of the Corporation shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Corporation.

35. No writ against person or property shall issue against a member of the Corporation in any action brought against the Corporation.

No writ to issue against person or property of a member of the Corporation.

36. All members, officers and servants of the Corporation shall be deemed to be public servants within the meaning of and for the purposes of the Penal Code.

Members and employees of the Corporation deemed to be public servants.

37. (1) Contracts on behalf of the Corporation may be made as follows :—

Contracts.

(a) a contract which if made between private persons would be by law required to be in writing, may be made on behalf of the Corporation in writing under the common seal of the Corporation ;

(b) a contract which if made between private persons is by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Corporation in writing signed by any person or persons duly authorized thereto as hereinafter provided ; and

(c) a contract which if made between private persons would by law be valid although made by parole only and not reduced into writing, may be made by parole on behalf of the Corporation by any person or persons duly authorized thereto as hereinafter provided.

(2) A contract made according to this section shall be effectual in law and shall bind the Corporation and all parties thereto and their legal representatives.

(3) A contract made according to this section may be waived or discharged in the same manner in which it is authorized by this section to be made.

Returns and information.

38. The Corporation or any person authorized in that behalf by the Corporation may by notice in writing require any person to furnish to the Corporation or the person so authorized, within such period as shall be specified in the notice, all such returns or information relating to all such matters as may be necessary for the Corporation under this Act and as are within the knowledge of that person.

The Corporation deemed to be a scheduled institution within the meaning of the Bribery Act.

39. The Corporation shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Power to enter any land or premises.

40. Any officer or servant of the Corporation who is generally or specially authorized in that behalf by the Corporation may, at all reasonable times, enter upon any land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Corporation, or of making any survey, examination or investigation preliminary or incidental to the exercise of any power, or the discharge of any function, of the Corporation.

Offences.

41. (1) Every person who—

(a) knowingly makes any false or incorrect statement in any return or other document made or furnished under or for the purposes of this Act or of any regulation made thereunder ; or

(b) fails or refuses to furnish any information or return required by this Act, or any regulation made thereunder, to be furnished by him ; or

(c) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Act, or any regulation made thereunder ; or

(d) contravenes or fails to comply with any provision of this Act or regulation made under this Act,

shall be guilty of an offence under this Act.

42. Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

Penalties for offences.

43. (1) The Corporation may make rules in respect of all or any matters for which rules are authorized or required by this Act to be made.

Power of Corporation to make rules.

(2) No rule made by the Corporation under this Act shall have effect until it has been approved by the Minister.

44. (1) The Minister may, if he considers it necessary so to do and after consultation with the Corporation, issue to any person a licence for the establishment and maintenance of any private broadcasting station in any area in Ceylon.

Power of Minister to issue licences for the establishment and maintenance of private broadcasting stations.

(2) Before the issue of a licence under sub-section (1), the Corporation shall, by notice published in the *Gazette* and in one or more newspapers circulating in Ceylon, call for applications from persons for the issue of a licence. Every such notice shall specify the class or type of private broadcasting station which is required to be established and such other matters as the Corporation thinks fit.

(3) No licence shall be issued to any person under this section except after inquiry into his application.

(4) Regulations may be made by the Minister in respect of all or any of the following matters :—

(a) the procedure to be followed in respect of applications to be made, and the hearing of inquiries into applications, for the issue of licences under this section ;

(b) the control and supervision by the Corporation of programmes broadcast from private broadcasting stations ;

(c) the furnishing or disclosure by any body of persons applying for a licence under this section of information relating to such body and of its members ;

(d) the prohibition, regulation or control of the ownership of private broadcasting stations by prescribed persons or classes of persons ;

(e) the regulation or control of the transfer of shares in companies which hold licences for private broadcasting stations, and the transfer of interests on such stations ;

- (f) the form of application for a licence under this section and the form of such licence ; and
- (g) the fee to be charged for such licences.

Establishment of committees to advise the Corporation on matters relating to broadcasting.

45. (1) The Minister may make regulations for the purpose of the establishment of one or more consultative committees to advise the Corporation on such matters relating to broadcasting as may be referred to the committees by the Corporation.

(2) Regulations made under sub-section (1) may prescribe the remuneration payable to the members of the consultative committee or committees.

Regulations made under this Act to be published in the *Gazette* and to be brought before the Senate and the House of Representatives.

46. (1) Every regulation made by the Minister under this Act shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(2) Every regulation made by the Minister shall, as soon as convenient after its publication, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of dis-approval but without prejudice to anything previously done thereunder.

This Act to prevail over other written law.

47. The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Interpretation

48. In this Act—

“ broadcasting ” includes the broadcasting of television programmes ;

“ private broadcasting station ” means a broadcasting station established or operated by some person other than the Corporation ;

“ programme ” includes any signal, announcement, item, communication, picture or other matter broadcast or intended to be broadcast from a broadcasting station for reception by the public.