



ST. HELENA

CHAPTER 160

ST. HELENA NEWS MEDIA ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

To be amended by Media Standards Ord (18/2011) – not in force yet

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
[Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

ST. HELENA NEWS MEDIA ORDINANCE

Page

2

Ordinance 13 of 1997 ... in force on 15 October 1999

Amended by Ord. 6 of 2001

Amended by Ord. 8 of 2004

Amended by Ord. 3 of 2005

Amended by Ord. 3 of 2012

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 160**ST. HELENA NEWS MEDIA ORDINANCE****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title
2. Application
3. Interpretation
4. Establishment of the Board
5. Appointment of Board Members
6. Meetings of the Board
7. Disclosure of interests by Board Members
8. Remuneration of Board Members
9. Duty of confidentiality of Board Members
10. Duties of the Board
11. Powers of the Board
12. Books of account
13. Annual accounts
14. Limitation of expenditure
15. Subvention or subsidies by Government
16. Regulations

CHAPTER 160**ST. HELENA NEWS MEDIA ORDINANCE**

(Ordinance 13 of 1997 as amended by Ordinances 6 of 2001, 8 of 2004, 3 of 2005 and 3 of 2012)

AN ORDINANCE TO ESTABLISH A BOARD TO BE RESPONSIBLE FOR THE EDITORIAL POLICY OF RADIO ST. HELENA, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.²

Commencement

[15 October 1999]

Short title

1. This Ordinance may be cited as the St. Helena News Media Ordinance.

Application

2. This Ordinance shall apply to the island of St. Helena only, and not to either of its dependencies of Ascension Island or Tristan da Cunha.

² Long title amended by Ord. 3 of 2012

Interpretation

3. In this Ordinance—
- “**Board**” means the St. Helena News Media Board established by section 4;
- “**Board member**” means the Chairman of the Board and any other person who is for the time being a member appointed under section 5, and “member” shall be construed accordingly;
- “**newspaper**”³ ...
- “**radio**” means Radio St. Helena.

Establishment of the Board

4.⁴ (1) There is hereby established the St. Helena News Media Board which shall be responsible for the editorial policy, control and regulation of all news and other programmes or material broadcast on Radio St. Helena.

(2) All moveable property and assets (if any) which immediately before the commencement of this Ordinance were used by the newspaper or the radio respectively are hereby vested in the Board.

(3) All debts and liabilities outstanding at the date of commencement of this Ordinance of either the newspaper or the radio are hereby accepted by the Government of St. Helena to be its responsibility, and it shall pay, discharge or perform the same (if any) as soon as is reasonably practicable.

Appointment of Board members

5. (1) Subject to subsection (2) the Governor, in his discretion, and by notice in the *Gazette*, shall appoint a person as Chairman of the Board, and in addition four other members.

(2) A person shall not be eligible for appointment to the Board at any time when—

- (a) he is not qualified to be registered as a voter under the St. Helena Legislative Council (Elections) Ordinance; or
- (b) he is a member of the Legislative Council; or
- (c) is disqualified from election as a member of the Legislative Council; or
- (d)⁵ ...

(3) A Board member shall, subject to the provisions of this section, hold office for three years but, unless otherwise disqualified by this Ordinance, shall be eligible for re-election.

(4) A Board member may resign from office by notice in writing signed by him and submitted to the Governor.

(5) The Governor may at any time, in his discretion, revoke the appointment of a Board member if, in his opinion, it is appropriate to do so on grounds of disability, neglect of duty or misconduct.

(6) A Board member shall automatically cease to hold office if—

- (a) he is absent from three consecutive meetings of the Board without permission of the Chairman or the Governor; or
- (b) he becomes disqualified by reason of the application to him of any of the provisions of subsection (2) of this section; or
- (c) he is adjudged bankrupt.

³ Definition of “newspaper” amended by Ord. 6 of 2001 and deleted by Ord. 3 of 2012

⁴ Section 4(1) amended by Ord. 3 of 2012

⁵ Section 5(2)(d) deleted by Ord. 3 of 2012

Meetings of the Board

6. (1) Subject to subsection (2), meetings of the Board shall be convened by the Chairman as often as he considers expedient. Three Board members present shall constitute a quorum. No business shall be transacted at any time when a quorum is not present, except to adjourn that meeting.

(2) The Chairman shall convene a meeting of the Board at the earliest possible opportunity—

- (a) if directed to do so by the Governor; or
- (b) on receipt of a written request stating the matters to be discussed at such meeting, and signed by at least two Board members.

(3) The Chairman, when present, shall preside at all Board meetings. In his absence the members present at the meeting shall elect one of their number to preside.

(4) All matters before the Board for decision at a meeting shall be decided in accordance with the views of the majority of members present. In the event of an equality of votes, the Chairman or other member presiding shall have and shall exercise a second or casting vote.

(5) Any person may attend a meeting if requested to do so by the Board and, if so invited, may address the Board, but shall not be entitled to vote.

(6) The Board shall keep minutes of all meetings held, and for that purpose may appoint one of their members or some other person. The Chairman shall supply, or cause to be supplied, copies of the minutes of any meeting or meetings whenever requested to do so by either the Governor or the Financial Secretary.

(7) Subject to the provisions of this section, and any provisions contained in regulations made under section 16 of this Ordinance, the Board may regulate its own procedure.

Disclosure of interests by Board members

7. (1) Any member of the Board who has a direct or indirect interest in any matter which is to be considered shall, if present at such meeting, make full disclosure of such interest, and refrain from participation in discussion or voting thereon.

(2) Any member of the Board who knowingly fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Remuneration of Board members

8. The Chairman and other Board members shall receive such fees, allowances or other remuneration as the Governor may by regulations from time to time determine.

Duty of confidentiality of Board members

9. (1) Any member of the Board who wilfully discloses to any other person who is not a member of the Board information relating to any matter which has been or is to be considered by the Board, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) The duty imposed by subsection (1) shall continue to apply to members of the Board after they have ceased for any reason to act as such.

Duties of the Board

10.⁶ (1) Subject to subsection (2), and to the powers of the Board contained in section 11, and so far as funds belonging to it or made available permit, and all other relevant circumstances allow, the Board shall—

- (a) ...
- (b) ensure that the radio is, in their respective editorial policies, independent from control by the Government, any political party or individual duly elected politician, trade union, religious body, or any other body, sect or interest group other than the Board;
- (c) ensure that the radio is informative of news and current affairs within St. Helena particularly, likely to be of interest generally to persons in St. Helena and, so far as is ancillary thereto, and in the opinion of the Board, likely to be of interest to such persons, informative of matters outside St. Helena;
- (d) ensure as far as possible, subject to subsection (2), that the programmes broadcast by the radio comply, complies with the following requirements—
 - (i) that nothing is broadcast or published which can reasonably be interpreted as being discriminatory or likely to arouse prejudice, hatred or public unrest on a racial, gender, or religious basis;
 - (ii) that nothing is broadcast or published which is likely to offend against good taste or decency, or is likely to incite the commission of any offence or otherwise lead to disorder, or which could be offensive to public feeling;
 - (iii) that nothing is broadcast which is offensive, issues threats, contains abusive or insulting language, or can be interpreted as a personal attack on an individual, or a group of persons, whether named or not;
 - (iv) that a sufficient amount of time or space is allocated to news and news features, and that all news published or broadcast in whatever form is presented with accuracy and impartiality;
 - (v) that a due proportion of all material published or broadcast relates to matters originating in St. Helena;
 - (vi) that due impartiality is preserved by those persons whose letters or articles for the newspaper are selected for publication, and by the presenter of programmes broadcast on the radio, in all matters which, for any reason, are or are likely to become controversial;
 - (vii) that a sufficient amount of newspaper space and broadcasting time is made available for official, Governmental, or other important announcements affecting the public interest.

(2) The requirements imposed by subsection (1)(d) shall not extend in any way to requiring variation by or any responsibility for the content of programmes broadcast by the British Broadcasting Corporation and relayed by the radio.

Powers of the Board

11.⁷ (1) The Board may delegate the performance of its duties under section 10(1) to a chief executive officer, or manager of the radio, but the Board shall remain responsible for the due performance of the news media.

(2) The Board may at any time exercise all or any of the following powers—

⁶ Section 10(1) amended by Ord. 3 of 2012

⁷ Section 11 amended by Ord. 6 of 2001 and Ord. 3 of 2012

- (a) ...
- (b) ...
- (c) to continue to operate the broadcasting station known as “Radio St. Helena”, subject to the provisions of this Ordinance;
- (d) to employ from time to time such staff as may be appropriate;
- (e) to acquire, use and operate such items of equipment of any kind as may be necessary for any of the purposes of the previous paragraphs of this subsection, and from time to time dispose of anything belonging to it, on such terms as it shall deem appropriate;
- (f) to purchase or lease such land and buildings as it may require from time to time for any of the purposes provided for or permitted by this Ordinance;
- (g) deposit monies in a financial institution approved by the Financial Secretary;
- (h) with the consent in writing of the Governor, and subject to such conditions as he may specify, borrow money for the purpose of carrying out any duty or power provided for or permitted by this Ordinance.

Books of account

12.⁸ (1) The Board shall compile and maintain such separate books of account as are necessary and faithfully record all financial transactions undertaken. The Board shall comply at all reasonable times with any request made by the Financial Secretary or Chief Auditor for production thereof.

(2) The provisions of the Audit Ordinance,⁹ as to the audit of accounts shall apply to the books of account required to be kept by subsection (1), as if they were kept in relation to the income and expenditure of a Government department.

(3) Nothing in subsection (2) shall render the funds of the Board public funds, or require its accounts to be treated as part of the public accounts of St. Helena.

Annual accounts

13.¹⁰ (1) The Board shall comply with such instructions as the Governor, acting in his discretion, may from time to time give to it concerning the keeping and auditing of its accounts.

(2) The annual accounts and the auditor’s report thereon shall, as soon as is reasonably practicable, be transmitted to the Governor who shall cause the same to be laid on the table of the Legislative Council for St. Helena at the first convenient sitting of that Council after he receives them from the Board.

(3) As soon as is reasonably practicable after the Legislative Council sitting referred to in subsection (2), the accounts and auditor’s report thereon shall be published in the *Gazette*.

Limitation of expenditure

14. (1) It shall not be lawful for the Board to expend or to commit itself to expenditure of any sum which is reasonably likely to cause to be exceeded the aggregate of—

- (a)¹¹ the income reasonably estimated to be received from its activities;
- (b) any subvention or subsidy paid or payable to the Board by the Government, or by any other person or authority;

⁸ Section 12(1) amended by Ord. 3 of 2012

⁹ Cap. 143

¹⁰ Section 13 amended by Ord. 3 of 2012

¹¹ Section 14(1)(a) amended by Ord. 3 of 2012

- (c) any gift of money paid or payable to the Board;
- (d) any sum borrowed by the Board pursuant to section 11(2)(h) of this Ordinance;
- (e)¹² retained profits.

(2) Any Board member who knowingly permits the Board to incur expenditure contrary to subsection (1) shall be personally liable to forthwith reimburse such unlawful expenditure, and shall be further liable to removal from office for misconduct, pursuant to section 5(5) of this Ordinance:

Provided that the Governor may, by notice in writing, relieve any Board member from liability to reimburse any expenditure unlawfully incurred in any case where, in his opinion, it is appropriate to do so.

Subvention or subsidies by Government

15. There shall be paid out of the Consolidated Fund to the Board such sums as may from time to time be appropriated by Ordinance for that purpose.

Regulations

16. The Governor, in his discretion, may make regulations for the further and better execution of this Ordinance and, without prejudice to the generality of this power, such regulations may provide for—

- (a) anything which by this Ordinance is required or permitted to be prescribed;
- (b) the extension or variation of any of the powers and duties of the Board, or of individual members thereof;
- (c) the fees, allowances or other remuneration to be paid to Board members;
- (d) the categories of persons, by reference to office, occupation or otherwise, who shall be eligible for or disqualified from Board membership;
- (e)¹³ the fees to be charged for by the Board;
- (f) the extension or variation of the provisions for the keeping and publication of the annual accounts of the Board, or the audit thereof.

Winding up of the Board

17.¹⁴ (1) The Governor in Council may, by Order, provide that the Board shall cease to exist with effect from such date (“the prescribed date”) as may be specified in the Order.

(2) On the prescribed date, all of the property of the Board, whether real or personal (including, for the avoidance of doubt, debts owed to the Board and other choses in action) shall become, by operation of the Order and without any further or other instrument of transfer, the property of Her Majesty in right of Her Government of St. Helena; and all debts and other liabilities of the Board shall become liabilities of Her Majesty in right of her said Government.

(3) An Order made under subsection (1) may contain such transitional or consequential provisions as appear to the Governor in Council to be necessary or convenient for securing the orderly winding up of the Board and the preparation and audit of its accounts for the period between the preceding 1st April and the prescribed date.

(4) Upon the completion of all the steps required to be taken under transitional provisions made under subsection (3), the Governor shall cause notice of that fact to be published in the *Gazette*; and thereupon this Ordinance shall cease to have effect.

¹² Section 14(1)(e) inserted by Ord. 3 of 2005

¹³ Section 16(e) amended by Ord. 3 of 2012

¹⁴ Section 17 inserted by Ord. 3 of 2012
