

# THE MAURITIUS BROADCASTING CORPORATION ACT 1982

Act 22/1982

Proclaimed by [\[Proclamation No. 7 of 1982\]](#) w.e.f 9<sup>th</sup> October 1982

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To provide for the establishment and management of the Mauritius Broadcasting Corporation

**1. Short title**

This Act may be cited as the Mauritius Broadcasting Corporation Act 1982.

**2. Interpretation**

In this Act -

“Board” means the Board established under section 6;

"broadcast" means any radio communication, whether by sound or vision, for reception by the public;

“Capital Fund” means the Capital Fund specified under section 22;

“Chairman” means the Chairman of the Board;

“committee” means any committee of the Board set up under section 11;

“Corporation” means the Mauritius Broadcasting Corporation established under section 3;

“Council” means the General Advisory Council established under section 12;

“Deputy Director-General” means the person appointed as such under section 14;

“Director-General” means the person appointed as such under section 13;

"external broadcasting services" means broadcasting services for reception in countries other than Mauritius;

“employee” means any employee of the Corporation and includes the Director-General and the Deputy Director-General;

“installations” includes aerials, masts, overhead wires, underground cables, apparatus for radio communication and electric generators;

“interest”, in relation to a member, includes any directorship, office, post, shareholding or any financial stake held by the member or his spouse;

"local authority" has the same meaning as in the Local Government Act 1989;

“member” means a member of the Board and includes the Chairman;

“Minister” means the Minister to whom the subject of information is assigned;

“radio communication” means any telecommunication by means of Hertzian waves;

“Revenue Fund” means the Revenue Fund specified under section 23;

“right of reply” means a right of reply by means of a broadcast of the Corporation;

“telecommunication” means the emission, transmission or reception of any sign, signal, writing, image, sound or any electromagnetic system;

“television” means the transmission and reception by radio communication of sound and image;

“transmitting station” means a station for the transmission by radio communication of any matter;

“wired distribution services” means the dissemination of broadcasting services by means of wires -

- (a) otherwise than within a single self-contained building; and
- (b) extending to or connecting at least 2 buildings.

**Amended by [\[Act No. 65 of 1985\]](#)**

### **3. Establishment of the Corporation**

- (1) The Mauritius Broadcasting Corporation established under the Mauritius Broadcasting Corporation Act shall be deemed to have been established under this Act.
- (2) The Corporation shall be a body corporate.
- (3) The Corporation shall be a principal medium for the dissemination of information, education and entertainment and shall, subject to this Act and the Independent Broadcasting Authority Act 2000, be independent in the conduct of its day to day business and other activities.

**Amended by [\[Act No. 29 of 2000\]](#)**

### **4. Objects of the Corporation**

- (a) provide independent and impartial -
  - (i) broadcasting services of information, education, culture and entertainment in Creole, Bhojpuri, French, Hindustani, English and such other languages spoken or taught in Mauritius as the Board may, with the approval of the Minister, determine;
  - (ii) broadcasting services which cater for the aspirations, needs and tastes of the population in matters of information, education, culture and entertainment;
  - (iii) external broadcasting services if the Minister so requires.

- (b) ensure that its broadcasting services help towards the development of -
  - (i) the knowledge, sense of initiative, civic rights, duties and responsibilities of the population;
  - (ii) cultural exchanges and a Mauritian consciousness and identity;
- (c) ensure that its broadcasting programmes -
  - (i) maintain a high general standard both in respect of content and quality;
  - (ii) cover a wide range of subject matter;
  - (iii) appeal to the aspirations, needs and tastes of its audience;
- (d) ensure that its broadcasting programmes, including advertisements –
  - (i) Do not offend against decency good taste or public morality;
  - (ii) are not likely to encourage or incite to crime, disorder or violence;
- (e) give adequate coverage in its broadcasting programmes to news items, both local and foreign, in the languages specified in paragraph (a) and ensure to the best of its ability that the news bulletins broadcast are accurate and presented in an impartial manner;
- (f) strike a fair balance in the allocation of broadcasting hours among various educational, cultural, political and religious standpoints;
- (g) refrain from expressing its own opinion and observe neutrality and impartiality on –
  - (i) current affairs;
  - (ii) matters of public policy; or
  - (iii) matters of controversy relating to culture, politics, religion or any other subject, other than broadcasting;
- (h) refrain from giving publicity to any person, product or service, other than in a commercial broadcasting advertisement, except in so far as it may be necessary for the broadcast of effective and informative programmes;
- (i) provide advisory, consultancy or technical facilities to such public bodies as may be approved by the Minister and on, such terms and conditions as may be determined by the Board;
- (j) make available the use of its radio and television studios for the preparation of broadcasting programmes to such broadcasting organisations as may be

approved by the Minister on such terms and conditions as may be determined by the Board;

- (k) establish and maintain an archive containing any material relevant to its objects.

## **5. Powers of the Corporation**

For the purposes set out in section 4, the Corporation may –

- (a) broadcast any matter of public interest;
- (b) exchange or prepare broadcasting programmes with other broadcasting organisations;
- (c) collect news items and information in or from any part of the world in such manner as it thinks fit and subscribe to news agencies;
- (d) promote the arts, literature and music by broadcasting the works of artists, writers, composers and musicians;
- (e) organise, provide or subsidise concerts, shows and other forms of entertainment for broadcasting;
- (f) accept for broadcasting, with or without charge, any advertisement or announcement which does not conflict with its policy and objects;
- (g) operate wired distribution services.

## **6. Establishment of the Board**

- (1) The Corporation shall, subject to the provisions of this Act, be administered and controlled by a Board which shall consist of 7 members -
  - (a) a Chairman to be appointed by the Minister;
  - (b) the Supervising Officer of the Ministry of Information;
  - (c) the Director of information Services;
  - (d) two persons with experience in education and broadcasting to be appointed by the Minister;
  - (e) one person with experience in administration and labour relations to be appointed by the Minister;
  - (f) one person with experience in economy and finance to be appointed by the Minister.
- (2) Subject to subsection (4) and section 8, every ex officio member shall remain a member for as long as he holds the office by virtue of which he

became a member and every other member shall hold office for not more than 2 years but shall be eligible for reappointment.

- (3) A person who -
  - (a) is not a citizen of Mauritius;
  - (b) is an official member of a political party;(c) is a member of the Assembly, shall not be qualified to be a member.
- (4) A member shall be removed from office where -
  - (a) he has been appointed while being disqualified from holding office under subsection (3); or
  - (b) he engages during the term of his office in any kind of political activity.
- (5) Every member, other than an ex officio member or an employee of the Corporation, shall be paid by the Corporation such remuneration or allowance as the Minister may approve.

Amended by [\[Act No. 65 of 1985\]](#); [\[Act No. 2 of 1992\]](#)

## **7. Powers of the Board**

The Board shall have all the powers of the Corporation and may, with the consent of the Minister, borrow such sums of money or raise such loans as it may require for the purposes of this Act.

## **8. Declaration of interest**

- (1) Every member shall, within 7 days of his appointment and thereafter once every year, submit to the Minister a written statement of any interest he holds or has acquired in any company, firm or undertaking which -
  - (a) provides any radio communication or advertising service;
  - (b) deals in, manufactures, assembles or imports any apparatus or equipment for use in radio communication.
- (2) Where a member holds or acquires after his appointment an interest in any company, firm or undertaking mentioned in subsection (1), he shall, within 7 days of the holding or acquisition, give written notice of the fact to the Minister.
- (3) The Minister may, in the public interest, remove from office any member who has submitted a statement under subsection (1) or a notice under subsection (2).

## **9. Meetings of the Board**

- (1) A meeting of the Board shall be held at least once every month at such time and place as the Chairman may direct.
- (2) -
- (3) Four members shall constitute a quorum.

**Amended by [\[Act No. 65 of 1985\]](#)**

#### **10. Attendance of the Director-General**

The Director-General shall attend every meeting of the Board and may take part in its deliberations but he shall not be entitled to vote on any question before the Board.

#### **11. Committee**

- (1) The Board may, in the exercise, of its functions under this Act, set up such committees as it thinks fit.
- (2) Without prejudice to the generality of subsection (1), the Board may set up –
  - (a) a programmes committee;
  - (b) a finance committee;
  - (c) an appointments committee;
  - (d) a disciplinary committee,

to which it may respectively delegate its powers relating to-

- (i) the content and quality of the broadcasting programmes of the Corporation;
  - (ii) the finances of the Corporation;
  - (ii) the appointment of qualified staff to the Corporation;
  - (iii) the discipline of the employees of the Corporation.
- (3) Subject to subsection (4), a committee shall –
  - (a) consist of -
    - (i) the Chairman;
    - (iv) two other members selected by the Board.

- (b) be presided by -
  - (i) the Chairman; or
  - (ii) in the absence of the Chairman, any member elected from among the members present.
- (4) A member who is an employee of the Corporation shall not be qualified to sit on the appointments or disciplinary committee.
- (5) A committee shall operate within the general policy guidelines laid down by the Board.

**Amended by [\[Act No. 65 of 1985\]](#)**

## **12. General Advisory Council**

- (1) There is established for the purposes of this Act a General Advisory Council.
- (2) The Council shall -
  - (a) advise the Minister and the Board on any matter relating to the broadcasting programmes and services of the Corporation;
  - (b) make proposals to -
    - (i) the Board in relation to the standards to be adopted in relation to the content and quality of the broadcasting programmes of the Corporation;
    - (ii) the programmes committee and the Director-General in relation to the programmes to be broadcast by the Corporation.
- (3) (a) The Council shall consist of 23 members to be appointed by the Minister.
- (b) The members of the Council shall comprise -
  - (i) 2 representatives of the agricultural community;
  - (ii) one representative of educational interests;
  - (iii) one representative of the arts;
  - (iii) 4 representatives of religious interests;
  - (v) 2 representatives of local authorities;
  - (v) one representative of commerce and industry;



- (vi) one representative of women's organisations;
  - (viii) one representative of youth organisations;
  - (ix) 3 representatives of the trade union movement;
  - (x) one representative of Rodrigues and the Outer Islands;
  - (xi) one representative of the student body;
  - (xi) one representative of the general public;
  - (xiii) 2 representatives of the press;
  - (xiv) one representative of consumers;
  - (xv) one representative of benevolent associations.
- (4) The Minister shall appoint the Chairman and Vice Chairman of the Council from among the members appointed under subsection (3).
  - (5) Every member of the Council shall, subject to the approval of the Minister, be paid by the Corporation such allowances as the Board may determine.
  - (6) The Board shall provide such secretarial and other facilities to the Council as it thinks fit.
  - (7) The Board may, with the approval of the Minister, make such rules as it thinks fit to regulate the meetings and proceedings of the Council.
  - (8) Subject to the rules made under subsection (7), the Council may regulate its meetings and proceedings in such manner as it thinks fit.

### **13. Director-General**

- (1) There shall be a Director-General of the Corporation who shall be the chief executive officer of the Corporation.
- (2) The Director-General shall -
  - (a) be appointed by the Minister, with the approval of the Prime Minister, on such terms and conditions as he thinks fit;
  - (b) be responsible for the execution of the policy of the Board and for the control and management of the day to day business of the Corporation;
  - (c) act in accordance with such directions as he may receive from the Board;

- (d) every 6 months submit to the Board a report on the activities and finances of the Corporation; and
- (e) submit to the Board a programme schedule drawn up in consultation with the programmes committee and the Council at least 3 months before the broadcast of the programmes.

#### **14. Deputy Director-General**

There shall be a Deputy Director-General of the Corporation who shall -

- (a) be appointed by the Minister, with the approval of the Prime Minister, on such terms and conditions as he thinks fit;
- (b) exercise the functions and the powers of the Director-General where the latter is for any reason unable to exercise his functions or powers; and
- (c) act in accordance with such directions as he may receive from the Board or the Director-General.

#### **15. Appointment of employees**

- (1) the Board may appoint on such terms and conditions as it thinks fit such employees as it considers necessary for the proper discharge of its functions under this Act.
- (2) The employees of the Corporation shall be under the administrative control of the Director-General.
- (3) No employee of the Corporation shall engage in any kind of political activity.

#### **16. Conditions of service of employees**

The Board may make provision to govern the conditions of service of the employees of the Corporation and, in particular, to deal with -

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, employees;
- (b) the establishment and maintenance of a superannuation scheme, medical benefits and loan funds and the contributions payable thereto and the benefits recoverable therefrom.

#### **17. Delegation of powers**

Subject to such instructions or rules of a general nature as it may give or make, the Board may delegate to the Director-General such of its powers under this Act as may be necessary to assist in the effective management of the day to day business and activities of the Corporation, other than the power -

- (a) to borrow money;

- (b) to raise loans; or
- (c) to enter into any transaction in respect of capital expenditure which exceeds 100,000 rupees.

**18. Repealed by [\[Act No. 29 of 2000\]](#)**

**19. Right of reply**

- (1) Any person who alleges that his honour, character, reputation or goodwill has been adversely affected by -
  - (a) any matter which has been broadcast by the Corporation, or
  - (b) any political broadcast during any election campaign, may, without prejudice to any right he may have under any other enactment, make a written application in the prescribed form to the Chairman for a right of reply within 5 days of the matter broadcast or within 48 hours of the political broadcast, as the case may be.
- (2) Where the Board is satisfied that the honour, character, reputation or goodwill of the applicant has been adversely affected and the applicant has made his application in the form and within the period mentioned in subsection (1), it shall at the earliest available opportunity grant to the applicant a right of reply on such terms and conditions as it thinks fit.

**20. Management of assets and funds**

The Board shall manage and utilise all the assets and funds vested in it in such manner and for such purposes as, in the opinion of the Board, will best promote the objects of the Corporation.

**21. Accounts of the Board**

All the money received by the Board shall be paid into-

- (a) a Capital Fund; or
- (b) a Revenue Fund.

**22. Capital Fund**

There shall be paid into the Capital Fund such money as is received by the Board for the purposes of capital expenditure for the development and improvement of the Corporation and its plant, including its transmitting stations and installations.

**23. Revenue Fund**

- (1) There shall be paid into the Revenue Fund -

- (a) the fees, charges, dues or other sums payable to the Corporation;
  - (b) the grants made by the Government, any other government or by any other person which are not meant for capital expenditure; and
  - (c) all other sums of money which are received by the Board and are not payable into the Capital Fund.
- (2) The money deposited in the Revenue Fund under subsection (1) shall be used and applied for the working of the Corporation in such manner and for such purposes as, in the opinion of the Board, will best promote the interests of the Corporation.

#### **24. Estimate**

- (1) The Corporation shall, at least 3 months before the end of every financial year, submit to the Minister an estimate of the revenue and expenditure of the Corporation for the next financial year.
- (2) Subject to subsection (3), the Minister shall, before the beginning of the financial year, signify in writing his approval of the estimate.
- (3) Where the Minister signifies his approval under subsection (2), he may -
- (a) approve part only of the expenditure under any item;
  - (b) direct the Corporation to amend the estimate in respect of any item in such manner as he thinks fit.

#### **25. Licence fees**

Every person shall, in relation to television broadcasts by the Corporation, pay to the Corporation or to such other person as may be prescribed a licence fee in accordance with the Mauritius Broadcasting Corporation (Collection of Licence Fees) Act 1984.

**Amended by [\[Act No. 56 of 1984\]](#)**

#### **26. External Broadcasting services**

- (1) The Minister may, after consultation with the Board, direct the Corporation to provide external broadcasting services to such countries in such languages and at such times as may be specified by the Minister and the Corporation shall comply with the direction.
- (2) The expenses incurred by the Corporation in providing the external broadcasting services mentioned in subsection (1) shall be met from the Consolidated Fund.

#### **27. Emergency powers**

- (1) Where the Prime Minister is satisfied that it is necessary or expedient in the interests of defence, public safety or public order for the Government to have control over any transmitting station owned or operated by the Corporation, he may, by notice published in the Gazette, declare the coming into operation of this section.
- (2) Where a declaration is made under subsection (1), the Prime Minister or any person authorised by him in writing may -
  - (a) take possession of any transmitting station owned or operated by the Corporation or any apparatus at the station and use the station or apparatus for such purposes as the Prime Minister may determine;
  - (b) place any person in control of the station or apparatus specified in paragraph (a);
  - (c) direct the Corporation to submit to him any matter intended for broadcast;
  - (d) stop or delay or direct the Corporation to stop or delay, the broadcast of any matter intended for broadcast; or
  - (e) order the Corporation to comply with such directions as he thinks fit to give.

## **28. Powers of Minister**

- (1) The Minister may, in relation to the exercise by the Board of the powers of the Corporation under this Act, after consultation with the Board, give such directions of a general character to the Board, not inconsistent with this Act, as he considers to be necessary in the public interest, and the Board shall comply with those directions.
- (2) The Corporation shall provide facilities to the Minister for obtaining information with respect to its activities and shall furnish him with such documents as he may require.

## **29. Execution of documents**

- (1) Subject to subsection (2), all documents shall be deemed to be executed by or on behalf of the Corporation if signed by -
  - (a) the Chairman; or
  - (b) the Director-General.
- (2) Any cheque of the Corporation shall be signed by -
  - (a) the Chairman; and

- (b) the Director-General or such other person as may be appointed for the purpose by the Board.

Amended by [\[Act No. 65 of 1985\]](#)

### **30. Restriction on use of name of Corporation**

Notwithstanding any other enactment, no person shall use in relation to his business -

- (a) the word "Mauritius", "Mauritian", "national", "state", "authority" or "corporation" in combination with the word "broadcast", "broadcasting", "diffusion", "diffusion", "radio" or "television";
- (b) the name "Mauritius Television Corporation", "Voice of Mauritius", "Mauritius Broadcasting Corporation"; or
- (c) a name which so clearly resembles one of the names mentioned in paragraph (b) as to be likely to be mistaken for it.

### **31. Exemptions**

Notwithstanding any other enactment -

- (a) the Corporation shall be exempt from payment of duty, rate, charge, fee or tax;
- (b) no stamp duty or registration fee shall be payable in respect of any document issued or executed by, on behalf or to the benefit of the Corporation; and
- (c) the Corporation may frank letters or postal packets and make remittances by money orders, free of charge.

### **32. Donations**

Article 910 of the Code Napoléon shall not apply to the Corporation.

### **33. Restriction on execution**

Notwithstanding any other enactment, no execution by levy or attachment of property or any other process shall be issued against the Corporation in any suit against it.

### **34. Regulations**

- (1) The Board may with the approval of the Minister make such regulations as it thinks fit for the purposes of this Act.

- (2) Any regulations made under subsection (1) may provide for the levying of charges and the taking of fees.

**35. Offences**

Any person who contravenes this Act or any regulations made under it shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

**36. Repealed**

**37. Repealed**

The Mauritius Broadcasting Corporation Act is repealed.

**38. Transitional provisions**

- (1) All the assets, rights and liabilities of the Mauritius Broadcasting Corporation established under the Mauritius Broadcasting Corporation Act shall vest in the Corporation.
- (2) All proceedings, judicial or extra-judicial, started by or against the Mauritius Broadcasting Corporation established under the Mauritius Broadcasting Corporation Act shall be deemed to have been started by or against the Corporation.
- (3) All employees of the Mauritius Broadcasting Corporation established under the Mauritius Broadcasting Corporation Act shall be deemed to have been transferred to the Corporation without losing their period of service and under the same conditions of employment and any service with the Mauritius Broadcasting Corporation shall be deemed to be service with the Corporation.

**39. Commencement**

This Act shall come into operation on a day to be fixed by Proclamation.

**Proclaimed by [\[Proclamation No. 7 of 1982\]](#) w.e.f 9<sup>th</sup> October 1982**