

# **SRI LANKA BROADCASTING CORPORATION ACT**

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## **SCHEDULE**

5 of 1974,  
11 of 1977,  
37 of 1966,  
48 of 1988,  
8 of 1996.

**AN ACT** to provide for the establishment of a Corporation known as the Sri Lanka Broadcasting Corporation for the purpose of carrying on the service of broadcasting in Sri Lanka and for developing, extending and improving that service; for the issue of licenses 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.

[Am by s 2 of Law 11 of 1977.]

[Date of Commencement: *5th January, 1967*]

### **1. Short title.**

This Act may be cited as the Sri Lanka Broadcasting Corporation Act.

[S 1 am by s 2 of Law 11 of 1977.]

## **PART I**

### **THE SRI LANKA BROADCASTING CORPORATION**

### **2. Establishment of the Sri Lanka Broadcasting Corporation.**

(1) There shall be established a Corporation, which shall be called the Sri Lanka 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.

(2) The Corporation shall by the name assigned to it by subsection (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. Functions of the Corporation.**

(1) The functions of the Corporation shall be—

(a) to carry on a broadcasting service within Sri Lanka 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;

(bb) to register persons who carry on the business of importing, selling, manufacturing, or assembling radio receiving sets;

[S 3(bb) ins by s 2 of Act 48 of 1988.]

(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 subsection (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.

#### **4. Powers of the Corporation.**

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, install, 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 in charge of the subject 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 in charge of the subject 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 Sri Lanka, 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 radio broadcasting talent;  
[S 4(l) subs by s 3(1) of Act 48 of 1988.]
- (m) act in combination or association with any person or body of persons whether incorporated or not and whether in Sri Lanka or elsewhere, for any of the aforesaid purposes;  
[S 4(m) subs by s 3 (1) of Act 48 of 1988.]

(n) issue and renew licence under Part III A for the possession and use of radio receiving sets and to appoint agents to issue and renew such licenses and to ensure that such licences have been obtained or renewed; and

[S 4(n) ins by s 3(2) of Act 48 of 1988.]

(o) call for information and returns in respect of imports, sales, manufacture or assembling of radio receiving sets from all persons engaged in such import, sales, manufacture or assembling of radio receiving sets.

[S 4(o) ins by s 3(2) of Act 48 of 1988.]

#### **4A. Appointment of agents.**

The Corporation may from time to time appoint any person or body of persons, whether incorporated or not, to be an agent of the Corporation for the purposes of issuing and renewing licences under Part IIIA of this Act, and to pay such agent, such remuneration as may be agreed upon between the Corporation and such agent.

[S 4A ins by s 4 of Act 48 of 1988.]

#### **5. Corporation to comply with Government policy.**

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.

#### **6. Constitution of the Corporation.**

(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 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.

#### **7. Term of office of the members of the Corporation.**

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

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

(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 subsection (1) is made by the Minister shall vacate his office on the date of the publication of such Order in the *Gazette*.

#### **9. Resignation of members.**

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

#### **10. Casual vacancies among members.**

(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.

(2) A member appointed under subsection (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. Eligibility of members for reappointment.**

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.

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

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.

**13. Application of the seal of the Corporation.**

(1) The seal of the Corporation shall be in the custody 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 authorised 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 authorised by name by the Corporation to act in his stead in that behalf.

**14. Remuneration.**

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.

**15. Meetings of the Corporation.**

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.

**16. Temporary appointments of members of the Corporation.**

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

**17. Delegation of powers of the Corporation.**

(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 subsection (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.

**18. Transfer of property to the corporation.**

(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**

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

(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 subsection (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. Powers of the Corporation in regard to the staff of the Corporation.**

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

(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 subsection (1).

## **21. Officers and servants of the Department of Broadcasting.**

(1) Within two years 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 subsection (3) of section 9 of the Motor Transport Act, No. 48 of 1957<sup>1</sup>, shall apply, *mutatis mutandis*, to any such officer or servant. Any such officer or servant who is employed by the Corporation may, within two years after the date on which he was so employed, opt to retire from the service of the Corporation, and if on the date on which he was so employed his substantive post in the Department of Broadcasting was a post declared to be pensionable under the Minutes on Pensions, he shall, if he so opts to retire, be eligible, notwithstanding anything in the preceding provisions of this section, 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 abolition of post on the date on which he was so employed by the Corporation.

(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 within two years after the appointed date, 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 state service on the ground of abolition of post on the date of his retirement.

[S 21 subs by s 2 of Law 5 of 1974.]

## **22. Appointment of public officers not in the Department of Broadcasting.**

(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 subsection (3) of section 9 of the Motor Transport Act, No. 48 of 1957<sup>1</sup>, 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 subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957<sup>11</sup>, shall, *mutatis mutandis*, apply to and in relation to him.

**PART III**  
FINANCE

**23. The Fund of the Corporation.**

- (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 in charge of the subject 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;
  - (cc) all such sums as may be credited to the fund under section 42A;  
[S 23(2)(cc) ins by s 5(1) of Act 48 of 1988.]
  - (d) all sums of money received as fees each year for the issue and renewal of radio licenses;  
[S 23(2)(d) subs by s 5(2) of Act 48 of 1988.]
  - (dd) all sums of money received as fees each year for the issue of Certificates of Registration under Part IIIA of this Act; and  
[S 23(2)(dd) ins by s 5(3) of Act 48 of 1988.]
  - (e) all other sums of money as are required by this Act or any regulation made there under 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. Borrowing powers.**

- (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: Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Corporation under this subsection shall not exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.
- (2) The Corporation may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money otherwise than, by way of a temporary loan under subsection (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 subsection (1).



(3) The Corporation may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money for any of the purposes mentioned in subsection (2) by the issue of stock under subsection (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 subsection (3) and the stock so created and issued is in this Act referred to as "Broadcasting Corporation Stock".

#### **25. Investments of the funds of the Corporation.**

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 authorised by the Minister with the concurrence of the Minister in charge of the subject 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 in charge of the subject of Finance.

#### **26. Accounts of the Corporation and financial year.**

(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 subsection (1).

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

#### **27. Audit of the accounts of the Corporation.**

(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 in charge of the subject 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 Sri Lanka, or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute; or

(b) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute,

#### **28. The Auditor-General report.**

(1) The Auditor-General shall examine the accounts of the Corporation and furnish a 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 Parliament in any examination of the activities and accounts of the Corporation.

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

#### **29. Annual accounts with the Auditor's report and a report of the annual activities of the Corporation to be transmitted to the Minister.**

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 Parliament before the end of the year next following the year to which such report and accounts relate.

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

(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.

(2) The estimate referred to in subsection (1) shall be in duplicate and shall be transmitted to the Minister on or before the first day of June in the financial year preceding the one to which it relates.

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

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 the next financial year, and the Corporation shall have regard to any directions given by the Minister in respect of that programme.

**32. Exemption from income tax and customs duty.**

(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 IIIA**

**ISSUE OF LICENCES AND REGISTRATION**

[Part IIIA ins by s 6 of Act 48 of 1988.]

**32A. Prohibition possession and use of radio receiving sets.**

(1) On or after the relevant date no person shall possess or use any radio receiving set except under the authority of a licence issued in that behalf by the Corporation.

(2) The requirements of subsection (1) shall not apply—

- (a) to the possession and use of a radio receiving set by any person at a school, a Higher Educational Institution or other institution which the Minister may specify by Order published in the *Gazette*, for the purposes of this section, having regard to the fact that social or educational activities of benefit to the community are being carried on at such institution,
- (b) to the possession and use of a radio receiving set by any importer, seller, manufacturer or an assembler of radio receiving sets who is registered and holds a Certificate of Registration issued under section 32N of this Act, in the course of his business as such importer, seller, manufacturer or assembler;
- (c) to the possession and use of a radio receiving set by a repairer of radio receiving sets in the course of his business as such repairer;
- (d) to use by any person, of a radio receiving set with the permission, express or implied, or on the instruction-
- (e) to the possession and use of a radio receiving set by any person employed in the Corporation or in any private broadcasting station established and maintained under a licence issued by the Minister under section 44 for the purposes of the Corporation of that station.

(3) —

- (a) Where the Minister considers that several radio receiving sets are likely to be used in any category of premises, he may, by Order published in the *Gazette*, declare that the provisions of this section shall apply in respect of that category of premises.
- (b) The owner of any premises included in a category of premises to which this section applies, may *in lieu* of applying for a licence in respect of every radio receiving set installed in such premises, apply for a licence in respect of these premises. Every application made under this subsection shall be accompanied by the prescribed fee. Different fees may be prescribed in respect of different category of premises, having regard to the number of radio receiving sets likely to be used in that category of premises.
- (c) The provisions of section 32C, 32D, 32E and 32F shall, *mutatis mutandis*, apply to, and in relation to, the application for, the issue and renewal of, licences issued under subsection (2).
- (d) Where a licence issued under this section in respect of any premises is in force, the possession and use of a radio receiving set by any person on such premises shall be deemed to be under the authority of a licence issued under section 32C. For the purposes of this Section "Higher Educational Institution" shall have the same meaning as in the Universities Act, No. 18 of 1978.

**32B. Eight of persons who were possessing and using receiving to the relevant date.**

Notwithstanding the provisions of section 32A, any person who immediately prior to the relevant date was having in his possession a radio receiving set, shall be entitled to possess and use such radio receiving set, without a license in that behalf for a period of three months commencing from the relevant date.

**32C. Issue of a license.**

(1) The Corporation or any agent shall, on application made therefore, in such form as may be prescribed, containing the prescribed particulars, and on payment of the prescribed fee, issue a licence in respect of a radio receiving set, authorising the applicant to possess and use such radio receiving set.

(2) Every application for a licence in respect of any radio receiving set under this Part, shall be made to the Corporation or any agent, in the prescribed form and shall contain the prescribed particulars.

(3) Every license issued under this Part shall be—

- (a) in such form as may be prescribed;
- (b) valid for a period of one year; and
- (c) renewable after the expiration of the period specified in the license.

**32D. Terms and conditions of the license.**

Every license issued in respect of any radio receiving set under this Part shall be subject to such terms and conditions as may be prescribed with regard to the use and transfer of that license.

**32E. Any change in particulars application informed**

Every holder of a license shall within thirty days of any change in the particulars in his application, for a license issued under this Part inform the Corporation or any agent in writing of such change.

**32F. Renewal of licenses.**

(1) The Corporation or any agent may, on application made therefore in such form as may be prescribed, and on payment of the prescribed fee renew any licenses, issued under section 32C, and the licenses which is renewed shall be valid for a period of one year from the date specified therein.

(2) Every application for the renewal or a licence under this Part, shall be made to the Corporation or any agent in the prescribed form within three months of the date of expiry specified therein.

**32G. Penalty for possessing or using a radio receiving without the radio receiving set being licensed and contravention of terms and conditions of a licence.**

(1) Any person—

- (a) who possesses or uses a radio set, without a licence in that behalf, issued under this Part;
- (b) who acts in contravention of, or fails to comply with any term or condition of, a licence issued under this Part shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment of either description for a terms not exceeding six months or to both such fine and imprisonment.

(2) The Magistrate may on conviction of any person of any offence under subsection (1), in addition to any punishment which he may impose under that subsection make order that—

- (a) the licence, if any, issued under this Part in respect of the radio receiving set in connection with which the offence is committed be cancelled; and
- (b) any radio receiving set in connection with which the offence is committed or which was used in or in connection with the commission of the offence be forfeited to the State.

(3) Any radio receiving set forfeited under subsection (2) shall upon such forfeiture be vested absolutely in the State. Such vesting shall take effect—

- (a) after the expiration of the period with-in which an appeal may be preferred to the Court of Appeal against the order of the Magistrate; or
- (b) where an appeal has been preferred to the Court of Appeal against the order of the Magistrate upon the determination of such appeal, confirming or up-holding the order of forfeiture.

**32H. Surcharge where licence fee has not been paid.**

Where any person applies to the Corporation or any agent for the renewal of a licence issued under section 30C after the date of expiry specified in such licence, the Corporation or such agent may renew such licence, subject to the payment by the applicant of a surcharge at the prescribed rate; so however the maximum rate so specified shall not exceed ten *per centum*, of the fee so payable for the renewal of such, licence

**32J. Prohibition on carrying on the business of importing, selling of radio receiving sets, without Certificate of Registration.**

(1) On or after the relevant date no person shall carry on the business of importing, selling, manufacturing, or assembling any radio receiving set, except under the authority of a Certificate of Registration issued in that behalf by the Corporation.

(2) The requirements of subsection (1) shall not apply to the import, sale, manufacture or assembling of a radio receiving set by any person who has been issued a licence to establish and maintain a radio broadcasting station under section 44.

**32K. Persons who were carrying on business before the relevant date.**

Notwithstanding the provisions of section 32J a person who immediately prior to the relevant date was carrying on the business of importing, selling, manufacturing or assembling, any radio receiving set, shall be entitled to carry on such business without a Certificate of Registration under this Part for a period of three months commencing from the relevant date.

**32L. Registration of person carrying on business of importing of radio receiving sets.**

The Corporation shall—

- (a) on application made therefor, in such form as may be prescribed, together with a certified copy of the Certificate of Registration issued under the Business Names Ordinance relating to the business, in connection with which the application is made; and
- (b) on payment of the prescribed fee, register any person with the Corporation and issue to such person a Certificate of Registration authorising such person to carry on the business of importing, selling, manufacturing or assembling radio receiving sets, in connection with which the application is made.

**32M. Application for registration.**

Every application for registration under this Part shall be made to the Corporation in such form as may be prescribed containing the prescribed particulars, together with a certified copy of the Certificate of Registration issued under the Business Names Ordinance relating to the business in connection with which the application made.

**32N. Terms and conditions of the Certificate of Registration.**

Every Certificate of Registration issued under this Part shall be subject to such terms and conditions set out in the Schedule hereto.

**32P. Penalty for carrying on business of importing, selling of radio receiving sets without a Certificate of Registration and contravention of terms and conditions of the Certificate of Registration.**

(1) Any person who—

- (a) carries on the business of importing, selling, manufacturing or assembling radio receiving sets without a Certificate of Registration issued in that behalf, or
- (b) acts in contravention of, or fails to comply with any terms or conditions of a Certificate of Registration issued under this Part,

shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) The Magistrate on conviction of any person of any offence under subsection (1) may, in addition to any punishment he may impose under that subsection having regard to the gravity of the offence make order—

- (a) suspending, for a period to be specified in such order the Certificate of Registration in connection with which the offence is committed; or
- (b) cancelling such Certificate of Registration.

**32Q. Liability of certain persons in respect of offences committed by bodies corporate unincorporate.**

Where an offence under this Part is committed by a body of persons, then—

- (a) if that body of persons is a body corporate, every person, who at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of that body corporate; or
- (b) if that body of persons is a firm, every person who at the time of the commission of the offence was a partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in all circumstances.

**PART IV**

## GENERAL

### **33. Corporation may insure employees.**

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.

### **34. Protection for action taken under this Act or on the direction of the Corporation.**

(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 subsection (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 to issue against person or property of a member of the Corporation.**

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

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

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.

### **37. Contracts.**

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

- (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 authorised 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 authorised 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 authorised by this section to be made.

### **38. Returns and information.**

The Corporation or any person authorised in that behalf by the Corporation may by notice in writing require any person to furnish to the Corporation or the person so authorised, 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.

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

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.

### **40. Power to enter any land or premises.**

Any officer or servant of the Corporation who is generally or specially authorised 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.

#### **40A. Magistrate to grant search warrants.**

(1) Where a Magistrate is satisfied on information received on oath that there is reasonable ground to believe that, in contravention of the provisions of this Act the person against whom the information is given—

(a) is possessing or using ft radio receiving set;

(b) is carrying on the business of importing, selling, manufacturing or assembling radio receiving sets, in any premises within his jurisdiction such Magistrate any, grant a search warrant to any officer of the Corporation to enter such premises, to make inquiries from tiny person found thereon and to seize any radio receiving set in connection with which such contravention is committed.

(2) When an officer of the Corporation seizes any radio receiving set under subsection (1), he shall produce such radio receiving set within a period of seven days from the date of seizure before the Magistrate's Court within whose jurisdiction that radio receiving set is seized, and upon the production of that radio receiving set, the court shall make such order as he may deem fit relating to the custody of that radio receiving set.

[S 40A ins by s 7 of Act 48 of 1988.]

### **41. Offences.**

(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. Penalties for offences.**

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

[S 42 am by s 8 of Act 48 of 1988.]

**42A. Two third of recovered to be credited to the Fund of the Corporation.**

Two thirds of all fines imposed by court for any offence under this Act when recovered shall be credited to the Fund of the Corporation.

[S 42A ins by s 9 of Act 48 of 1988.]

**43. Power of Corporation to make rules.**

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

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

**44. Power of Minister to issue licenses for the establishment and maintenance of private broadcasting stations.**

(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 Sri Lanka.

(2) Before the issue of a licence under subsection (1), the Corporation shall, by notice published in the *Gazette* and in one or more newspapers circulating in Sri Lanka, 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 licenses 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 licenses 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 fees to be charged for such licenses.

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

(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 subsection (1) may prescribe the remuneration payable to the members of the consultative committee or committees.



**46. Regulations made under this Act to be published in the Gazette and to be brought before Parliament.**

(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 Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

**47. This Act to prevail over other written law.**

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.

**48. Interpretation.**

In this Act—

"agent" in any context relating to a licence under Part III A of this Act means any person or body of persons whether incorporated or not appointed to be such agent by the Corporation, under section 4A of this Act;

[Ins by s 10 of Act 48 of 1988.]

"appointed date" means the 5th day of January, 1967;

"broadcasting" includes the broadcasting of television programmes;

"premises" means any building or part of a building together with the land appertaining thereto;

[Ins by s 10 of Act 48 of 1988.]

"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.

"radio receiving set" means a device connected to an internal or external aerial or other source of radio signal in order to make available in some desired form the required information;

[Ins by s 10 of Act 48 of 1988.]

"relevant date" means the date on which Part IIIA of this Act comes into operation.

[Ins by s 10 of Act 48 of 1988.]

**SCHEDULE**

(SECTION 32N)

Terms and conditions of the Certificate of Registration issued under section 32N.

1. The Certificate of Registration shall not be transferable.
2. The Certificate of Registration shall be exhibited in a conspicuous place in the place of business to which it relates.
3. Every holder of the Certificate of Registration shall keep and maintain a register in such form as may be prescribed and shall enter or cause to be entered therein the particulars relating to every transaction of his business.
4. Every such register is kept and maintain shall be available for inspection by any officer authorised in that behalf by the Director-General of the Corporation.

5. (1) Every holder of a Certification of Registration shall furnish to the Corporation, such return or other information, in respect of his business.

(2) Every return furnished under the preceding paragraph shall be verified by a declaration to the effect that the particulars stated therein are true and accurate.

6. Every holder of a Certificate of Registration shall within thirty days of any change in the particulars stated in his application for registration, inform the Corporation in writing of such change.

7. Every holder of the Certificate of Registration shall issue a receipt with his signature on it, to the person with his signature on it, to the person with or on behalf of whom such transaction is made stating—

(a) the name of that person and the description and address of the premises and the make the registered number of the vehicle in which such radio receiving set is to be kept;

(b) the nature of the transaction;

(c) the make and the number of the radio receiving set or sets in respect of which the transaction is made;

(d) the date of the transaction,

and shall keep a copy of every such receipt and produce it on demand to the Director-General of the Corporation or any person authorised by him in that behalf.

[Sch ins by s 12 of Act 48 of 1988.]

1 Repeated by Law No. 19 of 1978.