



THE BROADCASTING REGULATIONS 1977

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day of February 1977

Present

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Broadcasting Act 1976, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <p>1. Title and commencement
2. Interpretation</p> <p>PART I—RULES IN RELATION TO PROGRAMME STANDARDS</p> <p>3. Broadcasting Rules Committee
4. Subject-matter of rules</p> <p>PART II—THE BROADCASTING TRIBUNAL</p> <p>5. Meetings of Tribunal
6. Committees
7. Tribunal to make rules
8. Authentication of documents
9. Evidence</p> <p>PART III—BROADCASTING STATION LEVIES</p> <p>10. Annual levy
11. Payment of levy
12. Adjustment of levy
13. Revocation of warrant</p> <p>PART IV—WARRANTS FOR BROADCASTING STATIONS</p> <p>14. Conditions of warrants
15. Applications and hearings
16. Renewal and amendment of conditions of warrants</p> | <p>17. Fees payable in respect of warrants</p> <p>PART V—OWNERSHIP OF PRIVATE BROADCASTING STATIONS</p> <p>18. "Prescribed interest" defined
19. Shareholding interests
20. Restrictions on interests in warrants
21. Restrictions on directorships
22. Verification of interests
23. Information on shareholding
24. Requirements of articles of association
25. Tribunal may require declarations as to beneficial ownership
26. Compliance with regulations to be a condition of warrant</p> <p>PART VI—COMMITTEE OF PRIVATE BROADCASTERS</p> <p>27. Meetings of Committee
28. Services for Committee</p> <p>PART VII—MISCELLANEOUS PROVISIONS</p> <p>29. Notices
30. Revocations</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Broadcasting Regulations 1977.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Broadcasting Act 1976:

“Company” includes any body corporate, whether incorporated before or after the commencement of these regulations:

“Control”, in relation to a company, means the power of a person to secure, whether by means of the holding of shares or the possession or control of voting power in or in relation to that or any other company, or by virtue of any powers conferred by the articles of association or other instrument regulating that or any other company, or otherwise, that the affairs of the first-mentioned company are conducted in accordance with the wishes of that person; and, without limiting the generality of the foregoing provisions of this definition, includes control as a result of or by means of trusts, agreements, arrangements, understandings, and practices, whether or not having legal or equitable force and whether or not based on legal or equitable rights:

“Director”, in relation to any company, includes any person occupying the position of a director or member of the board or committee of management of the company, by whatever name called:

“Financial year” means—

(a) In relation to a broadcasting station operated by the Corporation, the period of 12 months ending with the 31st day of March:

(b) In relation to a private broadcasting station, the period of 12 months ending with the 31st day of March or with such other date as may be adopted by the holder of the warrant for that station as the date on which its annual accounting period ends:

“Gross income”, in relation to a broadcasting station and to any Service and to the holder of a warrant (not being the Corporation), means the gross earnings received from all sources during a financial year in respect of the provision or disposal of programmes, advertisements, or other matter broadcast or intended to be broadcast from that station or any other station: and includes the money value of any consideration received otherwise than in cash; and also includes any amount treated as part of the gross income of the station in accordance with subclauses (2) and (3) of this regulation:

“Holder of a warrant” means a person holding a warrant under Part XI of the Act or deemed pursuant to section 74 of the Act to be the holder of a warrant:

“Quarter” means—

(a) In relation to the Corporation, the period of 3 months ending with the last day of each of the months of March, June, September, and December in each year:

(b) In relation to a private broadcasting station in respect of which a sound radio warrant is deemed to be held pursuant to Part XI of the Act, the period of 3 months ending with the last day of each of the months of March, June, September, and December in each year:

(c) In relation to any other private broadcasting station, each period of 3 months within its annual accounting period:

“Responsible officer”, in relation to any company, includes a director, manager, secretary, or other person accepting responsibility for the daily administration of the company:

“Share”, in relation to a company, means any share or stock in the capital of the company which carries with it the right to attend and vote at general meetings of the company; and includes any notes or assurances of the company that carry such a right:

Other expressions defined in the Act have the meanings so defined.

(2) For the purposes of the definition of the term “gross income” in subclause (1) of this regulation, and without limiting its generality, the amount of any discount or commission paid or allowed or agreed to be paid or allowed by the holder of a warrant to any person in respect of the provision of programmes, advertisements, or other matter broadcast or intended to be broadcast shall be treated as part of the gross earnings received by the holder of the warrant.

(3) Where—

(a) An amount, or part of an amount, earned during any financial year by any person, other than the holder of a warrant for a broadcasting station, by reason of any contract, agreement, or arrangement between the holder of the warrant and that other person relating to the provision or disposal of programmes or advertisements or other matter broadcast or intended to be broadcast from a station, would for the purposes of these regulations, if the holder of the warrant and that person were the same person, form part of the gross income of the broadcasting station in respect of that financial year; and

(b) A relationship exists between the holder of the warrant and the other person (whether by reason of any shareholding or of any contract, agreement, or arrangement, or for any other reason) of such a kind that the amount of the part of the amount, as the case may be, should, in the opinion of the Tribunal, be treated for the purposes of these regulations as part of the gross income of the station in respect of that financial year—

the amount or the part of the amount, as the case may be, shall be so treated.

(4) If any question arises whether any amount or part of any amount should under subclause (3) of this regulation be treated as part of the gross income of a station in respect of any financial year, the question shall be determined by the Tribunal. The decision of the

Tribunal on the question, after it has given a reasonable opportunity to the parties to make representations or, if they or any of them so request, to be heard, shall be final.

PART I

RULES IN RELATION TO PROGRAMME STANDARDS

3. Broadcasting Rules Committee—(1) The standing committee established by section 26 (1) of the Act shall be known as the Broadcasting Rules Committee (in this Part referred to as the Committee).

(2) The Committee shall consist of the Secretary, who shall be Chairman, the Director-General of each Service, and, where required, such co-opted persons or other members as are provided for in section 26 (2) or section 26 (3) of the Act.

(3) In the absence from any meeting of the Committee of the Secretary or any Director-General, any employee of the Corporation authorised by the Secretary or that Director-General, as the case may be, may attend the meeting in his stead, and while attending the meeting shall be deemed to be a member of the Committee for all purposes and, in the case of a person attending instead of the Secretary, to be the Chairman of the meeting.

(4) The first meeting of the Committee shall be called by the Secretary as soon as practicable after the commencement of these regulations.

(5) Subsequent meetings shall be held at such times and places as the Committee may appoint.

(6) The Secretary or any person authorised to attend in his stead or the representative of the Association who is a member of the Committee may at any time call a special meeting of the Committee.

(7) At any meeting of the Committee the quorum necessary for the transaction of business shall be the Secretary or other person attending in his stead and 3 other members:

Provided that, when rules in respect of radio broadcasting are being considered, at least one representative of the Association shall be present.

(8) The Secretary or other person attending in his stead shall preside at all meetings of the Committee.

(9) All rules, variations, amendments, and interpretations of rules made by the Committee shall, if agreed upon unanimously by those present and endorsed by the Corporation and the Association, be binding on all holders of warrants. In any case in which agreement between the Corporation and the Association cannot be reached in respect of rules relating to radio broadcasting, the provisions of section 26 (5) of the Act shall apply.

(10) Except as provided in subclause (9) of this regulation, all questions arising at any meeting of the Committee shall be decided by a majority of the votes cast by the members present and entitled to vote.

(11) A resolution in writing signed, or assented to by letter or telegram, by all the members of the Committee entitled to vote shall be as valid and effectual as if it had been passed at a meeting of the Committee duly called and constituted.

(12) Subject to the Act and these regulations, the Committee may regulate its procedure in such manner as it thinks fit.

(13) The Corporation shall furnish such secretarial, recording, and clerical services as may be necessary to enable the Committee to discharge its functions.

4. Subject-matter of rules—(1) The Committee shall prepare and promulgate rules in accordance with section 26 (1) of the Act.

(2) Without limiting the generality of subclause (1) of this regulation, the Committee may, from time to time, prepare and promulgate rules in respect of all or any of the following matters:

- (a) Prescribing the character and standards of advertising which may be broadcast:
- (b) Prescribing standards of programmes, and prohibiting the broadcast of such matters as may be prescribed in the rules:
- (c) Providing that matter broadcast during a specified period shall contain a prescribed proportion of items produced in New Zealand, and encouraging the inclusion in broadcasting schedules of as much matter produced in New Zealand as reasonably possible.

(3) Copies of all rules made under this regulation and of all variations, amendments, and interpretations of any such rules shall be forwarded to the Minister, the Tribunal, the Corporation, the Association, the Committee of Private Broadcasters, and to all holders of warrants for the time being in force under this Act.

(4) Copies of all rules made under this regulation shall be made available, on request, to any other person by the Corporation.

PART II

THE BROADCASTING TRIBUNAL

5. Meetings of Tribunal—(1) The first meeting of the Tribunal shall be held on a day to be appointed in that behalf by the Minister.

(2) Subsequent meetings of the Tribunal shall be held at such times and places as the Tribunal from time to time appoints.

(3) The Chairman of the Tribunal, or any 2 members thereof, may at any time call a special meeting of the Tribunal.

(4) At all meetings of the Tribunal the quorum necessary for the transaction of business shall be 2 members.

(5) The Chairman (or his deputy appointed under section 62 of the Act) shall preside at all meetings of the Tribunal at which he is present.

(6) If the Chairman is absent from any meeting of the Tribunal and no deputy of the Chairman appointed under section 62 of the Act attends, the members present shall elect one of their number to preside at the meeting.

(7) All questions arising at any meeting of the Tribunal shall be decided by a majority of the valid votes recorded thereon.

(8) At any meeting of the Tribunal the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(9) A resolution in writing signed or assented to by all members of the Tribunal shall be as valid and effectual as if it had been passed at a meeting of the Tribunal duly called and constituted.

(10) Subject to the Act and these regulations, the Tribunal may regulate its procedure in such manner as it thinks fit.

6. Committees—(1) The Tribunal may from time to time appoint a committee or committees, consisting of 2 or more members, to advise the Tribunal on such matters relating to its functions as are referred to them by the Tribunal.

(2) A person may be appointed to be a member of any committee appointed under this section, notwithstanding that he is not a member of the Tribunal.

(3) Subject to the Act, to these regulations, or to any general or special directions of the Tribunal, any such committee may regulate its procedure in such manner as it sees fit.

7. Tribunal to make rules—(1) Subject to the Act and these regulations, the Tribunal may, from time to time, prepare and promulgate rules in respect of all or any of the following matters:

(a) Prescribing the procedure to be followed in respect of applications for warrants, and in respect of other applications relating to warrants, and in respect of hearings or proceedings before the Tribunal:

(b) Requiring the holders of warrants to submit information to the Tribunal regarding their programmes, financial affairs, ownership, control, and such other matters concerning their operations as the rules may specify:

(c) Requiring the holders of warrants to submit information to the Tribunal of gross income for the purpose of dealing with questions related to levies:

(d) Providing for such matters as are necessary for the Tribunal to exercise its functions and powers and for its due administration.

(2) Any rules under this regulation may apply generally to all broadcasting stations or may apply only to broadcasting stations of specified types or classes, and may from time to time be varied, amended, or revoked.

(3) All rules under this regulation and all variations and amendments of any such rules shall be forwarded to the Minister, the Corporation, and all holders of warrants for the time being in force under the Act.

8. Authentication of documents—(1) Any determination, notice, direction, requirement, consent, or other instrument made, given, imposed, or issued by or on behalf of the Tribunal shall be sufficiently authenticated if it is signed by the Chairman or any other member of the Tribunal, or by some person on behalf of and by direction of the Tribunal.

(2) Every instrument purporting to have been executed in accordance with subclause (1) of this regulation shall, in the absence of proof to the contrary, be deemed for all purposes to have been duly executed.

9. Evidence—(1) A copy of any resolution of the Tribunal, certified by a person authorised in that behalf by the Tribunal to be correct, shall, until the contrary is proved, be sufficient evidence of the resolution in any proceedings under the Act.

(2) A certificate signed by a person authorised in that behalf by the Tribunal to the effect that any warrant or consent required under the Act has or has not been given by the Tribunal or is not for the time being in force shall, until the contrary is proved, be sufficient evidence of the matters stated therein.

(3) A certificate purporting to have been signed by a person authorised in that behalf by the Tribunal shall, in the absence of proof to the contrary, be deemed for all purposes to have been duly signed.

PART III

BROADCASTING STATION LEVIES

10. Annual levy—(1) Every holder of a warrant shall pay to the Tribunal in respect of each financial year a levy in accordance with this regulation. Payment shall be made to the Registrar, Broadcasting Tribunal, Department of Justice, Tribunals Division, Wellington.

(2) The annual levy payable pursuant to section 66 (1) of the Act shall be calculated as follows:

- (a) In respect of each commercial radio station (not being a commercial radio station operated pursuant to an authorisation granted under section 76 of the Act), an amount equal to 0.1 percent of the gross income of the station:
- (b) In respect of each non-commercial radio station, and each radio station operated pursuant to an authorisation granted under section 76 of the Act, nil:
- (c) In respect of all television stations operated by the Corporation for TV1, and for TV2, an amount equal to 0.1 percent of the gross income of that Service.

(3) In addition to the above levy, every holder of a warrant in respect of a private broadcasting station shall, in respect of each financial year, pay a levy, pursuant to section 66 (2) of the Act, calculated as follows:

- (a) In respect of each commercial radio station (not being a commercial radio station operated pursuant to an authorisation granted under section 76 of the Act), an amount equal to 0.2 percent of the gross income of the station:
- (b) In respect of each non-commercial radio station, and each radio station operated pursuant to an authorisation granted under section 76 of the Act, nil.

Payment shall be made to the Registrar, Broadcasting Tribunal, Department of Justice, Tribunals Division, Wellington.

11. Payment of levy—(1) Subject to these regulations, the annual levy shall be payable by equal quarterly instalments, of which the first instalment shall be paid at or before the end of the first quarter that expires after the commencement of these regulations, and succeeding instalments shall be paid at or before the end of each quarter thereafter:

Provided that payments due for the quarter ending with the 31st day of March 1977 shall be apportioned between the Tribunal and the Broadcasting Council on the basis that the latter receives the amount payable up to and including the 31st day of January 1977 and the former the amount payable for the balance of the quarter.

(2) In the case of that portion of an annual levy that is payable under paragraph (a) or paragraph (c) of regulation 10 (2) hereof in respect of gross income, the following provisions shall apply for the purposes of subclause (1) of this regulation:

(a) That portion of the levy shall in the first instance be calculated and paid in each year on the amount of the gross income for the previous financial year:

(b) Where a station had no income for the previous financial year, the holder of the warrant shall make and send to the Tribunal with the first quarterly instalment an estimate of the gross income of the station for the then current financial year. In default of such an estimate, the Tribunal may make an estimate of that gross income. The said portion of the levy shall in the first instance be calculated and paid on the amount so estimated by the holder of the warrant or by the Tribunal, as the case may be:

(c) In either case, the amount of the levy shall be adjusted subsequently in accordance with regulation 12 hereof.

(3) Every sum due and payable to the Tribunal by the holder of a warrant in respect of the annual levy under these regulations shall be recoverable as a debt due to the Tribunal.

12. Adjustment of levy—(1) Within 6 months after the end of every financial year, the holder of a warrant for a private broadcasting station to which regulation 10 (2) (a) hereof applies shall send to the Tribunal a return of the gross income for that financial year of that station.

(2) Within 6 months after the end of every financial year, the Corporation shall send to the Tribunal a return of the gross income for that financial year of all broadcasting stations to which regulation 10 (2) (a) hereof applies or television stations to which regulation 10 (2) (c) hereof applies.

(3) The return shall be in such form and contain such particulars as may be specified in the rules of the Tribunal under regulation 7 of these regulations, and shall be audited in accordance with those rules.

(4) On receipt of the return, the Tribunal shall assess the levy payable under these regulations by the maker of the return in respect of the financial year to which the return relates. The Tribunal shall credit to the maker of the return the total of the amounts paid by it in respect of that financial year in accordance with regulation 11 hereof; and any amount of levy overpaid by it shall forthwith be refunded to it by the Tribunal, and any amount of levy remaining payable by it to the Tribunal shall forthwith be paid by it to the Tribunal.

13. Revocation of warrant—If a warrant for a private broadcasting station is revoked under the Act, the annual levy in respect of that station under these regulations shall be calculated and payable only up to the end of the quarter preceding the date of the revocation.

PART IV—WARRANTS FOR BROADCASTING STATIONS

14. Conditions of warrants—(1) Every warrant issued under the Act shall be subject to a condition that the frequency allocated to the station to which the warrant relates may be altered to comply with national or international planning requirements in respect of broadcasting frequencies.

(2) Where any warrant contains a condition authorising the establishment or operation of relay stations in respect of the broadcasting station for which the warrant was issued, the holder of the warrant shall not be required to obtain a further warrant under the Act in any case where he applies, under section 164 of the Post Office Act 1959, for a licence in respect of any relay station to which the warrant relates.

15. Applications and hearings—(1) Every application under section 78 of the Act shall contain such information as may be required by the Director-General of the Post Office to enable him to ascertain whether or not the proposed broadcasting station will comply with the technical requirements of the Post Office.

(2) The Tribunal shall fix a time and place for the hearing of any application under that section and shall give to the applicant, to all those to whom a copy of the application is required to be sent under section 78 of the Act, and to all such other persons as in the opinion of the Tribunal are likely to be affected, at least 21 clear days' notice of the time and place fixed for the hearing.

(3) The Tribunal shall also give notice in some newspaper or newspapers having a regular circulation in the locality to which the application relates of the receipt of the application, of the time within which it will receive written submissions for or against the application, and of the time and place at which a hearing will be held by the Tribunal for the purpose of considering the application.

(4) Every such hearing shall, in accordance with section 78 (4) of the Act, be held in public, unless the Tribunal considers it in the interest of the parties and of all other persons concerned that the hearing or any part thereof should be held in private.

(5) At any such hearing the Tribunal shall hear all evidence tendered and representations made which it deems relevant to the subject-matter of the application.

(6) Any such hearing may, in the discretion of the Tribunal, be adjourned from time to time and from place to place.

(7) Where there are more applications than one relating to the same locality or adjacent localities, the Tribunal may, in its discretion, deal with all applications at the same hearing or with such number of any such applications as it thinks fit.

16. Renewal and amendment of conditions of warrants—(1) Every application for the renewal of a warrant, or any amendment or revocation of any of the terms or conditions of a warrant, or the addition of any new terms or conditions shall be made to the Tribunal not less than 28 clear days before the date on which the warrant expires:

Provided that where the Tribunal is satisfied that failure to make any such application within the specified period is due to justifiable mistake or other reasonable cause, it may accept an application made at any time before the expiration of the warrant.

(2) In considering any amendment or revocation of any of the terms or conditions of a warrant or the addition of any new terms or conditions under section 81 (4) of the Act, the Tribunal shall have regard to such of the matters referred to in section 80 of the Act as are relevant.

(3) In granting any renewal or amendment of a warrant the Tribunal may either endorse the existing warrant or issue a new warrant, but any such warrant shall show that it is in renewal of a warrant.

(4) Any renewal or amendment of a warrant may be granted in advance to take effect as aforesaid, and shall be subject to such terms and conditions as may be prescribed in the renewal.

17. Fees payable in respect of warrants—The following fees shall be payable to the Registrar of the Tribunal in respect of warrants issued under the Act:

- (a) On an application for a warrant, \$500:
- (b) On an application for the amendment or revocation of any of the terms or conditions of a warrant, or for the renewal of a warrant, \$200:
- (c) On an application for consent to any transaction to which section 82 of the Act applies, \$200:
- (d) On the issue of a warrant (other than under section 74 (4) of the Act), \$100:
- (e) On the renewal of a warrant, \$100:
- (f) On an application for or on the granting of a short term broadcasting authorisation under section 76 of the Act, Nil.

PART V—OWNERSHIP OF PRIVATE BROADCASTING STATIONS

18. "Prescribed interest" defined—For the purposes of this Part of these regulations, a person has a prescribed interest in a warrant if he is—

- (a) The holder of the warrant; or
- (b) Entitled to exercise or control the exercise of voting power exceeding 25 percent of the total voting powers exercisable by all members of the company holding the warrant; or
- (c) In a position to exercise control of—
 - (i) The operations conducted under or by virtue of the warrant; or
 - (ii) The management of the private broadcasting station in respect of which the warrant is in force; or
 - (iii) The selection or provision of programmes to be broadcast by that station; or
- (d) A person having a shareholding interest or interests, as defined by regulation 19 hereof, which, when aggregated, exceeds 25 percent of the total voting powers exercisable by all members of the company holding the warrant.

19. Shareholding interests—(1) For the purposes of these regulations a person has a shareholding interest in a company if he is beneficially entitled to, or is beneficially entitled to an interest in, any shares in the company (whether or not the whole or any part of the legal ownership of the shares is vested in the person).

(2) The amount of the shareholding interest of any person is the amount of the nominal value of the shares, whether the shares are fully paid or not.

(3) A person who is beneficially entitled to, or is one of the persons beneficially entitled to, any shares shall be deemed (but not to the exclusion of any other person) to be in a position to exercise control of the voting rights in respect of those shares.

(4) Where any person has a shareholding interest in a company that has a shareholding interest in another company, that person shall be deemed to have a shareholding interest in that other company (in addition to any other shareholding interests but not to the exclusion of any other person) to the following extent:

(a) Where the shareholding interest of the person exceeds 25 percent of the total voting power of the first-mentioned company, to the full extent of the shareholding interest of that company in the other company:

(b) Where the shareholding interest of the person exceeds 5 percent but does not exceed 25 percent of the total voting power of the first-mentioned company, to the extent of such proportion of the shareholding interest of the first-mentioned company in the other company as the shareholding interest of the person bears to the total voting power of the first-mentioned company:

Provided that if the shareholding interest of the person in the other company, as determined by this subclause, is 5 percent or less, such shareholding interest shall not be aggregated pursuant to this regulation.

(5) Subclause (4) of this regulation shall extend and apply to all shareholding interests of a person whether in a single company or in a number of companies, and whether at one remove or through a series of companies (whether subsidiary companies within the meaning of the Companies Act 1955 or not) to the intent that the total shareholding interests of a person shall be the aggregate of all that person's shareholding interests as defined by this regulation, direct or indirect.

(6) Notwithstanding the foregoing provisions of this regulation, a company, within the meaning of the Life Insurance Act 1908, which at the commencement of these regulations is carrying on in New Zealand the business of life insurance (in this subclause referred to as the insurance company) shall not, while it continues to carry on such business in New Zealand, be deemed for the purposes of these regulations to have a shareholding interest in a company holding a warrant in relation to any share in that company acquired by the insurance company (whether before or after the commencement of these regulations) out of funds held by the insurance company in New Zealand.

20. Restrictions on interests in warrants—No person shall have a prescribed interest in more than one warrant for a private broadcasting station in New Zealand:

Provided that, with the consent of the Tribunal, a person may have a prescribed interest in 2, but not more than 2, private broadcasting stations in New Zealand.

21. Restrictions on directorships—(1) Except with the approval of the Tribunal, no person shall act as a director of more than 2 companies having a prescribed interest in more than 2 warrants for private broadcasting stations in New Zealand.

(2) Where any person other than a body corporate has a prescribed interest in a warrant, he shall be deemed for the purpose of this regulation to be a director of the company holding the warrant, whether or not he is in fact a director of that company.

22. Verification of interests—The Tribunal may at any time by notice in writing require the holder of a warrant to supply to the Tribunal particulars of the names and addresses of all persons having a prescribed interest in the warrant, and full particulars of that interest, and the names and addresses of all persons having a shareholding interest in the company holding the warrant, and to verify all such particulars by statutory declaration made by a responsible officer of the company.

23. Information on shareholding—(1) Every holder of a warrant shall in accordance with this regulation supply to the Tribunal the following information:

(a) Any change in the directors or other responsible officers of the company holding the warrant:

(b) Any change in the shareholding of the company whereby any person acquires more than 5 percent of the equity share capital of the company:

(c) The name and address of any person acquiring a prescribed interest in the warrant.

(2) The information to be supplied pursuant to subclause (1) of this regulation shall be given to the Tribunal not later than 14 days after the date of the change in directors or other responsible officers, or the date of registration of the transfer of shares, or the date when a responsible officer of the company becomes aware of the acquisition of a prescribed interest in the warrant, as the case may require.

(3) For the purposes of subclause (1) (b) of this regulation, the term "equity share capital" has the same meaning as in section 158 (5) of the Companies Act 1955.

24. Requirements of articles of association—(1) A warrant shall not be issued until the articles of association of the applicant company have been approved by the Tribunal, which may require all or any of the following provisions to be included therein:

(a) Provisions under which a person is not eligible to become, or to continue to be, the holder of shares in the company where, by reason of his holding those shares, he would contravene regulation 20 hereof:

(b) Provisions under which the company may secure the disposal of shares held by a person to the extent necessary to prevent the continuance of a contravention of regulation 20 hereof, or the disposal of shares held by a person who refuses or fails

to furnish a statutory declaration when required under the provisions referred to in paragraph (d) of this subclause:

- (c) Provisions under which a person seeking to become the holder of shares in the company is required to present to the company a statutory declaration made by him or, where the person is a company, made by a responsible officer thereof—
 - (i) Stating whether the shares will be held by the person beneficially and, if not, who will have beneficial interests in the shares; and
 - (ii) Stating whether the person, or any person who will have a beneficial interest in the shares, has a prescribed interest in a warrant for a station held by any other company, and giving particulars of any such prescribed interest:
- (d) Provisions under which a person holding shares in the company may be required by the company from time to time, to furnish to the company statutory declarations concerning matters relevant to his eligibility to continue to be the holder of those shares, having regard to the provisions referred to in paragraph (a) of this subclause:
- (e) Provisions requiring that every shareholder entitled to vote under the provisions of the articles shall be entitled in respect of those shares on which no call is in arrear—
 - (i) On a show of hands, to one vote:
 - (ii) On a poll to one vote for each unit of capital reduced to a common denominator:
- (f) A provision to the effect that no alteration in the articles of association shall be made without the approval in writing of the Tribunal, other than an alteration to give effect to this regulation.

(2) Any warrant may be conditional on the applicant company making such other amendments to its articles of association as the Tribunal may direct in order to comply with the intention of these regulations.

(3) Every warrant shall be subject to a condition that the company and the directors and other responsible officers of the company, will take all reasonable steps to enforce such of the provisions of the articles as are required to be included under subclause (1) of this regulation.

25. Tribunal may require declarations as to beneficial ownership—Where a person is the holder of shares in a company holding a warrant or in any other company, and it appears to the Tribunal that, by virtue of that shareholding, that person or some other person has a shareholding interest in a company holding a warrant, the Tribunal may, by notice in writing served on that person, require him to furnish to the Tribunal, in the manner and within the time specified in the notice, a statutory declaration made by him or, if that person is a company, by a responsible officer of the company, stating whether that person is the beneficial owner of the shares, and, if not, who is the beneficial owner of the shares.

26. Compliance with regulations to be a condition of warrant—It shall be a condition of every warrant that the provisions of regulations 20 to 23 and 25 of these regulations, and of all lawful requirements of the Tribunal thereunder, shall be complied with.

PART VI—COMMITTEE OF PRIVATE BROADCASTERS

27. Meetings of Committee—(1) The first meeting of the Committee of Private Broadcasters (in this Part referred to as the Committee) shall be held on a day to be appointed in that behalf by the Minister.

(2) Subsequent meetings of the Committee shall be held at such times and places as the Committee from time to time appoints.

(3) The Chairman of the Committee, or any 2 members thereof, may at any time call a special meeting of the Committee.

(4) At all meetings of the Committee the quorum necessary for the transaction of business shall be 2 members.

(5) The Chairman shall preside at all meetings of the Committee at which he is present.

(6) In the absence of the Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.

(7) All questions arising at any meeting of the Committee shall be decided by a majority of the valid votes recorded thereon.

(8) At any meeting of the Committee the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(9) Subject to the Act and to these regulations, the Committee may regulate its procedure in such manner as it thinks fit.

28. Services for Committee—Services for the Committee, as provided for in section 89 of the Act, shall be under the jurisdiction of the Registrar of the Tribunal or otherwise as the Secretary for Justice may determine.

PART VII—MISCELLANEOUS PROVISIONS

29. Notices—(1) Any notice required or authorised by these regulations to be served or given shall be delivered to the person concerned, and may be delivered personally or posted by registered letter addressed to that person at its registered office, in the case of a company, or at his last known abode or place of business in New Zealand in the case of an individual.

(2) A notice so posted shall be deemed to have been served at the time it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

30. Revocations—The Broadcasting Authority (Fees) Regulations 1969*, the Broadcasting Authority (Fees) Regulations 1969, Amendment No. 1†, the Broadcasting Stations (Levies) Regulations 1975‡, and the Private Broadcasting Stations (Ownership) Regulations 1975§ are hereby revoked.

*S.R. 1969/133

†S.R. 1971/280

‡S.R. 1975/46

§S.R. 1975/49

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend the Broadcasting Authority (Fees) Regulations 1969, the Broadcasting Authority (Fees) Regulations 1969, Amendment No. 1, the Broadcasting Stations (Levies) Regulations 1975, and the Private Broadcasting Stations (Ownership) Regulations 1975, consequent upon the enactment of the Broadcasting Act 1976.

Regulation 1 relates to the Title and commencement.

Regulation 2 relates to interpretation.

Part I (regulations 3 and 4) provides for the establishment of a Broadcasting Rules Committee for the purposes of section 26 of the Act. The Committee is required to promulgate rules in respect of the matters referred to in regulation 4 (2).

Part II (regulations 5 to 9) makes administrative provisions relating to the Broadcasting Tribunal constituted by section 61 of the Act.

Part III (regulations 10 to 13) provides for the payment of annual levies in respect of broadcasting stations pursuant to section 66 of the Act. The Part broadly re-enacts the provisions of the Broadcasting Stations (Levies) Regulations 1975. However, whereas those regulations required the payment by way of levy of a flat fee plus a specified percentage of the gross income of the station, the present regulations require only the payment of a specified percentage.

Part IV (regulations 14 to 17) relates to warrants for broadcasting stations. It specifies the conditions to be attached to warrants, makes procedural provisions relating to the making and hearing of applications, provides for renewal of warrants and alterations of conditions attached to warrants, and prescribes fees for the various matters specified in regulation 17.

Part V (regulations 18 to 26) relates to the ownership of private broadcasting stations, and largely re-enacts the provisions of the Private Broadcasting Stations (Ownership) Regulations 1975. However, the extent of the voting power in a company that a person may be entitled to exercise without becoming subject to this Part by virtue of that voting power has been increased from 15 percent to 25 percent. Further, the present prohibition against any person having a prescribed interest in more than one broadcasting warrant is now subject to the proviso that the Tribunal may allow him to have such an interest in 2 such warrants (regulation 20).

Part VI (regulations 27 and 28) makes procedural provisions in respect of the Committee of Private Broadcasters constituted by section 85 of the Act.

Part VII (regulations 29 and 30) makes miscellaneous provisions relating to notices, and to revocations of existing regulations.

Issued under the authority of the Regulations Act 1936.

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These regulations are administered in the Broadcasting Corporation of New Zealand.