

Government Notice

of 2020

**BROADCASTING ACT
(CAP. 350)**

**Government Notice that amends the Requirements as to Standards and Practice
Applicable to the Family Viewing and Listening**

IN EXERCISE and powers conferred by article 20(3) of the Broadcasting Act, the Broadcasting Authority is imposing the following requirements:

Short title.

1. The title of this Government Notice is Government Notice _____ of 2020 that amends the Requirements as to Standards and Practice Applicable to the Family Viewing and Listening, Subsidiary Legislation 350.18

Amendment of Article 1.3 of the Subsidiary Legislation 350.18

2. Article 1.3 of the Subsidiary Legislation shall be amended as follows:

1.3 The policy assumes a progressive decline throughout the evening in the proportion of children present in the audience. It expects a similar progression in the successive programmes scheduled from early evening until closedown: the earlier in the evening, the more suitable; the later in the evening, the less suitable. Within the progression, 10.00p.m. is fixed as the point up to which the audiovisual media service provider will normally regard themselves as responsible for ensuring that nothing is shown that is unsuitable for children. But it is assumed that from 10.00p.m. onwards, parents or guardians may reasonably be expected to share responsibility for what their children are permitted to see and listen to. Violence is not the only reason why a programme may be unsuitable for family viewing or listening. Other factors include bad language, innuendo, blasphemy, explicit scenes or descriptions of sexual behaviour, and scenes or portrayal of extreme distress.

Amendment of Article 3.1(v) of the Subsidiary Legislation 350.18

3. Sub-article (v) of Article 3.1 of the Subsidiary Legislation shall be substituted as follows:

v. adult related programmes are to be broadcast only after 10.00p.m. Within the progression of successive programmes scheduled from early evening until closedown:

- i. 10.00p.m. is fixed as the point up to which the broadcasters will normally regard themselves as responsible for ensuring that no audiovisual media is broadcast that is unsuitable for children;
- ii. after 10.00p.m. audiovisual media services designed for adults may be broadcast.

Amendment of Article 3.1(vi) of the Subsidiary Legislation 350.18

4. Sub-article (vi) of Article 3.1 of the Subsidiary Legislation shall be substituted as follows:

v.i. in audiovisual media services the classification signal and the signal of potential harmful content must be superimposed on the audiovisual media service, where it is visible during the first 60 seconds and should the programme be interrupted, during the first 30 seconds following commencement of broadcasts of the said programme after each break; In the case of a radio programme, the broadcaster has to air a notice before the beginning of the programme that the latter is addressed to a mature audience and should the programme be interrupted, before the following commencement of broadcasts of the said programme after each break.

Amendment of Article 3.1(viii) of the Subsidiary Legislation 350.18

5. Sub-article (viii) of Article 3.1 of the Subsidiary Legislation shall be substituted as follows:

viii. in so far as audiovisual media services are concerned, service media providers should adopt the following classification signage:

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| U | for audiovisual media services suitable for persons of all ages. The letter 'U' should be encircled in a green colour. |
| PG | for audiovisual media services which require parental guidance as they may not be suitable for young children. The letters 'PG' should be encircled in a yellow colour. |
| 12A | for audiovisual media services suitable only for persons of twelve years and over but younger people may only see them if they are accompanied by an adult. The number '12A' should be encircled in an orange colour. |

- 12 for audiovisual media services suitable only for persons of twelve years. The number '12' should be encircled in an orange colour.
- 15 for audiovisual media services suitable only for persons of fifteen years. The number '15' should be encircled in a brown colour.
- 18 for audiovisual media services suitable only for persons of eighteen years. The number '18' should be encircled in a brown colour.

Addition of new sub-article immediately after sub-article (viii) of Article 3.1 of the Subsidiary Legislation

6. Immediately after sub-article (viii) of Article 3.1 of the Subsidiary Legislation there shall be added the following new sub-articles:
- ix. In the classification process of audiovisual media services in the manner prescribed in the preceding sub-article, service media providers shall also decide which signal or signals of potential harmful content will be broadcast with the classification in accordance with the procedure listed in Article 3.1 (vi) of this Subsidiary Legislation. The signal or signals of the potentially harmful content shall reflect that reason or reasons that have led the service media provider to that particular classification and this by determining whether the audiovisual media service has content that includes violence, fear, sex, discrimination, alcohol and / or drug abuse or inappropriate language.
- x. Audiovisual media service providers shall use the following potentially harmful content signalling system:



VIOLENCE



FEAR



SEX



DISCRIMINATION



ALCOHOL ABUSE AND / OR DRUGS



INAPPROPRIATE LANGUAGE

Addition of new article immediately after Article 4 of the Subsidiary Legislation

7. Immediately after Article 4 of the Subsidiary Legislation there shall be added the following two new articles:

5. A breach of any of the provisions of this Subsidiary Legislation shall constitute an administrative offence punishable by the Authority in terms of Article 41 of the Fifth Schedule of the principal act.

6. The wording “audiovisual media services” and “service media providers” shall have the same meaning given in the Broadcasting Act, Cap 350 of the Laws of Malta.

Objectives and Reasons

The objectives and rationale of this Government Notice is to amend the Requirements as to Standards and Practice Applicable to the Family Viewing and Listening, S.L 350.18.
