

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4001 of 9 May, 2013**

LEGAL NOTICE NO. 74 OF 2013.

INTERPRETATION AND GENERAL CLAUSES ACT

**BROADCASTING ACT 2012 (AMENDMENT)
REGULATIONS 2013**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and for the purpose of further transposing into the law of Gibraltar Council Directive 2010/13/EU of 10 March 2010 of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services supplementing, Directive 2007/65/EC of the European Parliament and the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Broadcasting Act 2012 (Amendment) Regulations 2013 and come into operation on the day of publication.

Amendment of section 35.

2. Section 35 of the Broadcasting Act 2012 is amended—

- (a) in subsection (1) by substituting the words “by broadcasters under Gibraltar jurisdiction shall not include any programme which might seriously impair the physical, mental or moral development of minors, in particular, any programme that involves pornography or gratuitous violence.” for the words “by any person under Gibraltar jurisdiction shall not include any programme which involves pornography or gratuitous violence.”; and

(b) by substituting the following subsections for subsections (2) and (3)–

- “(2) The prohibition in subsection (1) shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.
- (3) When the programmes referred to in subsection (2) are broadcast in unencoded form, they shall be preceded by an acoustic warning or shall be identified by the presence of a visual symbol throughout their duration.
- (4) On-demand audiovisual media services provided by media service providers under Gibraltar jurisdiction which might seriously impair the physical, mental or moral development of minors shall only be made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services.”.

Dated 9th May, 2013.

F R PICARDO,
Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Broadcasting Act 2012 to further transpose Article 12 of Directive 2010/13/EU and increase the protection of minors from the effects of potentially harmful broadcasts.

