



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SRI LANKA RUPAVAHINI CORPORATION
(AMENDMENT)
ACT, No. 43 OF 1988

[Certified on 24th November, 1988]

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*Sri Lanka Rupavahini Corporation
(Amendment) Act, No. 43 of 1988*

[Certified on 24th November, 1988]

L.D.—O. 49/83A

AN ACT TO AMEND THE SRI LANKA RUPAVAHINI CORPORATION
ACT, No. 6 OF 1982

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:—

1. This Act may be cited as the Sri Lanka Rupavahini Corporation (Amendment) Act, No. 43 of 1988, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short
title
and date
of
operation.

2. Section 7 of the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1) of that section, by the insertion immediately after paragraph (b) of that subsection, of the following paragraph:—

Amendment
of
section 7
of Act,
No. 6 of
1982.

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

3. Section 8 of the principal enactment is hereby amended as follows:—

Amendment
of section
8 of the
principal
enactment.

(1) by the substitution for paragraphs (m) and (n) of that section of the following paragraphs:—

“ (m) do all such things as the Corporation considers to be in the interests of the community for the purpose of developing and improving television broadcasting talent;

(n) 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;”

(2) by the addition immediately after paragraph (n) of that section of the following paragraphs:—

“ (o) issue and renew licences under Part IVA for the possession and use of television receiving sets and to appoint agents to issue and renew such licences and to ensure that such licences are been obtained or renewed; and

- (p) call for information and returns in respect of imports, sales, manufacture or assembling of television receiving sets from all persons engaged in the import, sale, manufacture or assembling of television receiving sets.”.

Insertion of new section 8A in the principal enactment.

4. The following new section is hereby inserted immediately after section 8 of the principal enactment and shall have effect as section 8A of that enactment :—

“ Appoint-
ment of
agents.

8A. The Corporation may from time to time appoint any person or body or persons, whether incorporated or not, to be an agent of the Corporation for the purposes of issuing and renewing licences under Part IVA of this Act, and to pay such agent, such remuneration as may be agreed upon between the Corporation and such Agent.”.

Amendment of section 13 of the principal enactment.

5. Section 13 of the principal enactment is hereby amended in subsection (1) of that section as follows :—

- (1) by the insertion immediately after paragraph (c) of that subsection of the following new paragraph :—

“ (cc) all such sums as may be credited to the Fund under section 30A ; ” ;

- (2) by the substitution for paragraph (d) of that subsection of the following paragraph :—

“ (d) such part of the fees received each year for the issue and renewal of television licences as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance ; ” ;

- (3) by the insertion immediately after paragraph (d) of that subsection of the following paragraph :—

“ (dd) all sums of money received as fees each year for the issue of Certificates of Registration, under Part IVA of this Act ; and ”.

Insertion of new Part IVA in the principal enactment.

6. The following new Part is hereby inserted immediately after Part IV of the principal enactment and shall have effect as Part IVA of that enactment :—

'PART IV A

ISSUE OF LICENCES AND REGISTRATION

Prohibition
on the
possession
and use of
television
receiving
sets.

16A. (1) On or after the relevant date no person shall possess or use any television 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 television 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 studies of benefit to the community are being carried on at such institution ;

(b) to the possession and use of a television receiving set by any importer, seller, manufacturer or an assembler of television receiving sets who is registered and holds a Certificate of Registration issued under section 16M of this Act, in the course of his business as such importer, seller, manufacturer or assembler ;

(c) to the possession and use of a television receiving set by a repairer of television receiving sets in the course of his business as such repairer ;

(d) to the use by any person, of a television receiving set with the permission, express or implied, or on the instruc-

tions, of the holder of a licence issued under this Part in respect of that set and at the premises specified in the licence ;

(e) to the possession and use of a television receiving set by any person employed in the Corporation or in any other private television broadcasting station established and maintained under a licence issued by the Minister, under section 28 for the purposes of that Corporation or that station ;

(3) (a) Where the Minister considers that several television 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 television 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 categories of premises, having regard to the number of television receiving sets likely to be used in that category of premises.

(c) The provisions of sections 16c, 16d, 16e and 16f shall, *mutatis mutandis*, apply to and in relation to, the application for 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 television receiving set by any person on such premises shall be deemed to be under the authority of a licence issued under section 16c.

For the purposes of this section "Higher Educational Institution" shall have the same meaning as in the Universities Act, No. 16 of 1978.

Right of persons who were possessing and using television receiving sets prior to the relevant date.

16B. Notwithstanding the provisions of section 16A, any person who immediately prior to the relevant date was having in his possession a television receiving set, shall be entitled to possess and use such television receiving set, without a licence in that behalf for a period of three months commencing from the relevant date.

Issue of a licence.

16c. (1) The Corporation or any agent shall, on application made therefor, 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 television receiving set, authorizing the applicant to possess and use such television receiving set.

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

(3) Every licence 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 licence.

Terms and conditions of the licence.

16D. Every licence issued in respect of any television 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 licence.

Any change in particulars in the application to be informed.

16E. Every holder of a licence shall, within thirty days of any change in the particulars in his application for a licence issued under this Part, inform the Corporation or any agent in writing of such change.

Renewal of licence.

16F. (1) The Corporation or any agent may, on application made therefor, in such form as may be prescribed, and on payment of the prescribed fee renew any licence, issued under section 16c, and the licence which is renewed shall be valid for a period of one year from the date specified therein.

(2) Every application for a renewal of 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.

Corporation to pay part of licence fees to any State controlled television broadcasting station.

16G. Such part of the fees received by the Corporation each year, for the issue and renewal of television licences as remains after payment into the Fund of the Corporation, of the sums referred to in paragraph (d) of subsection (1) of section 13 shall be paid by the Corporation to any other television broadcasting station vested in the State.

Penalty, for possessing or using a television receiving set without the television receiving set being licenced and for contravention of terms and conditions of a licence.

16H. (1) Any person—

(a) who possesses or uses a television receiving set without a licence in that behalf, issued under this Part, or

(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 rupees or to imprisonment of either description for a term 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 television receiving set in connection with which the offence is committed be cancelled; and

(b) any television 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 television receiving set forfeited under subsection (2) shall upon such forfeiture vest absolutely in the State. Such vesting shall take effect—

(a) after the expiration of the period within 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 upholding the order of forfeiture.

Surcharge where licence fee has not been paid.

16J. Where any person applies to the Corporation or any agent for the renewal of a licence issued under section 16c 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 prescribed shall not exceed ten *per cent* of the fee so payable for the renewal of such licence.

Prohibition on carrying on the business of importing, selling &c., of television receiving sets, without Certificate of Registration.

16K. (1) On or after the relevant date, no person shall carry on the business of importing, selling, manufacturing, or assembling any television 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 television receiving set by any person who has been issued a licence to establish and maintain a television broadcasting station under section 28.

Persons who were carrying on business before the relevant date.

16L. Notwithstanding the provision of section 16K a person who immediately prior to the relevant date was carrying on the business of importing, selling, manufacturing or assembling, any television receiving set, shall be entitled to carry on such business without a Certificate of Registration issued under this Part for a period of three months commencing from the relevant date.

Registration of persons carrying on business of importing &c., of television receiving sets.

16M. 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 (Chapter 149) 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, authorizing person to carry on the business of importing, selling, manufacturing or assembling television receiving sets in connection with which the application is made.

Application for registration.

16N. 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 (Chapter 149) relating to the business in connection with which the application is made.

Terms and conditions of the Certificate of Registration.

16P. Every Certificate of Registration issued under this Part shall be subject to the terms and conditions set out in the Schedule hereto.

Penalty for carrying on business of importing, selling &c., of television receiving set without a Certificate of Registration and contravention of terms and conditions of the Certificate of Registration.

16Q. (1) Any person who—

(a) carries on the business of importing, selling, manufacturing or assembling television 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 seven thousand five hundred rupees and to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment.

(2) The Magistrate on conviction of any person for 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.

Liability of certain persons in respect of offences committed by bodies corporate or unincorporate.

16R. 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.

7. The following new section is hereby inserted immediately after section 21 of the principal enactment and shall have effect as section 21A of that enactment :—

Insertion of new section 21A in the principal enactment.

“ Magistrate to grant search warrants.

21A. (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 and using a television receiving set ;

(b) is carrying on the business of importing, selling, manufacturing or assembling television receiving sets,

in any premises within his jurisdiction such Magistrate may, grant a search warrant to any officer of the Corporation to enter such premises, to make inquiries from any person found thereon and to seize any television receiving set in connection with which such contravention is committed.

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

8. Section 30 of the principal enactment is hereby amended by the substitution for the words "be liable to a fine", of the words "be liable unless otherwise expressly provided to a fine".

Amendment of section 30 of the principal enactment.

9. The following new section is hereby inserted immediately after section 30 of the principal enactment and shall have effect as section 30A of that enactment :—

Insertion of new section 30A in the principal enactment.

"Two-thirds of fine when recovered to be credited to the Fund of the Corporation.

30A. Two-third of all fines imposed by the court for any offence under this Act when recovered shall be credited to the Fund of the Corporation."

Amendment
of section
32 of the
principal
enactment.

10. Section 32 of the principal enactment is hereby amended as follows :—

(1) by the insertion immediately preceding the definition of “prescribed” of the following new definitions :—

“agent” in any context relating to a licence under Part IVA of this Act means any person or body of persons, whether incorporated or not, appointed to be such agent by the Corporation, under section 8A of this Act ;

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

(2) by the insertion, immediately after the definition of “private television broadcasting station”, of the the following new definition :—

“relevant date” means the date on which Part IV A of this Act comes into operation ; ;

(3) by the insertion immediately after the definition of “television programme” or “programmes”, of the following new definition :—

“television receiving set” means an equipment used to receive the transmitted modulated radio frequency signals and to produce synchronized visual images and sound.’.

Non appli-
cation of
certain
provisions
in the
Telecommuni-
cations
Ordinance.

Addition
of new
Schedule
in the
principal
enactment.

11. From and after the relevant date, provisions of the Telecommunications Ordinance relating to licences shall not apply to or in relating to, the import, sale, manufacture, assembly, possession or use of television receiving sets.

12. The following new Schedule is hereby added immediately after section 32 of the principal enactment :—

“ SCHEDULE—(Section 16P)

Terms and conditions of the Certificate of Registration issued under section 16P.

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 kept and maintained shall be available for inspection by any officer authorized in that behalf by the Director-General of the Corporation.

5. (1) Every holder of a Certificate of Registration shall furnish to the Corporation, when called upon to do by 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 a Certificate of Registration shall issue a receipt 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 and the registration number of the vehicle in which such television receiving set is to be kept ;

(b) the nature of transaction ;

(c) the make and the number of the television 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 authorized by him in that behalf. ”.

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