

SUBSIDIARY LEGISLATION 350.18

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO THE FAMILY VIEWING AND LISTENING

22nd March, 2007

GOVERNMENT NOTICE 261 of 2007, as amended by Legal Notice 482 of 2020.

The title of these requirements is the Requirements as to Standards and Practice applicable to the Family Viewing and Listening. Citation.

1.1 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

1.2 It is the Authority's aim to ensure, so far as possible, that stations do not broadcast material unsuitable for children at times when large numbers of children are viewing or listening. Constraints on this policy arise from two factors: first there is no time of the evening when there are no children viewing or listening, perhaps even in quite substantial numbers; and secondly, any attempt to provide a wide range of programmes appropriate for adults and including serious subject matter will entail the broadcasting of some material that might be considered unsuitable for children. The Authority does not accept that, because some children are always likely to be present in the audience, there should be no adult material included in the programme output of a broadcasting station. The necessary compromise between these constraints and the Authority's general aim is embodied in the Authority's Family Viewing and Listening Policy for evening viewing and listening.

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, 9:30 p.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 9:30 p.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.

*Substituted by:
L.N. 482 of 2020.*

2. Trailers

2.1 Programme trailers must themselves comply with these Requirements. If it is decided to promote an 'adult' programme before 9.00p.m., the trailer must be suitable for family viewing or

listening. Excerpts selected for trailing a programme containing violent material should be chosen with care, and should not give emphasis to violent incidents uncharacteristic of the programme as a whole.

3. Requirements to be followed by Broadcasters

*Amended by:
L.N. 482 of 2020.*

3.1 Bearing the above in mind, the Authority has thus drawn up these requirements to be followed by broadcasters vis-à-vis adult programming:

- S.L. 350.01
- S.L. 350.01
- i. in the case of a television programme, each television broadcaster is to ensure compliance with the Television Programmes (Classification Certificates) Regulations;
 - ii. in the case of a television programme, television broadcasters are to ensure that a responsible person is appointed in terms of the Television Programmes (Classification Certificates) Regulations, and that broadcasters should inform the Authority of any changes made;
 - iii. prior to the broadcasting of an adult related programme, the viewer or listener is to be informed that the said programme is suitable only for a mature audience;
 - iv. in so far as discussion programmes are concerned which are directed to an adult audience, children should not be invited on the panel or amongst the audience;
 - v. adult related programmes are to be broadcast only after 9:30 p.m. Within the progression of successive programmes scheduled from early evening until closedown:
 - i. 9:30 p.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 9:30 p.m. audiovisual media services designed for adults may be broadcast;
 - vi. in audiovisual media services the classification signal and the signal of potential harmful content must be superimposed on the audiovisual media service, where they are 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;

- vii. no pornographic material may be broadcast in breach of the Criminal Code; Cap. 9.
- viii. in so far as audiovisual media services are concerned, service media providers should adopt the following classification signage:
- 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.
- ix. in the classification process of audiovisual media services in the manner prescribed in the preceding paragraph, 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 paragraph (vi) of article 3.1. 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

4. For the purposes of these Requirements, the expression "children" means persons who are under eighteen years of age.

*Added by:
L.N. 482 of 2020.*

5. A breach of any of the provisions of these requirements shall constitute an administrative offence punishable by the Broadcasting Authority in terms of Article 41 and the Fifth Schedule of the Broadcasting Act".

Cap. 350.

*Added by:
L.N. 482 of 2020.
Cap. 350.*

6. The wording "audiovisual media service" and "media service provider" shall have the same meaning as that provided in the Broadcasting Act.
