

**SUBSIDIARY LEGISLATION 350.06**

**CODE FOR THE INVESTIGATION AND  
DETERMINATION OF COMPLAINTS**

1st September, 2000

*LEGAL NOTICE 161 of 2000, as amended by Legal Notices 3 and 251 of 2001, 83 of 2005 and 426 of 2012.*

- 1.** The title of this Code is the Code for the Investigation and Determination of Complaints. Citation.
- 2.** (1) For the purposes of this Code: Interpretation.
- "the Act" means the Broadcasting Act; Cap. 350.
- "Authority" means the Broadcasting Authority established by article 118 of the Constitution of Malta;
- "Chief Executive" means the Chief Executive of the Authority, or any other officer or employee of the Authority, but does not include the Secretary;
- "Code" means the Code for the Investigation and Determination of Complaints;
- "complainant" means an affected third party who applies to the Authority to seek effective compliance by a broadcaster with the provisions of the Act;
- "Secretary" means the Secretary of the Authority, or any other officer or employee of the Authority, but does not include the Chief Executive.
- (2) Words and phrases used in this Code shall have the same meaning as is assigned to them in the Act.
- 3.** (1) All complaints shall be made promptly in writing by a complainant and shall be addressed to the broadcaster concerned. Complaints to be addressed to the broadcaster.
- (2) A copy of the said complaint shall be communicated to the Authority.
- 4.** Complaints shall be dealt with and replies given to the complainant by the broadcaster within three days from date of receipt of the complaint. Period within which broadcaster shall reply.
- 5.** If a complaint is upheld in whole or in part by the broadcaster, the latter shall take appropriate action, notifying the Authority and the complainant in writing of the action taken. Upholding a complaint by broadcaster.
- 6.** If a complaint is not upheld by the broadcaster, the latter shall - Where complaint is not upheld by the broadcaster.
- (a) so inform the complainant;
- (b) inform the complainant of his right to refer the matter to the Authority for a review of the broadcaster's decision in terms of this Code; and
- (c) notify the Authority of the decision taken and provide

it with a copy of all relevant correspondence.

Complainant may request Authority to hear complaint. Substituted by: L.N. 83 of 2005.

**7. (1)** If the complainant is not satisfied with the broadcaster's reply or remedy given, he may request the Authority to hear and decide upon his complaint.

**(2)** The complainant may file his complaint with the Authority:

**(a)** within a period of fifteen days from the receipt of the broadcaster's reply or from the granting of a remedy thereto; or

**(b)** within eighteen days from the date of his complaint to the broadcaster if the latter does not reply or does not provide an adequate remedy to the complaint.

**(3)** If the complainant does not request the Authority to appoint his complaint in terms of subarticle (1), the Authority shall declare the complaint abandoned and it shall not take further cognizance of that complaint.

Oral submissions. Amended by: L.N. 251 of 2001.

**8. (1)** The Authority shall appoint the complaint for hearing and both the complainant and the broadcaster concerned shall be requested to attend the public hearing to make their oral submissions to the Authority.

**(2)** The parties shall adduce all their evidence during the said sitting, and the Authority shall refrain from granting any adjournments unless there are exceptional circumstances as the Authority may deem proper.

Authority to decide complaint.

**9.** After the parties have concluded their oral submissions they shall be requested to leave the sitting and the Authority shall decide upon the complaint.

Authority to communicate decision to parties concerned.

**10.** After reviewing complaints brought to its attention in accordance with this Code, the Authority shall communicate its decision to the parties concerned.

Secretary to communicate Authority's decision.

**11.** The Authority's Secretary shall inform in writing both parties secretary of the Authority's decision.

Failure without reasonable cause to attend Authority's sitting.

**12.** Where, without reasonable excuse, any of the parties fails to attend the public hearing, the following procedure shall be followed:

**(a)** if the complainant fails to attend the sitting, his complaint shall be dismissed by the Authority;

**(b)** if the broadcaster concerned fails to attend the sitting, the Authority shall hear the complainant and shall decide the complaint in the broadcaster's absence.

Fair and public hearing.

**13.** The Authority shall afford a fair and public hearing to both parties concerned. It shall give reasons for its decisions and it shall make its decisions public.

Where broadcaster fails to reply to complainant.

**14.** In the absence of a reply from the broadcaster concerned within the time limit set out in paragraph 4, the Authority shall proceed to adjudicate the complaint and, if so required, decide on

the appropriate remedy.

**15.** (1) The Authority shall affix on its notice board a notice of a pending complaint at least forty-eight hours before the said hearing takes place.

Conduct of public hearing.  
*Amended by:*  
*L.N. 3 of 2001;*  
*L.N. 426 of 2012.*

(2) Members of the public attending a public hearing shall identify themselves with the Secretary by showing him their legally valid identification document or passport.

(3) The Secretary shall inform such members of the public of the dates and times of the Authority's public hearings.

(4) For the purposes of this Code, a public hearing shall also include the possibility that the public may follow the investigation of a complaint by the Authority via close circuit television.

**16.** The Chairman of the Authority shall enforce order during the sittings of the Authority and may also order any member of the public disturbing the conduct of the proceedings to leave the premises.

Order during sittings.

**17.** In cases of urgency the Authority may dispense with the provisions of this Code as it may determine.

Urgent cases.

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