

SUBSIDIARY LEGISLATION 350.07**SPECIAL ADMINISTRATIVE PROCEDURE
REGULATIONS**

1st September, 2000

LEGAL NOTICE 162 of 2000.

1. The title of these regulations is the Special Administrative Procedure Regulations. Citation.

2. (1) For the purposes of these regulations: 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 of the Authority;

"Code" means the Authority's 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 of the Authority.

(2) Words and phrases used in these regulations shall have the same meaning as is assigned to them in the Act.

3. (1) The Chief Executive shall issue a notice of a charge to a broadcaster. Chief Executive to issue notice of a charge.

(2) In the said notice the Chief Executive shall indicate the relevant provisions of the Act, or of the rules, regulations or Codes made thereunder which the broadcaster is charged with infringing.

(3) In the said notice, the Chief Executive shall also inform the broadcaster of the penalty to which the infringements are liable in the case of a finding of guilt and of the amount of the reduced penalty which may be paid by the broadcaster and of the period within which it may be paid should the broadcaster opt to pay a reduced penalty in terms of the Fifth Schedule to the Act.

(4) After the Authority has heard the oral submissions of the Chief Executive and the broadcaster, the Chief Executive and the broadcaster shall withdraw from the Authority's meeting when the Authority proceeds to discuss and decide upon the charge.

(5) The Authority's Secretary shall communicate in writing the Authority's decision to the Chief Executive and to the broadcaster.

4. Where a complaint lodged by a complainant to a Complaint lodged by a complainant.

broadcaster relates to one of the offences listed in regulation 3(2), the procedure laid down in the Code for Investigation and Determination of Complaints, shall be followed subject to the following rules:

- (a) where the complainant is not satisfied with the broadcaster's reply and requests the Authority to hear and decide upon his complaint as laid down in regulation 7 of the Code, the Chief Executive shall comply with the provisions of regulation 3(1), (2) and (3);
- (b) the procedure laid down in regulation 3(4) shall be followed by the Authority and the complainant, if present, shall also withdraw from the Authority's meeting;
- (c) the procedure laid down in regulations 8 to 16 of the Code shall be followed:

Provided that the Chief Executive shall assist the complainant and the word "complainant" wherever it occurs in regulations 8 to 16 of the Code shall also for the purposes of matters provided for in this regulation include a reference to the Chief Executive.
