

N.C.L.D. 89
TELEVISION LICENSING ACT, 1996

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N.C.L.D. 89
TELEVISION LICENSING ACT, 1966(1)

AN ACT to provide for television receiving set licensing and for related matters.

1. Television receiving set licence

(1) Except as otherwise prescribed, a person shall not install or use a television receiving set unless there is in existence in relation to that set a valid television receiving set licence granted by the licensing authority under this Act.

(2) For the purposes of a prosecution for an infringement of a provision of this section, where a television receiving set is found in any premises occupied by a person, that person shall, unless the contrary is proved, be presumed to use the television receiving set.

2. Dealer's licence

(1) Except as otherwise prescribed, a person shall not carry on the business of selling, hiring or otherwise disposing of television receiving sets or of repairing television receiving sets unless that person holds a valid dealers' licence, granted by the licensing authority in relation to the respective business.

(2) A dealers' licence may be granted in respect of the businesses referred to in subsection (1) or in respect of the repair of television receiving sets only or in respect only of any other businesses referred to

in that subsection other than the repair of television receiving sets and the business in respect of which a licence is granted shall be endorsed on the licence.

(3) Different fees may be prescribed in respect of different businesses in relation to which a dealers' licence is granted.

3. Sales of television sets to unlicensed persons prohibited

Except as otherwise prescribed, a person shall not sell, hire or otherwise dispose of a television receiving set to a person other than to the holder of a valid television receiving set licence granted in relation to that set.

4. Duration of licence

(1) A licence granted under this Act is an annual licence and expires on the 31st day of December in the year in which it is issued.

(2) For the purposes of subsection (1), the period commencing on the 1st day of July, 1966 and ending on the 31st day of December, 1966 shall be deemed to be a full year.

5. Registration of manufacturers or assemblers of television receiving sets

(1) A person shall not commence the business of manufacturing or assembling of television receiving sets unless that person has, not less than one month before the commencement of the business, given notice in writing to the licensing authority of the intention to commence that business, and of the date on which that business is to be commenced, as well as the name and address of that business.

(2) A person who on the date this Act is published in the *Gazette* carries on the business of manufacturing or assembling television receiving sets shall within one month after that date, notify the licensing authority in writing of the intention of carrying on that business, and of the name and address of that business.

(3) The licensing authority shall register in a book to be kept by the licensing authority the particulars supplied to the licensing authority under section 1.

6. Submission of returns by dealers

(1) A person who deals in the course of business in the sale, hire or any other disposal of television receiving sets shall, in respect of each month and not later than fifteen days after the end of the month, forward to the licensing authority a return indicating the names and addresses of the persons to whom television receiving sets have been sold, let on hire or otherwise disposed of by that person during that month.

(2) Any other person who sells or hires or otherwise disposes of a television receiving set shall, not later than one month, after the sale, hire or disposal, notify the licensing authority in writing of the fact of the sale, hire or the disposal and of the name and address of the person to whom the television receiving set is sold, hired or purchased.

7. Submission of returns by manufacturers and assemblers

Without prejudice to any other obligation imposed by or under this Act, a person who carries on the business of manufacturing or assembling television receiving sets shall, in respect of each month and within fifteen days after the end of that month, forward to the licensing authority a return indicating the

number of television receiving sets manufactured or assembled during that month.

8. Returns by Commissioner of Customs and Excise

The Commissioner of Customs, Excise and Preventive Service shall in respect of each month forward to the licensing authority not later than fifteen days after the end of that month a return indicating the names and addresses of the persons who imported television receiving sets during that month and the number of the sets imported by each person.

9. Inspection and requests for information

(1) A police officer or a person authorised in writing by the licensing authority may, at a reasonable time and on production, if requested, in the case of a person so authorised, of the authorisation and on the production, if requested, in the case of a police officer who is not in uniform, of evidence of identity as a police officer, enter into and inspect any premises for the purpose of ensuring due compliance with the provisions of this Act or with the regulations and any such person may similarly request the production of any licence granted under this Act or evidence thereof and no person shall obstruct any such person from carrying out any function conferred on him by this paragraph.

(2) The licensing authority may by writing request from any person any information reasonably required by the licensing authority for ensuring that the provisions of this Act or of the Regulations are complied with and a person so requested shall supply the information.

(3) A person shall not supply an information which that person knows to be false.

10. Penalty

(1) A person who contravenes a provision of this Act commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.²⁽²⁾

(2) An officer of the licensing authority may be appointed by the Attorney-General under clause (4) of article 88 of the Constitution to be a public prosecutor in respect of an offence provided for under this Act or under the Regulations.

11. Offences committed by bodies of persons

Where an offence under this Act or under the Regulations is committed by a body of persons,

- (a) in the case of a body corporate which is not a partnership, every person who at the time of the commission of the offence was a director, general manager, secretary or any other similar officer of the body corporate or was purporting to act in that capacity, and
- (b) in the case of a partnership, every person who at the time of the commission was a partner of that partnership or was purporting to act in that capacity,

shall be deemed to have committed that offence unless it is proved that the offence was committed without the consent or connivance, of that person and that due diligence was exercised to prevent the commission of the offence having regard to the nature of the functions in that capacity and to the circumstances.

12. Regulations

(1) The Minister may, by legislative instrument, make Regulations for carrying into effect the

provisions of this Act.³⁽³⁾

- (2) Without prejudice to subsection (1), the Regulations may
- (a) prescribe or provide for anything required or authorised to be prescribed or provided for by the Regulations;
 - (b) prescribe the form of a licence to be issued under this Act;
 - (c) prescribe the fees to be charged in respect of the issue of a licence under this Act;
 - (d) prescribe the conditions to apply to the issue of a licence; and
 - (e) exempt a person from any of the provisions of this Act.

13. Interpretation

In this Act, unless the context otherwise requires,

“**licensing authority**” means the Ghana Broadcasting Corporation or any other statutory corporation appointed by the Minister by legislative instrument and the corporation shall have the functions conferred on the licensing authority under this Act despite anything in the enactment under which it exists;⁴⁽⁴⁾

“**Minister**” means the Minister to whom responsibility for this Act is assigned;

“**prescribed**” means prescribed by the Regulations made under section 12;

“**Regulations**” means Regulations made under this Act;

“**television receiving set**” means an apparatus constructed solely for the reception of pictures, with or without sound transmitted by radio.

14. Commencement

(1) This Act shall be deemed to have come into force on the 1st day of July, 1966.

(2) A person shall not be deemed to be guilty of an offence under this Act in respect of any act done by that person before the date on which this Act is published in the *Gazette*.

Endnotes

1 (Popup - Footnote)

1. The Act was issued as the Television Licensing Decree, 1966 (N.L.C.D. 89) made on the 28th day of September, 1966 and notified in the *Gazette* on 1st October, 1966.

2 (Popup - Footnote)

2. Amended by paragraph (a) of the Television Licensing (Amendment) Law, 1991 (P.N.D.C.L. 257) which by section 2 provided that the amendment Decree shall be deemed to come into force on the 2nd day of January, 1990.

3 (Popup - Footnote)

3. Substituted by paragraph (b) of the Television Licensing (Amendment) Law, 1991 (P.N.D.C.L. 257). *See* footnote 4.

4 (Popup - Footnote)

4. Amended by the Television Licensing (Amendment) Decree, 1966 (N.L.C.D. 100) which was deemed to have come into force at the same time as the Television Licensing Decree, 1966 (N.L.C.D. 89).