

GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI
DECREE NO. 35 OF 1992

TELEVISION DECREE, 1992

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A DECREE TO PROVIDE FOR THE CONTROL OF TELEVISION SERVICES AND FOR MATTERS CONNECTED THEREWITH

IN exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree:

PART I—PRELIMINARY

1. This Decree may be cited as the Television Decree, 1992 and shall come into force on such date as the Minister may, by notification appoint.
2. In this Decree, unless the context otherwise requires:
 - “broadcast matter” means any signs or signals transmitted by a television station for aural and visual reception, and includes any music, theatrical or other entertainment, concert, lecture, speech, address, news and information of any kind so transmitted for reception by the general public;
 - “television broadcasting service” means a service whereby sounds and visual images are transmitted by the person operating the service to viewers of the service by means of radio waves, wire or cable;
 - “television station” means a station which transmits broadcast matter by radio waves, wire or cable for reception by the general public through television broadcast receivers;
 - “the commencement date” means the date appointed by the Minister on which this Decree shall come into force;
 - “Government” means the Government of the Sovereign Democratic Republic of Fiji;
 - “Minister” means the Minister responsible for television.

PART II—LICENCE TO BROADCAST BY TELEVISION

Exclusive privilege

3. The Government shall have the exclusive privilege of:
 - (a) broadcasting any broadcast matter by television in Fiji;
 - (b) broadcasting any broadcast matter by television to any place, ship or aircraft outside Fiji; and
 - (c) receiving in Fiji any broadcast matter transmitted from any place, ship or aircraft outside Fiji.

Licence to broadcast

- 4.—(1) No person shall broadcast any broadcast matter by television in Fiji except under or in accordance with a licence granted under this Part.
 - (2) A licence issued under this Part shall be in addition to any licence issued under any other written law relating to the licensing of any television station.
 - (3) Every such licence shall be in such form and may contain such terms and conditions as the Minister may determine.
 - (4) In granting a licence under this Part, the Minister may require the licensee to pay a premium for the issue of the licence or such annual fee, rent or royalty as the Minister may determine.

Penalty

5. Any person who broadcasts any broadcast matter by television without a licence shall be guilty of an offence under this Part and shall, on conviction, be liable to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding three years or to both.

Grace period

6. Where a person would, but for this section, be liable to a penalty for not being licensed under this Part, he shall not be so liable:

- (a) until the expiration of the period of six months after the date of the coming into force of this Decree; or
- (b) where, before the expiration of that period, he applies to be licensed; or
 - (i) he is licensed; or
 - (ii) his application to be licensed is refused.

Validity of licence

7. A licence granted under this Part shall be subject to such conditions as may be endorsed therein and shall, unless sooner revoked or suspended, be valid for a period not exceeding twelve years from the date of the granting or issue of such licence, or at any rate for such shorter period as may be specified in the licence.

Power of the Minister to vary, revoke or impose further conditions

8.—(1) Subject to subsection (2), the Minister may, during the currency of a licence, by notice in writing to the licensee, vary or revoke any of the conditions upon which the licence is granted under this Part or impose further conditions.

(2) The Minister shall give not less than fourteen days notice in writing of his intention to vary or to impose a further condition and shall specify in the notice the variation proposed or the conditions to be revoked or imposed.

Revocation or suspension of licence

9.—(1) Subject to subsection (2), the Minister may, by notice in writing to the licensee, suspend or revoke a licence granted under this Part where he is satisfied that one of the following grounds exists:

- (a) the licensee has failed to pay an amount as stipulated in the licence;
- (b) the licensee has failed to comply with the provisions of this Decree;
- (c) the licensee is no longer a fit and proper person to hold the licence;
- (d) the licensee no longer has the financial, technical and management capabilities necessary to operate the broadcasting station;
- (e) the licensee has failed to comply with the direction given by the Minister;
- (f) the licensee has failed to comply with the conditions specified in the licence; or
- (g) it is advisable in the public interest, for a special reason, to do so.

(2) The Minister shall before suspending or revoking any licence under the provisions of subsection (1), give the licensee notice in writing of his intention to do so and calling upon the person concerned to show cause to him why such licence should not be suspended or revoked, as the case may be.

PART III—POWER OF MINISTER TO GIVE DIRECTION AND TO AUTHORIZE INSPECTION

Licensee to comply with direction given by the Minister

10.—(1) It shall be the duty of the licensee to ensure that the broadcasting of the broadcast matter by him complies with the direction given, from time to time, by the Minister.

(2) The Minister may, in the interest of the general public, by notice given by telegram or in writing or by any form of communication prohibit a television station from broadcasting any matter, or matter of any class or character, specified in the notice, or may require such a station to refrain from broadcasting any such matter, and the station shall comply with the notice forthwith.

(3) For the purpose of exercising his powers and functions under this Decree, the Minister shall have power to issue such directions and do such other things as he thinks fit as long as it is not in contravention of this Decree.

Inspection

11. A television station shall, at all reasonable times, be open to inspection by any officer, being specially authorized in writing by the Minister and the licensee shall provide such as officer every assistance and facility for the inspection.

PART IV—LICENCES FOR INSTALLING, MAINTAINING OR WORKING OR DEALING IN TELEVISION BROADCASTING RECEIVER

Interpretation

12. In this Part:

- “licence” means licence for installing, maintaining or working or dealing in television broadcast receiver;
- “television broadcast receiver” means any apparatus used for the aural and visual reception of broadcast matter transmitted by radio waves through either wire and cable or by means of any other electro-magnetic waves in the electro-magnetic spectrum designed for television broadcasting services.

Grant of licences

13.—(1) The Minister may issue licences:

- (a) to install, maintain or work television broadcast receiver; or
- (b) to deal in television broadcast receiver.

(2) The Minister may delegate his power of issuing licences to such officer or officers as he thinks fit and may appoint officers for the purpose of carrying into effect the provisions of this Part.

Provided that no delegation of the power of issuing licences shall affect the exercise of that power by the Minister.

(3) All such officers shall be deemed to be public officer or the Sovereign Democratic Republic of Fiji.

Prohibitions

14.—(1) No person shall:

- (a) install, maintain or work any television broadcast receiver;
- (b) offer for sale, sell or have in his possession with a view to sell television broadcast receiver,

except under and in accordance with a licence granted under this Part.

(2) Any person who installs, maintains or works or deals in any television broadcast receiver without a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding twelve months and in either case shall be liable to forfeit any television broadcast receiver installed, maintained or worked without a licence.

(3) Any person who is in possession of any television broadcast receiver or the occupier of any dwelling house of premises in which television broadcast receiver in respect of which a licence is not in force shall, until the contrary is proved, be deemed to work the same.

(4) It shall be a defence to a prosecution for an offence under subsection (3) that such occupier was not aware and could not with reasonable diligence have become aware of the existence in the dwelling house or premises of the television broadcast in question.

Power of Minister to exempt

15. Notwithstanding section 14, the Minister may, by order exempt and either unconditionally or subject to such terms and conditions as the Minister shall determine any person or class of persons any television broadcast receiver from the operation of the section.

Compounding of offences

16.—(1) Any officer, being authorized in writing in that behalf by the Minister, may compound an offence under section 14 or any regulation made under Part VI by accepting from any person reasonably suspected of having committed such offence a sum of money not exceeding three hundred dollars.

(2) The Minister may prescribe the forms to be used and the procedure for compounding the offences.

Transitional provisions

17. Any licence in respect of any television broadcast receiver issued under any other enactment or Decree or any regulations made thereunder shall, on the date of the coming into operation of this Decree, be deemed to have been issued under this Part and shall expire or be renewable on the first day of the month following the date on which it would have expired or been renewed if this Decree had not been enacted.

General penalty

18. Every omission or neglect to comply with, and every decree done or attempted to be done contrary to this Part or any regulation made under Part VI or in breach of the conditions and restrictions subject to or upon which any licence has been issued, shall be deemed to be an offence under this Decree, and for every such offence, not otherwise specially provided for, the offender shall, in addition to the forfeiture of any article seized, be liable to a fine not exceeding one thousand five hundred dollars.

PART V—TRANSFER OF UNDERTAKING OF FIJI NATIONAL VIDEO CENTRE

Interpretation

19.—(1) In this Part:

- “debenture” includes debenture stock;
- “securities”, in relation to a company; includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;
- “shares” includes stock;
- “subsidiary” has the meaning assigned in the Companies Act, 1983;
- “the Company” means the company nominated by the Minister under section 20;
- “the transfer date” means the day appointed by the Minister under section 20.

(2) An order under section 20(2) below nominating any company for the purposes of that section and an order under subsection (1) of that section appointing the transfer date may be varied or revoked by a subsequent order at any time before any property, rights or liabilities vest in any company by virtue of section 20.

(3) A company shall be regarded for the purposes of this Part as wholly owned by the Government at any time when all the issued shares in the company are held by or on behalf of the Government.

Vesting of Property etc. of Fiji National Video Centre

20.—(1) On the transfer date the Minister may by order appoint for the purposes of this Part, all the property, rights and liabilities to which the Fiji National Video Centre was entitled or subject immediately before that date shall, without further assurance (subject to the following provisions of this section) become by virtue of this section property, rights and liabilities of the Company nominated for the purposes of this section by the Minister.

(2) The Minister may, by order nominate for the purposes of this section any company formed and registered under the Companies Act, 1983; but on the transfer date the company in question must be a company limited by shares all of which are held on behalf of the Government.

(3) References in this Decree to property, rights and liabilities of the Fiji National Video Centre are references to all such property, rights and liabilities, whether or not capable of being transferred or assigned by the Fiji National Video Centre.

(4) It is hereby declared for the avoidance of doubt that:

- (a) any reference in this Decree to property of the Fiji National Video Centre is a reference to property of the Fiji National Video Centre whether situated in Fiji or elsewhere.
- (b) any such reference to rights or liabilities of the Fiji National Video Centre to which the Fiji National Video Centre is entitled, or (as the case may be) liabilities to which it is subject, whether under the law of Fiji or otherwise;
- (c) any such reference to the property, rights or liabilities of the Fiji National Video Centre shall be a reference to all property, rights and liabilities appearing in the books of account kept by the Fiji National Video Centre as property, rights and liabilities belonging to it, and shall include:
 - (i) all property (real or personal) which before the commencement date is vested in the Fiji National Video Centre (or in any public officer in the Centre) and held in trust for the Government or deemed to be invested by the Government therein;
 - (ii) all property (real or personal) which, immediately before the commencement date, is vested in the Government and used, or appropriated for use, for the exercise and performance of any of the functions of the Fiji National Video Centre (or the statutory functions of any public officer within the Centre);
 - (iii) all rights and liabilities enjoyed by, or incumbent on, the Government immediately before the commencement date with reference to the functions of the Fiji National Video Centre (or the statutory functions of any public officer within the Centre);

(d) Any such reference to the property, rights or liabilities of the Fiji National Video Centre shall not include:

- (i) any contract of employment;
- (ii) any liability in respect of any pension or gratuity to any person who immediately before the transfer date was a pensionable officer within the laws for the time being in force governing the payment of pensions by the Government;
- (iii) any property, rights or liabilities the subject of any agreement entered into in pursuance of subsection (6) or (8) below.
- (iv) where any interest in any property, or right covered by sub-section (4) (c) above is divided, the proportional division thereof.

(5) Public records and copyright shall be excepted from the operation of subsection (1) above.

(6) Subject to section 21, any time before the transfer date the Fiji National Video Centre and the Company may agree in writing that subsection (1) shall not have effect in relation to any property, rights and liabilities specified in the agreement.

(7) Without prejudice to any the provision of this Decree, the Government and the Company shall as soon as practicable after the transfer date, as far as practicable, arrive at such written agreements and execute such other instruments as are necessary or expedient to identify, and define the property, rights and liabilities transferred to the Company or retained by the Government under this section or section 21 and will fulfil the requirements of any law, which might have applied if the property, rights and liabilities had been transferred otherwise than by and under this Decree.

(8) Subject to section 21, at any time before the expiration of twelve months beginning with the transfer date the Fiji National Video Centre and the Company may agree in writing that, as from such date, not earlier than the commencement date, as may be specified in or determined by or under the agreement and in such circumstances (if any) as may be so specified:

- (a) there shall be transferred from the Fiji National Video Centre to, and vested in, the Company any property, rights and liabilities specified in the agreement; or
- (b) there shall be transferred from the Company to, and vested in, the Fiji National Video Centre any property, rights and liabilities so specified.

(9) In the case of any agreement under subsection (8) the property, rights and liabilities in question shall on the date of the coming into force of the agreement be transferred, and by virtue of the agreement vest, in accordance with the agreement.

(10) All deeds, bonds, instruments and agreement, and working arrangements (whether or not in writing) subsisting immediately before the transfer date, affecting any of the property, liabilities or rights transferred to the Company under this section or section 21 from the Fiji National Video Centre shall be of full force and effect against or in favour of the Company, and enforceable as fully and effectually as if, instead of the Fiji National Video Centre, the Government or any person acting on behalf thereof, the Company had been named therein or had been a party thereto.

(11) Any proceedings or cause of action pending or existing immediately before the transfer date by or against the Fiji National Video Centre, the Government or any person acting on behalf of the Government in respect of any of such transferred undertaking shall be continued or enforced by or against the Company as it might have been enforced against the Fiji National Video Centre, the Government or such person, if this Decree had not been made.

(12) Any transfer effected by or made under this section shall be binding on all other persons, and notwithstanding that it would apart from this section have required the consent or concurrence of any other persons.

(13) Where any property, rights or liabilities which fall to be transferred under this section cannot be properly vested hereunder because transfers thereof are governed otherwise than by the laws of Fiji, the person from whom such property, right or liability is transferred shall take all practicable steps for the purpose of securing that such property, right or liability is effectively transferred under this section.

Power of the Minister to override section 20 in case of difficulty or uncertainty

21.—(1) If it appears to the Minister expedient so to do for the purpose of removing any difficulties or uncertainties arising out of the operation of the section 20, he may by order:

- (a) direct that such property, rights or liabilities as may be specified in the order (being property, rights or liabilities which, apart from the order, would vest in the Company by virtue of that section or which have so vested) shall, notwithstanding that section, not so vest or as the case may be, be deemed not to have so vested; or

(b) direct that such property (other than land), rights or liabilities as may be so specified (being property, rights or liabilities which, apart from the order, would not so vest or which have not so vested) shall, notwithstanding that section, so vest or be deemed to have so vested on the commencement date or, as the case may be, on such day as may be so specified.

(2) No order shall be made under this section by the Minister with respect to chattels or corporeal moveables after the expiration of the period of twelve months beginning with the transfer date.

(3) The Minister may give a certificate certifying that such property, rights or liabilities specified in the certificate (being property, rights or liabilities which may have vested by virtue of section 20 but which vesting is uncertain) are by virtue of this Decree for the time being vested in the Government or the Company, which ever is specified, and the certificate shall be conclusive evidence for all purposes of such fact.

(4) Subsection (12) and (13) of section 20 above shall apply for the purposes of this section as they apply for the purposes of that section.

Initial Government holding in the Company

22.—(1) As a consequence of the vesting in the Company by virtue of sections 20 and 21 of property, rights and liabilities of the Fiji National Video Centre, the Company shall issue such securities of the Company as the Minister may from time to time direct:

(a) to the Minister; or

(b) to any person entitled to require the issue of the securities following their initial allotment to the Minister.

(2) The Minister shall not give a direction under subsection (1) above at a time when the Company has ceased to be wholly owned by the Government.

(3) Securities required to be issued in pursuance of this section shall be issued or allotted at such time or times and on such terms (as to allotment) as the Minister may direct.

(4) Shares issued in pursuance of this section:

(a) shall be of such nominal value as the Minister may direct; and

(b) shall be issued as fully paid and treated for the purposes of the Companies Act, 1983 as if they had been paid up by virtue of the payment of the Company of their nominal value in cash.

(5) The Minister may not exercise any power conferred on him by this section, or dispose of any securities issued or of any rights to securities initially allotted to him in pursuance of this section, without the consent of the Minister responsible for finance.

(6) Any dividends or other sums received by the Minister in right of or on the disposal of any securities or rights acquired by virtue of this section shall be paid into the Consolidated Fund.

(7) Stamp duty shall not be chargeable in respect of any increase in the capital of the Company which is effected by the issue of shares allotted at a time when the company wholly owned by the Government and is certified by the Minister responsible for finance as having been:

(a) effected for the purpose of complying with the requirements of this section; and

(b) where any convertible securities were issued in pursuance of this section, effected in consequence of the exercise of the conversion rights attached to those securities.

Conversion of certain loans vested in the Company

23.—(1) The Minister responsible for finance may by order extinguish all or any liabilities of the Company to the Government in respect of the principal or interest (including prospective interest) of such transferred loans as may be specified in the order, and the Consolidated Fund, in particular the Lending Fund Account, shall be adjusted and the assets of such Fund shall accordingly be reduced by amounts corresponding to the liability so extinguished.

(2) As a consequence of the extinguishment by an order under subsection (1) above of any such liabilities, the Company shall issue such securities of the Company as the Minister may direct:

(a) to the Minister; or

(b) to any person entitled to require the issue of the securities following their actual allotment to the Minister.

(3) The Minister responsible for finance shall not make an order under this section nor shall the Minister give any direction under this section at any time when the Company has ceased to be wholly owned by the Government.

- (4) Except as may be agreed between the Minister and the Company:
- (a) the aggregate of the principal sums payable under any debentures issued to repay that which is extinguished by the order; and
 - (b) the terms as to the payment of the principal sums so payable, and as to the payment of interest thereon,
- shall be the same as the corresponding terms of the transferred loans specified in the order.
- (5) For the purposes of subsection (4) above any express or implied terms of a transferred loan shall be disregarded in so far as they relate to the early discharge of liabilities to make repayments or principal and payments of interest.
- (6) Subsections (3) and (7) of section 22 shall apply for the purposes of this section as they apply for the purposes of that section.
- (7) For the avoidance of doubt it is hereby declared that the principal sums payable under debentures issued in pursuance of this section are to be regarded as money lent for the purposes of the Finance Act, 1981.
- (8) In this section "transferred loan" means any sum borrowed or treated as borrowed by the Fiji National Video Centre the liability to repay which vests in the Company by virtue of sections 20 and 21.

Government investment in securities of the Company

- 24.—(1) The Minister may at any time, with the consent of the Minister responsible for finance, acquire:
- (a) securities of the Company or of any subsidiary of the Company; or
 - (b) rights to subscribe for any such securities.
- (2) The Minister may not dispose of any securities or rights acquired under this section without the consent of the Minister responsible for finance.
- (3) Any expenses incurred by the Minister in consequence of the provisions of this section shall be paid out of public funds.
- (4) Any dividends or other sums received by the Minister in right of, or on the disposal of, any securities or rights acquired under this section shall be paid into the Consolidated Fund.
- (5) Stamp duty shall not be chargeable under the Stamp Duties Act (Cap. 205) in respect of any increase in the capital of the Company which:
- (a) is effected by the issue of shares allotted at a time when the Company is wholly owned by the Government; and
 - (b) is certified by the Minister responsible for finance as having been effected by the issue of shares subscribed for by the Minister under subsection (1) (a) above.

Exercise of the Minister's functions through nominees

- 25.—(1) The Minister may with the consent of the Minister responsible for finance appoint such person or persons as he thinks fit to act as his nominee for the purposes of section 22, 23 or 24; and:
- (a) securities of the Company may be issued under section 22 or 23 to any nominee of the Minister appointed for the purposes of that section or to any person entitled to require the issue of the securities following their initial allotment to any such nominee; and
 - (b) any such nominee appointed for the purposes of section 24 may acquire securities or rights in accordance with that section,
- in accordance with directions given from time to time by the Minister with the consent of the Minister responsible for finance.
- (2) Any person holding any securities or rights as a nominee of the Minister by virtue of subsection (1) above shall hold and deal with them (or any of them) on such terms and in such manner as the Minister may direct with the consent of the Minister responsible for finance.

Temporary restrictions on Company's borrowings etc

- 26.—(1) If the articles of association of the Company confer on the Minister powers exercisable with the consent of the Minister responsible for finance for, or in connection with, restricting the sums of money which may be borrowed or raised by the Company or by the group during any period, those powers shall be exercisable in the national interest notwithstanding any rule of law and the provisions of any written law.

(2) For the purposes of this section any alteration of the articles of association of the Company which:

- (a) has the effect of conferring or extending any such power as if mentioned in subsection (1) above; and
 - (b) is made at a time when the Company has ceased to be wholly owned by the Government.
- shall be disregarded.

(3) In this section "group" means the Company and all of its subsidiaries taken together.

Liability of Minister in respect of liabilities vested in the Company

27.—(1) This section applies where:

- (a) a resolution has been passed, in accordance with the Companies Act 1983, for the voluntary winding-up of the Company, otherwise than merely for the purpose of reconstruction or amalgamation with another company; or
- (b) without any such resolution having been passed beforehand, an order has been made for the winding up of the Company by the Court under that Act.

(2) The Minister shall become liable on the commencement of the winding-up to discharge any outstanding liability of the Company which is vested in that company by virtue of section 20 or 21.

(3) Any sums required by the Minister for discharging any liability imposed on him by this section shall be paid out of public funds.

(4) Where the Minister makes a payment to any person in charge of what appears to him to be a liability imposed on him by this section, he shall, thereupon become a creditor for the Company to the extent of the amount paid, his claim being treated for the purposes of the winding-up as a claim in respect of the original liability.

(5) Any sums received by the Minister in respect of any claim made by virtue of subsection (4) above in the winding-up of the Company shall be paid into the Consolidated Fund.

(6) The reference in subsection (2) above to the commencement of the winding up is a reference:

- (a) in a case within subsection (1) (a) above, to the passing of the resolution; and
- (b) in a case within subsection (1) (b) above, to the making of the order.

Application of law in relation to offer of shares or debentures of the Company

28.—(1) This section applies where the Minister or his nominee offers for sale to the public shares or debentures of the Company at a time when it is wholly owned by the Government; and in this section "full prospectus" means a prospectus which complies, or is deemed to comply, with the requirements of Schedule 4 to the Companies Act, 1983 (matters to be specified in prospectus and reports to be set out therein).

(2) If the shares or debentures are offered by a full prospectus as respects which the conditions mentioned in subsection (3) below are fulfilled (in this section referred to as "the offer prospectus"), any form of application for the shares or debentures made (instead of being issued with a full prospectus) be issued with a notice given by the Minister which includes:

- (a) a brief description of the shares or debentures offered, the terms of the offer, the Company's business and its financial position;
- (b) an indication of the places in Fiji where copies of the offer prospectus are to be available for inspection by members of the public; and
- (c) a statement of the effect of subsections (4) and (5) below.

(3) The said conditions are:

- (a) that a copy of the prospectus (as defined in section 2 of the Companies Act, 1983) has been delivered to the Registrar in pursuance of section 45 of the said Act of 1983; and
- (b) that arrangements have been made with a view to securing:
 - (i) that on or before the date of receipt of the form of application by a member of the public a copy of the prospectus is published in a national newspaper; and
 - (ii) that on that date copies of the prospectus are generally available in Fiji for inspection by members of the public.

(4) Where a form of application is issued without a full prospectus but with a notice given by the Minister under subsection (2) above, then, for the purposes of any written law or any rule of law:

- (a) the notice shall be taken to have incorporated the offer prospectus; and
- (b) any application for the shares or debentures which is made in pursuance of the notice shall be taken to have been made in pursuance of that prospectus.

(5) Where a form of application is issued without a full prospectus, neither the form of application nor any document which is issued with it shall be regarded as a prospectus for the purposes of sections 41 to 50 of the said Act of 1983 (prospectus requirements) but only, where the form of application is issued without a notice given by the Minister under subsection (2) above, for the purpose of determining the liability of persons other than the Minister.

PART VI—MISCELLANEOUS

Power of search

29.—(1) Any officer, being specially authorized in writing, in that behalf by the Minister, may at any reasonable hour enter and search any premises or vehicle where such officer has reasonable cause to believe that an offence under this Decree or any regulations made thereunder has been or is being committed and may seize any television broadcast receiver as defined under section 12 which appear to him to be used in the commission of the offence.

(2) Any person who refuses such officer access to such premises or vehicle or otherwise obstructs or hinders him in effecting an entrance thereto shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.

Delegation of powers

30. The Minister may delegate all or any of his powers under this Decree, except the power to make regulations to such officer or officers as he deems fit, and may appoint officers for the purpose of carrying into effect the provisions of this Decree

Power of the Minister to authorize or to licence and to prescribe terms and conditions of advertisement messages

31.—(1) The Minister shall have the power to authorize or grant a licence on such conditions as he thinks fit to any company, firm, person or persons to undertake the selling of airtime on behalf of the Government as it appears to him to be necessary.

(2) The Minister may, by regulations, fix rates and prescribe terms and conditions or restrictions subject to which any advertisement messages may be transmitted by a television station, including Government television stations.

Special powers in emergency

32.—(1) On the occurrence of any public emergency or in the interest of public safety, the Prime Minister or any officer specially authorized by him in that behalf may take over the broadcasting of any broadcast matter by the station which has been licensed to broadcast under this Decree.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under subsection (1) was in the interest of public safety, a certificate signed by the Prime Minister and exhibited at such place as the Minister deems fit shall be conclusive proof on the point.

(3) Where the Government takes over the broadcasting of any broadcast matter under subsection (1) adequate compensation shall be paid.

Power to make regulations

33. The Minister may make regulations for:

- (a) prescribing the forms for the licences for working, installing, maintaining or dealing in television broadcast receiver under Part IV and the manner in which applications for the licences are to be made;
- (b) prescribing the terms, and conditions and restrictions on and subject to which such licences are granted;
- (c) prescribing the fees payable on the grant of such licences;
- (d) regulating the licensing of the dealers in and the sale of television broadcast receiver;
- (e) ensuring that the terms and conditions upon which a licence issued under this Decree is granted are observed;
- (f) prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Decree.

Made this 29th day of May 1992.

PENAIA K. GANILAU
President of the Sovereign Democratic Republic of Fiji
and Commander-in-Chief of the Armed Forces