

NEWS RELEASE

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For Immediate Release

BROADCASTING COMMISSION PROPOSES UP TO 15 MILLION DOLLAR FINES FOR BREACHES OF PAYOLA

Proposals to criminalise Payola included in amendments to Regulations

The Broadcasting Commission has made recommendations to government that payola be made a criminal offence in Jamaica.

Payola is the corrupt practice of accepting or offering a bribe or other forms of inducement to radio or television broadcasters or stations to give favourable and disproportionate airplay to specific musical productions or creative output. It often has the effect of excluding emerging artistes or production houses who cannot or do not pay for airplay.

The proposed regulations will require:

- Disclosure when music is being played as a part of sponsored airtime;
- Disclosure by personnel of any affiliation with content;
- Management to determine when and how often declared “connected content” is to be rotated.

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The proposed law would, upon conviction in a criminal court, impose a fine of up to five million dollars (5m) for payola, scaled upwards to \$10 and \$15 million for second and third offences. A fine will also be imposed on any station which is found guilty of encouraging or facilitating unfair airplay or rotation of “connected content”.

Additionally, the Commission has recommended changes to the law which will require that broadcast licensees to:

- keep records of “Play lists and “Programme Logs”;
- ensure that compilation of music charts is in accordance with a station-approved methodology;
- maintain play lists and programme logs of music played, for examination by the Commission and accredited rights agencies; and
- designate a specific responsible person for control of all media output at each station.

These proposed changes in law are designed to help eliminate professional mal-practices in media output and could result in both criminal sanction against offenders and the suspension of the licenses of broadcast stations.

The proposals on payola form part of a range of recommendations recently unveiled by the Broadcasting Commission for public discussion, pending consideration for legislation.

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Contact: Nicole Morrison
Information & Public Relations Officer
Tel: 564-8691
Email: morrisonnr@gmail.com