

**BHUTAN INFOCOMM AND MEDIA AUTHORITY
ROYAL GOVERNMENT OF BHUTAN**



**RULES FOR THE OPERATION OF COMMERCIAL CABLE
TELEVISION**



FOREWORD

In accordance with Section 21 and Section 36 of the Bhutan Information, Communications and Media Act (Act) 2006, the Bhutan InfoComm and Media Authority is mandated to regulate and implement regulations and rules pertaining to ICT services in the kingdom of Bhutan.

This Rule forms the basis for a self-regulatory system and strives to provide the cable television service industry with a set of principles as well as a clear regulatory framework to efficiently regulate the cable television services in the country including addressing of any complaint from the members of the general public.

This Rule aims at ensuring fair and efficient regulation of the cable television service industry by protecting the cable television service providers as well as the general public of their rights and thereby promoting effective competition and economy the industry.

Towards this end, and in accordance with the powers conferred by the Section 27 and 33 of the Act, the Authority hereby issues the “*Rules for the Operation of Commercial Television*”.

The Rules should be read in conjunction with all other existing directives, codes of practice and regulations established by the relevant Government agencies.

(Chairperson)

BHUTAN INFOCOMM & MEDIA AUTHORITY

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CHAPTER 1 - PRELIMINARY

1.1 Legal Basis

These Rules for the operation of *Commercial Cable Television* is issued by the Authority in accordance with Sections 33 and 36(1) of the Bhutan Information, Communications and Media Act 2006.

1.2 Commencement

These Rules shall come into force on the **1st September** of the year **2011** corresponding to the **4th Day of 7th Month** of the Iron Female Rabbit Year.

1.3 Scope of Application

These Rules shall apply to all the Cable TV operators within the kingdom of Bhutan. These Rules shall be read in conjunction with all other existing codes of practice and regulations established by the relevant Government agencies.

1.4 Amendments

These Rules are subject to amendment and changes when required. Such amendment and changes shall be made in accordance with the needs and changes in national priorities, Government policies and industry trends. Amendment of these Rules by way of addition, variation or repeal may be effected by the Authority.

1.5 Interpretation

The power to interpret these Rules shall vest with the Authority who may issue such instructions as may be necessary to give effect to and implement the provisions of these Rules.

1.6 Rules of Construction

In these Rules, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

1.7 Definitions

For the purposes of these Rules, the following words, terms, phrases, and their derivations shall have the meanings given herein.

In addition to the following terms, or unless the context requires otherwise, the words and terms used in these Rules shall have the same meaning as assigned in the Act.

Act means the Bhutan Information, Communications and Media Act, 2006;

Authority means the Bhutan InfoComm and Media Authority;

Cable Operator means any person who provides cable service through a cable television system or otherwise controls or is responsible for the management and operation of a cable television system;

Cable television (CATV) Service means the transmission by cables of programmes including retransmission by cables of any broadcast television signals;

CATV System means a facility consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment designed to provide cable service for reception by multiple subscribers within a community;

Channel means a set of frequencies used for transmission of a programme;

Designated Area means the area in which the Licensee is licensed to provide Cable Television System services;

Director means the Director of Bhutan InfoComm and Media Authority;

Document means the Rules for operation of Commercial Cable Television system;

License means the non-exclusive written right or authorization granted by the Bhutan InfoComm and Media Authority under these Rules to the licensee, to construct, operate and maintain a Cable Television System within all or part of the area designated by the Licence;

License Fees means initial/annual/renewal costs including administration or performance of regulatory functions payable to the Authority by an applicant or licensee as the case may be;

Licensee means the person or entity to which a Licence henceforth is granted for the construction, operation, maintenance, or reconstruction of a Cable Television System;

Minister is the Head of the Ministry of Information & Communications, Royal Government of Bhutan;

MSO means Multi-Service Operator licensed by the Authority.

Normal business hours mean those hours during which most similar businesses in the country are open to serve customers.

Pay Channel means a channel for which fees is to be paid to the broadcaster for its retransmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly;

Procure TV programs means the act or the process of procuring TV programs including negotiation with external service providers on the number of channels to be purchased, rates and mode of payments for down linking of TV channels into a cable system by a licensee or by an organization on behalf of the licensee.

Section means any section, subsection, or provision of this document;

Service interruption means the loss of picture or sound signal on one or more cable channels or the significant deterioration of signal;

Streets and Public Ways means the surface of and the space above and below any public street, sidewalk, right-of-way, alley, right-of-way easement, or other public way of any type whatsoever, now or hereafter existing as such within the country;

Subscriber means a person, firm, corporation, or other entity who receives the signals of cable television systems at a place indicated by him to the cable operator without further transmitting it to any other person.

Transfer means any transaction in which:

- a) an ownership of the commercial CATV system is transferred from one person or group of persons to another person or group of persons so that the rights or obligations held by a licensee under a license are transferred or assigned to another person or group of persons or
- b) The management of the commercial CATV system is transferred from one person or group of persons to another person or group of persons.

