

**PROPOSED LAYOUT OF THE REVISED PROGRAMMING CODE-JUNE 2023**

<b>Sections of Current Programming Code</b>	<b>Proposed Clauses of reviewed Programming Code</b>	<b>Proposed Changes of Reviewed Code</b>	<b>Justification/Rationale for proposed Review</b>
<b>SECTION 1: PREAMBLE</b> <ul style="list-style-type: none"> <li>Regulatory framework of the code</li> <li>Objectives of the code</li> </ul>	<b>CLAUSE 1: PREAMBLE</b> <ul style="list-style-type: none"> <li>Regulatory framework of the code</li> <li>Objectives of the code</li> </ul>	No change	N/A
<b>SECTION 2: GENERAL PRINCIPLES</b> <ul style="list-style-type: none"> <li>Freedom of expression</li> <li>Limitation of freedom of expression</li> <li>Public interest</li> <li>General obligations for broadcasting stations</li> </ul>	<b>CLAUSE 2: GENERAL PRINCIPLES</b> <ul style="list-style-type: none"> <li>Freedom of expression</li> <li>Limitation of freedom of expression</li> <li>Public interest</li> <li>General obligations for broadcasting stations</li> </ul>	No change	N/A
<b>SECTION 3: WATERSHED</b> <ul style="list-style-type: none"> <li>Definition of watershed</li> <li>Guidelines of programming during watershed</li> <li>Programme classification and rating</li> <li>FTA Broadcasting rating</li> <li>Subscription and per view rating</li> <li>Children’s programming</li> <li>Coverage involving children</li> </ul>	<b>CLAUSE 3: WATERSHED</b> <ul style="list-style-type: none"> <li>Definition of watershed</li> <li>Guidelines of programming during watershed</li> <li>Programme classification and rating</li> <li>FTA Broadcasting rating</li> <li>Subscription and per view rating</li> </ul>	No change (Moved the elements on children programming to a specific clause on protection of children).	Scheduling of family oriented programmes, ratings and classification
	<b>CLAUSE 4: PROTECTION OF CHILDREN</b> <ul style="list-style-type: none"> <li>Children’s programming</li> <li>Coverage involving children</li> </ul>	No change (Moved from other sections to have a standalone Clause on Protection of Children)	Protection of children’s rights and protection from adult and unsuitable content, further expounded by industry Guidelines on Children’s Programming
<b>SECTION 4: GOOD TASTE AND DECENCY</b> <ul style="list-style-type: none"> <li>Generally accepted standards</li> <li>Children’s Programming</li> <li>Coverage involving Children</li> <li>Religious Programmes</li> <li>Occultism and Superstition</li> <li>Advertisements</li> <li>Sex, Obscenity and Pornography</li> </ul>	<b>CLAUSE 6: GOOD TASTE AND DECENCY</b> <ul style="list-style-type: none"> <li>Generally accepted standards</li> <li>Sex obscenity and pornography</li> <li>Liquor, cigarettes and drugs</li> </ul>	No change (Moved the elements on religious programming, children programming, and advertisements to their standalone clauses)	Protection of the public from obscene content and observance of morality, values and generally accepted standards of behavior to Kenyan audiences

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<ul style="list-style-type: none"> <li>Liquor, Cigarettes and Dangerous Drugs</li> <li>Broadcast Competitions</li> <li>User Generated Content</li> </ul>			
<b>SECTION 5: PRIVACY AND FAIRNESS</b> <ul style="list-style-type: none"> <li>Privacy</li> <li>Fairness</li> <li>Right of reply</li> </ul>	<b>CLAUSE 7: PRIVACY AND FAIRNESS</b> <ul style="list-style-type: none"> <li>Privacy</li> <li>Fairness</li> <li>Right of reply</li> </ul>	No change	N/A
<b>SECTION 6: HATE SPEECH</b> <ul style="list-style-type: none"> <li>Hate Speech</li> <li>Sensitivity</li> <li>Crime and Crisis Situations</li> </ul>	<b>CLAUSE 8: HATE-SPEECH, CRIME AND CRISIS</b> <ul style="list-style-type: none"> <li>Hate speech</li> <li>Sensitivity</li> <li>Crime and crisis</li> </ul>	No Change	Protection of the public from content that poses a high risk of harm, offence and incitement to violence
<b>SECTION 7: ELECTIONS</b> Guidelines on Elections	<b>CLAUSE 9: ELECTIONS AND REFERENDUM</b>	Added provisions on Referendum	To ensure that broadcasters uphold democratic principles and equitable coverage during elections and referenda periods prescribed by law
<b>SECTION 8: COPYRIGHT</b> Guidelines on Copyright	<b>CLAUSE 5: LOCAL CONTENT AND COPYRIGHT</b> <ul style="list-style-type: none"> <li>Local Content</li> <li>User Generated Content Copyright</li> </ul>	Additional elements to the definition of local content for animation.  (Merged Guidelines on Local Content with those on Copyright)	Definition and requirements of local content and observance of copyright obligations of the content aired. Further expounded by industry Guidelines for Local Content
<b>SECTION 9: LOCAL CONTENT</b> Guidelines on Local Content			
	<b>CLAUSE 10: RELIGION, OCCULTISM AND SUPERSTITION</b> <ul style="list-style-type: none"> <li>Religious programmes</li> <li>Occultism and superstition</li> </ul>	No change (Moved from other sections to have a standalone clause to religious programming)	A large number of licensed broadcasters on air offer religious programming
	<b>CLAUSE 11: ADVERTISEMENTS</b> <ul style="list-style-type: none"> <li>Requirements on advertisements</li> </ul>	No change (Moved from other sections to have a standalone clause on advertisements)	N/A
<b>SECTION 10: PWD ACCESSIBILITY TO BROADCASTING SERVICES</b>	<b>CLAUSE 13: ACCESSIBILITY OF BROADCASTING SERVICES</b> <ul style="list-style-type: none"> <li>PWD Accessibility</li> </ul>	Introduced requirements on Electronic	Promote accessibility of broadcasting services and information for all audiences.

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	<ul style="list-style-type: none"> <li>Requirement on EPG's</li> </ul>	Programming Guide (EPG)	To further support the license requirement for submission of EPG's and to enhance the audience experience as a value added feature
	<b>CLAUSE 12: GAMING AND COMPETITIONS</b> <ul style="list-style-type: none"> <li>Betting, Gaming and Lotteries</li> <li>Prize competition</li> </ul>	Introduced requirements on Betting, Gaming and Lotteries	To address the misuse of broadcasting services in carrying out gaming activities and to protect the public from misleading and harmful, gaming programming and adverts
SECTION 11: COMPLAINTS HANDLING	<b>CLAUSE 14: COMPLAINTS</b> <ul style="list-style-type: none"> <li>Complaints handling procedure</li> <li>Customer Service Support</li> <li>Turn Around Time</li> <li>Reporting on complaints</li> </ul>	No change (Refers to Procedure for Handling Complaints Related to Broadcast Content)	N/A
	<b>CLAUSE 15: ONLINE RADIO AND TV SERVICES</b> <ul style="list-style-type: none"> <li>Requirements for online service providers</li> </ul>	Introduced requirements for online service providers registered with the Authority	Ensure consumers are protected and content standards/regulations are upheld on all media platforms
SECTION 12: COMPLIANCE WITH THE CODE	<b>CLAUSE 17: COMPLIANCE WITH THE CODE</b> <ul style="list-style-type: none"> <li>Effective date of enforcement</li> </ul>	No change	N/A
SECTION 13: ENTRY INTO FORCE	<b>CLAUSE 18: ENTRY INTO FORCE</b>	No change	N/A
SECTION 14: BROADCASTING SECTOR GUIDELINES	<b>CLAUSE 16: BROADCASTING SECTOR GUIDELINES</b>	Introduced a section to provide for developing guidelines in case it is necessary to expound on the provisions of the Programming Code	Refers to the sector guidelines that further support and expound on the provisions of the Code