

MEMORANDUM FOR THE CABINET
BY THE HON. PRIME MINISTER

Malta Radio Transmitting Station

On the 28th August, 1964, the Cabinet discussed the possibility of Malta having its own Radio Transmitting Station after Independence. It was agreed that the matter needed further thought and study. In the meantime the Cabinet decided that Rediffusion (Malta) Ltd. was not to be allowed to effect transmissions on their newly-installed Radio Station.

2. In terms of an agreement entered into by the previous Administration, the Malta Television Services Ltd. have an exclusive right to provide Wireless Sound Programmes in Malta for ten years from 27th September, 1961, without prejudice to the right of the Broadcasting Authority to provide such services. The Company can however, in terms of the said agreement, opt out of their right to set up a Wireless Station if they fail to commence broadcasting within five years from the 27th September, 1961.

3. The legal position is explained by the Crown Advocate General as follows:-

"Under the agreement (the duration of which is 25 years) the provision and the broadcasting on behalf of the Authority of sound programmes by wireless telegraphy were described as a right and a duty and such right and duty were declared to be exclusive to the contractor for a period of 10 years from the 27th September, 1961. But even during this period the right of the Authority itself to provide sound broadcasting services by wireless telegraphy pursuant to section 3(3) of the Ordinance was expressly saved. It was also stipulated that the agreement was to be ipso jure determined if the contractor did not commence broadcasting by the expiry of five years from the 27th September 1961.

The agreement also provided for a right of determination or suspension of the agreement by the Authority and for a right of determination of the agreement by the Contractor in certain cases. But this does not mean that the agreement may not be determined by mutual consent. In other words, the Contractor's duty is one of which, with the agreement of the Authority, he may be relieved and to this extent it is not absolute.

Of course, in connection with any such eventual determination one would have to keep in mind in particular -

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- (a) the fact that under the Ordinance the function to provide sound and television broadcasting services in Malta (including - vide section 2 - wireless broadcasting) is vested solely in the Authority and
- (b) any possible repercussions on or from the other concomitant agreements which can only be ascertained upon an examination of such other agreements."

4. It had been the intention of the Malta Television Services Ltd. to open the service on the 1st October, 1964. Tests have been carried out and technically their apparatus has been operationally ready since the end of August, 1964. Being aware, from ministerial statements, that Malta was to have its own wireless station, the Company approached the Government informally about their future plans for this service, and they were told there was yet no Government approval, if one was required, to start wireless broadcasting. The Company later informed the Malta Broadcasting Authority that it was their intention to open the service on the 1st January, 1965.

5. In the absence of an official notification of Government intentions, the Malta Television Services Ltd. intimated to the Broadcasting Authority on 4th January, 1965, that they should proceed to open the station. They submitted that, in their view, the operation of their station would not encroach on the Government's policy of setting up their own station, if this were designed to cater for broadcasts beyond the shores of Malta and Gozo. The Company held the view that there is a growing demand amongst the population of these Islands for a wireless service, and it is for this reason alone that they have taken the step to purchase and instal the necessary equipment, which is now idle and the personnel earmarked for its operation still not fully employed. In the Company's view there is some urgency for at least a temporary solution which could be reached without prejudice to the Government's future plans. They emphasised the fact that they are anxious to help and advise the Government technically in all aspects of any plans for broadcasting by offering expert services which would not involve additional expenditure to Government at the planning stage. The Company concluded that it was their feeling that it would be to the advantage of Government and to the people of Malta if broadcasting remained centralised whether they continued to operate as at present or on a contractual basis for any new service which the Government might require the Authority to set up.

6. On the 8th January, 1965, the Malta Broadcasting Authority informed the Company that there were no objections, as far as the Authority was concerned, to their starting transmission in terms of the Agreement and that they could

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do so forthwith if they so wished. With regard to future policy of the Government, the Authority stated they had no information and that they had received no representations regarding Wireless Sound Broadcasting. They asked the Company to appreciate the fact that, on the one hand, the Authority is an autonomous body, and on the other, the Authority cannot enforce a policy on the Government.

7. Hon. Members are asked to consider whether Malta Television Services Ltd. should be allowed to proceed with its plans of inaugurating a wireless transmitter.

3rd February, 1965.

Malta Radio Transmitting Station

... Further to Memorandum No. 377 dated 3rd February, 1965, the enclosed Aide-Memoire has now been submitted by the Malta Television Service Limited.

Hon. Ministers are asked to note item 9 in the summary at the end of the paper. Malta Television have written to say that it is almost a year now since the equipment was installed and ready for service. The Company hope that the matter can be disposed of at an early date.

12th March, 1965.

AIDE-MEMOIRE

Wireless Sound Broadcasting in Malta

In 1955, when it became apparent that television broadcasting was going to be introduced in Italy and that these transmissions would eventually be received in Malta via the Sicilian link, the Rediffusion Company submitted to the Government of Malta a wired television scheme that would incorporate its own broadcasting services. This scheme was shelved.

When the Italian transmissions began and were received in Malta, the public enthusiasm for this form of entertainment was widespread and it became clear that in due course Malta would have to have its own television service. In 1960 the Government produced a draft Ordinance on broadcasting that included the provision of television services; and tenders were invited. Later in 1960, the Government, having considered other tenders, approached Rediffusion (Malta) Limited with a view to opening negotiations for the provision of a television service in Malta.

It became clear, as the negotiations proceeded, that any new agreements must include the provision of sound services as well as television. Thus the original licence, under which the Company was then operating, and which was due to expire on the 9th October 1965, was re-negotiated to run concurrently with the Television Agreement. During the negotiations for the new Wired Sound Agreement, the question of a wireless sound service was first raised.

At the time these negotiations were taking place, it was observed that a large number of transistor receivers were being imported into the island and, although the setting up of a wireless sound transmitter meant that a competitive service would be introduced and that this might effect the number of subscribers on the Company's wired sound service, it was nevertheless appreciated that there was a strong case for the

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provision of a wireless sound service. Thus a separate agreement was negotiated for the provision of this service. This agreement granted to the Television Company the right and duty to begin operations before September 1966, in which case the Company would have the right to operate such a service exclusively until September 1971. If The Malta Television Service Limited did not begin transmissions before September 1966, the entire agreement would be determined and the Company's rights would be cancelled.

Since the signing of the Wireless Sound Agreement, more and more transistor sets have been imported into the Island, and now it is believed that there are some 30,000 radios - most of them transistors - in service. Because of this increase The Malta Television Service Limited considers that it is proper to exercise its right and duty to set up the wireless sound service since a large proportion of the community is listening to foreign broadcasts, mainly of the 'pop' music kind. The Company believes that it should supply the needs for this type of service if the public requires it.

With this in view equipment was ordered and delivered early in 1964 and test transmissions began during the second quarter of that year. These transmissions were so satisfactory that arrangements were made, provisionally, to open the service on October 1st, 1964. The Broadcasting Authority saw no objection to this time-table. When it became known that Independence was to be granted to Malta it was proposed to open the service in time to cover the Independence Festivities. Unofficial contacts with Government officials indicated that the Government wished to reflect further on the proposal and the Company was requested to defer for the time being any action as regards opening the station. The matter was raised once more in November 1964 with a view to opening the service in January but again Government views, expressed unofficially, asked for the opening to be delayed.

On the 4th January the Company wrote to the Malta Broadcasting Authority asking for the whole subject to be discussed at a meeting at which there would be representatives of the Government, the Authority and ourselves. Nothing resulted from this suggestion.

The Company feels that there is a great demand amongst the population of these islands for a wireless service of the kind which is now run by the BBC Light programme. It is the Company's view that this demand must be met and it is for this reason alone that the Company has taken the step to purchase and instal the necessary equipment which is now unfortunately lying idle. The personnel earmarked to operate this service are having to be detailed for other duties.

The Company also feels that, if the Government has any plans or proposals for setting up a sound transmitter which would broadcast either externally or internally, the introduction of the service proposed by The Malta Television Service Limited will in no way interfere with such plans. According to the terms of the Wireless Sound agreement, the Malta Broadcasting Authority has full rights to set up another transmitter and broadcast its own programmes, irrespective of any action taken by the Contractor.

The situation may be summarised as follows:-

1. The Malta Television Service Limited feels that the large number of people possessing radio sets should be provided with a programme originating in Malta.
2. The Wireless Sound Agreement gives The Malta Television Service Limited the right and duty to provide this service.
3. The Malta Television Service Limited has bought, installed and tested the necessary equipment to do so.
4. The Company has been putting out daily test transmissions for several months.

5. The Broadcasting Authority has found no objection to the opening of the Wireless Sound Service in terms of the existing agreement.
6. Government has unofficially asked The Malta Television Service Limited to withhold action as regards beginning full programme transmissions.
7. The Malta Television Service Limited has agreed to the Government's request but has pointed out that in doing so no useful purpose is being served.
8. The Malta Television Service Limited has said that any plans Government may have to operate its own station will in no way be affected by the action proposed and has suggested a meeting between representatives from Government, the Broadcasting Authority and the Company to clarify the position.
9. The Company now plans to operate the full scale service from the 1st April next.

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 ERH/JF.

L-ARKIVI NAZZJONALI TA' MALTA