Mr Darby submitted the intention of Government was to restore the status quo. The Tribunal considers that, in a matter of interpretation of a regulation which imposes a condition, it is more appropriate to refer to the definitions made by the Minister. To do so would leave the interpretation of the law in the hands of the Executive and that is obviously not the intention of the Broadcasting Act 1976. It seems clear that the Broadcasting Rules Committee has interpreted the regulation as merely restating the conditions of, the opening statement of the rule used to read: “No station shall broadcast any advertisement which directly or by implication . . . is designed to promote the general consumption of alcoholic beverages. Advertisements may only be made in accordance with the following conditions.”

In the new rule the general statement is replaced by a direct quotation of regulation 14 (3) and (4) and the rule then goes on to state: “To meet the requirements of this regulation the warrant holder must ensure that all advertisements associated with the sale of alcohol meet the following conditions.”

The same specific conditions (1) to (6) were repeated. It is clear that the Broadcasting Rules Committee has interpreted the regulation as merely restating the conditions that previously existed.

However, there are important differences—(1) The condition imposed in warrants by regulation 14 stands on its own and is not subject to the detailed rules which applied to the general statement in rule 1.11. In interpreting that general statement Mr Darby was designing to promote the general consumption of alcoholic beverages. Advertisements may only be made in accordance with the following conditions.”

The new rule provides for two separate conditions: (a) That the advertisement promotes the consumption of liquor; and (b) That it is a programme for which payment is made for that purpose.

He said it was significant that the regulation referred to “promotion” in the sense that it was not the intention of the Broadcasting Act 1976. It seems clear that the Broadcasting Rules Committee has interpreted the regulation as merely restating the conditions that previously existed.

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