



Broadcasting Regulatory Policy CRTC 2009-715

Route reference: 2009-377

Ottawa, 23 November 2009

Amendments to the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990*, and the *Specialty Services Regulations, 1990* – Definitions of “Canadian program” and “program”

1. The Commission hereby announces that it has made amendments to the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990* (Pay Television Regulations) and the *Specialty Services Regulations, 1990* (Specialty Services Regulations). The amendments make explicit that the Commission recognizes a program that has been certified by the Minister of Canadian Heritage, on the recommendation of the Canadian Audio-Visual Certification Office or Telefilm Canada, as a Canadian program for the purposes of meeting the regulatory requirements. The amendments also replace the definition of “program” in the Pay Television Regulations and the Specialty Services Regulations to correct an inconsistency between the definition of that term in those regulations and its definition in the *Broadcasting Act*.
2. The Commission issued a call for comments on the proposed amendments in *Call for comments on proposed amendments to the Television Broadcasting Regulations, 1987, the Pay Television Regulations, 1990, and the Specialty Services Regulations, 1990*, Broadcasting Notice of Consultation CRTC 2009-377, 23 June 2009. No comments were received in response to this call. Accordingly, the Commission has adopted the amendments as originally proposed in that notice of consultation.
3. These amendments came into force upon their registration with the Clerk of the Privy Council on 23 October 2009 (SOR/2009-294). The amendments were published in the *Canada Gazette*, Part II on 11 November 2009. A copy of the amendments is appended to this regulatory policy.

Secretary General

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Appendix 1 to Broadcasting Regulatory Policy CRTC 2009-715

REGULATIONS AMENDING CERTAIN REGULATIONS MADE UNDER THE BROADCASTING ACT

TELEVISION BROADCASTING REGULATIONS, 1987

1. The definition “Canadian program” in section 2 of the *Television Broadcasting Regulations, 1987*¹ is replaced by the following:

“Canadian program” means a program

(a) in respect of which a Canadian film or video production certificate referred to in section 125.4 of the *Income Tax Act* has been issued by the Minister of Canadian Heritage, or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in Appendices I and II to Public Notice CRTC 2000-42 dated March 17, 2000, entitled *Certification for Canadian Programs – A Revised Approach* and published in the *Canada Gazette*, Part I, on May 20, 2000; (*émission canadienne*)

PAY TELEVISION REGULATIONS, 1990

2. The definitions “Canadian program” and “program” in subsection 2(1) of the *Pay Television Regulations, 1990*² are replaced by the following:

“Canadian program” means a program

(a) in respect of which a Canadian film or video production certificate referred to in section 125.4 of the *Income Tax Act* has been issued by the Minister of Canadian Heritage, or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in Appendices I and II to Public Notice CRTC 2000-42 dated March 17, 2000, entitled *Certification for Canadian Programs – A Revised Approach* and published in the *Canada Gazette*, Part I, on May 20, 2000; (*émission canadienne*)

“program” means a broadcast presentation of sound and visual matter that is designed to inform or entertain and that falls into a category set out in item 6, column I, of Schedule I, but does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text; (*émission*)

¹ SOR/87-49

² SOR/90-105

SPECIALTY SERVICES REGULATIONS, 1990

3. The definitions “Canadian program” and “program” in section 2 of the *Specialty Services Regulations, 1990*³ are replaced by the following:

“Canadian program” means a program

(a) in respect of which a Canadian film or video production certificate referred to in section 125.4 of the *Income Tax Act* has been issued by the Minister of Canadian Heritage, or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in Appendices I and II to Public Notice CRTC 2000-42 dated March 17, 2000, entitled *Certification for Canadian Programs – A Revised Approach* and published in the *Canada Gazette*, Part I, on May 20, 2000; (*émission canadienne*)

“program” means a broadcast presentation of sound and visual matter that is designed to inform or entertain and that falls into a category set out in item 6, column I, of Schedule I, but does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text; (*émission*)

COMING INTO FORCE

4. These Regulations come into force on the day on which they are registered.

³ SOR/90-106