



**COMMUNICATIONS
AUTHORITY OF KENYA**

Our Ref: CA/MMS/BC/GEN/ Vol. XIV

9th September 2021

ALL BROADCASTING STATIONS

Dear Sir/Madam

**RE: AIRING OF GAMING ACTIVITIES (BETTING,
LOTTERIES, PRIZE COMPETITIONS/PROMOTIONS AND
RELATED ADVERTISEMENTS)**

The above subject matter refers.

We have noted with concern through our media monitoring and complaints from the general public that broadcasting stations are airing programming promoting gaming and related adverts in blatant violation of the provisions of the Kenya Information & Communications Act 1998 (KICA CAP411A), Kenya Communications (Broadcasting) Regulations 2009, the Programming Code and broadcasting licence conditions as well as the Betting, Lotteries and Gaming Act, Chapter 131 Laws of Kenya. As a result, broadcasting stations have been airing misleading programming that promotes and glorifies gaming activities and associated advertisements during the watershed period, thereby exposing vulnerable persons especially children and the youth to harm.

The Authority wishes to remind broadcasters that any airing of gaming activities (betting, lotteries, and prize competitions/promotions) together with related advertisements on broadcasting platforms must fully comply with the relevant provisions of the Act, the Broadcasting Regulations, the Programming Code and the relevant broadcasting licence conditions. In addition, broadcasters are required by licence conditions to ensure that the broadcast services and promotional material must not facilitate or encourage anything, which is in any way unlawful nor be of a kind that is likely to mislead through inaccuracy, ambiguity, exaggeration, omission or otherwise, nor seek to take unfair advantage of any characteristic or circumstance which may make Consumers vulnerable.

Please take note that section 2 of the KICA CAP411A, Sections 20 and 34 of Broadcasting Regulations as well as Section 3 of the Programming Code

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guidelines require broadcasters not to air programming that is intended for adult audience and unsuitable for children during the watershed period. For avoidance of doubt, watershed period is defined by the above stated regulatory instruments as the period from 5.00 am to 10.00 pm East African time.

The Authority further wishes to draw your attention to the attached Addendum Ref. BCLB 8/71 VOL.I(51) dated 6th September 2021 from Betting Control and Licensing Board (BCLB) to all Gaming Operators prohibiting the airing of gaming activities and advertisements during the watershed period in view of the fact that all licensed gaming activities are intended strictly for persons over the age of 18 years.

In this regard, the Authority therefore **DIRECTS** that effective from the date of this communique, no broadcasting station shall air programming that promotes gaming activities and related advertisements during watershed period, that is from 5.00 am to 10.00 pm East African time as prescribed in the Broadcasting Regulations.

Therefore, any airing of licensed gaming activities and gaming advertisements on broadcasting platforms, whether inhouse or from third parties, shall only be permitted from 10.00 pm to 5.00 am, provided all such programming shall be in full compliance with BCLB's advertising guidelines as well as strictly adhere to the approved BCLB messaging for the specific licensed gaming activity.

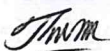
TAKE NOTICE that failure to comply fully with the above directive shall lead to appropriate regulatory action being taken against any violation which include but not limited to levying of penalties as prescribed in Section 83A of the Act, suspension of broadcasting licence, and revocation of assigned broadcasting frequencies and/or licences where applicable.

Your uttermost compliance and cooperation will be appreciated.

Yours faithfully,

Tom Olwero

For: DIRECTOR GENERAL



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