



**SCHOOL OF HUMANITIES & SOCIAL SCIENCES**  
**BACHELOR OF ARTS IN COMMUNICATION**  
**BAC 3103 MEDIA LAW AND ETHICS**  
**END OF SEMESTER EXAM**

**Date: Friday 13<sup>th</sup> November 2020**

**Time: 13:30 – 15:30**

---

---

**Instructions**

Answer ALL questions in Section A and ALL questions in Section B.

**SECTION A (30 MARKS)**

1. Which of the following statements is UNTRUE in respect to aspirations of the law in Kenya?

- (a) The law should allow journalists to access the information that they may need to report accurately on an issue.
- (b) The law should allow reporters to access the sources that may be essential to report on a story.
- (c) The law should allow journalists to have access to important documents that may be necessary in the journalists' efforts to carry out their responsibility.
- (d) The law should give journalists latitude to operate outside its boundaries if they seek access to information that serves a common good.

2. Which of the following statements is UNTRUE.

- (a) The Media Council of Kenya Act designs a standard of behavior for journalists
- (b) A slanderous statement must be in permanent form.
- (c) The Editors Guild in Kenya cannot compel newspapers to take an editorial position on an issue.
- (d) The Freedom of Information should have been in force in Kenya since 2010.

3. Indicate what is referred to as actual malice as it applies to libel.
- (a) Act done with good intentions even if unsuccessful or misguided
  - (b) Failure to exercise reasonable care.
  - (c) Knowledge of falsity or reckless disregard for the truth.
  - (d) The quality of being well meaning.

4. Some of the more common reasons a sub-editor might invite legal sanctions include:

- (a) Lack of accreditation.
- (b) Careless in editing and in news handling
- (c) Lack of academic qualifications
- (d) Denial of absolute privilege protections.

5. The law has traditionally shielded statements of opinion from suits of defamation. Which of the items below do not enjoy the protection of fair comment in a libel suit?

- (a) A newspaper review of paintings in an art gallery.
- (b) A news report about a violent political rally.
- (c) A news analysis of the coronavirus pandemic.
- (d) A reviewer's critique of a restaurant's cuisine.

6. Which of the following is not among the listed works that enjoy copyright protection under Article 22 of the Kenya Copyright Law?

- (a) Literary works
- (b) Patented technology
- (c) Musical works
- (d) Audio-visual works

7. Which of the following is untrue: After hearing the Complainant, the Communication and Multimedia Appeals Tribunal may make any of the following orders;

- (a) Request the offending party to consider publishing an apology and correction in such manner as the Tribunal may specify
- (b) Order the return, repair, or replacement of any equipment or material confiscated or destroyed
- (c) Make any directive and declaration on freedom of expression
- (d) Issue a public reprimand of the journalist or media enterprise involved

8. Only one of the following institutions is a member of the Media Council of Kenya's 13-member panel.

- (a) National Sportswriters Guild
- (b) Judicial Service Commission
- (c) National Correspondents Council
- (d) Public Relations Society of Kenya

9. One of the following statements is untrue in regard to the powers of the Media Council of Kenya.

- (a) To establish and maintain an internal mechanism for the resolution of disputes
- (b) To determine the frequencies to be allocated to broadcasters
- (c) To prescribe procedures for determination of disputes relating to the media
- (d) To receive, investigate and deal with complaints made against journalists and media enterprises

10. Any word, symbol or device—or a combination of the three—that differentiates an individual's goods and services from the goods and services of the competition is known as a .....

- (a) Patent
- (b) Trademark
- (c) Copyright
- (d) Franchise

11. One of the following cannot be sued for libel when a defamatory report is published in a daily newspaper.

- (a) The proprietor
- (b) The publisher
- (c) The editor
- (d) The media regulator

12. Who among the following made this statement: "The rationale for media regulation must be identified and the impact of regulation must be exhaustively examined."

- (a) Alexis Tan
- (b) Mike Fentuck
- (c) James Tankard
- (d) Sandra Reach-Boll

*For questions 13 through to 15, indicate if the statements provided are TRUE or FALSE.*

13. The body that determines the age rating of films in Kenya is the National Film Classification Board.

- (a) True
- (b) False

14. A statement can be defamatory even if it is not made known to a second party

- (a) True
- (b) False

15. The Media Council of Kenya Code of Ethics states the following:  
Journalists shall not use financial information they receive, and shall not pass the information to others except in exceptional circumstances.☒

- (a) True
- (b) False

## **SECTION B (30 MARKS)**

### **Answer All Questions**

16. Policies give direction to journalists and ensures that they understand their operating environment. Describe some of the guiding principles of a media house you discussed in class and explain how FIVE of these policies have helped define ethical boundaries

17. In a defamation case against The Standard, Justice JM Mativo dismissed three defences put up by the publication. Discuss the three reasons why he took this position.

18 (a) Explain FIVE defences available to an editor accused of breach of copyright.

(b) Giving examples of incidents in Kenya, identify three factors that a newspaper should consider when assessing whether or not to publish a potentially defamatory statement.