



# Broadcasting Act 1990

## 1990 CHAPTER 42

### <sup>F1</sup>PART I

#### INDEPENDENT TELEVISION SERVICES

#### CHAPTER 1

#### REGULATION BY COMMISSION OF TELEVISION SERVICES GENERALLY

#### *Function of Commission*

### 2 Regulation by Commission of provision of television services.

- (1) It shall be the function of the Commission to regulate, in accordance with this Part [<sup>F1</sup>and Part I of the Broadcasting Act 1996], the provision of the following services, namely—
- (a) television programme services [<sup>F2</sup>(other than satellite television services and digital programme services)] which are provided from places in the United Kingdom by persons other than the BBC and the Welsh Authority, <sup>F3</sup> . . .
  - [<sup>F4</sup>(aa) satellite television services (as defined by section 43(1)) provided by persons other than the BBC and the Welsh Authority,]
  - (b) additional services which are provided from places in the United Kingdom,
  - [<sup>F5</sup>(c) multiplex services (as defined by section 1(1) of the Broadcasting Act 1996) which are provided from places in the United Kingdom by persons other than the BBC,
  - [<sup>F6</sup>(cc) digital programme services (as defined by section 1(4) of the Broadcasting Act 1996) provided by persons who for the purposes of Council Directive [89/552/EEC](#) are under the jurisdiction of the United Kingdom, other than the BBC and the Welsh Authority,; and]
  - [<sup>F7</sup>(d) digital additional services (as defined by section 24(1) of the Broadcasting Act 1996) provided by persons who for the purposes of Council Directive [89/552/EEC](#) are under the jurisdiction of the United Kingdom, other than the BBC.]]

*Status: Point in time view as at 30/12/1998.*

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and to regulate, in accordance with Part II, the provision of local delivery services (within the meaning of that Part) which are so provided.

- (2) It shall be the duty of the Commission—
- (a) to discharge their functions under this Part and Part II <sup>[F8]</sup>and under Part I of the Broadcasting Act 1996] as respects the licensing of the services referred to in subsection (1) in the manner which they consider is best calculated—
    - (i) to ensure that a wide range of such services is available throughout the United Kingdom, and
    - (ii) to ensure fair and effective competition in the provision of such services and services connected with them; and
  - (b) to discharge their functions under this Part <sup>[F9]</sup>and Part I of the Broadcasting Act 1996]as respects the licensing of television programme services <sup>[F9]</sup>and multiplex services (as defined by section 1(1) of that Act)]in the manner which they consider is best calculated to ensure the provision of <sup>[F10]</sup>television programme services.] which (taken as a whole) are of high quality and offer a wide range of programmes calculated to appeal to a variety of tastes and interests.
- (3) Subsection (2)(a)(ii) shall not be construed as affecting the discharge by the Director General of Fair Trading, the Secretary of State or the Monopolies and Mergers Commission of any of his or their functions in connection with competition.
- (4) In this Part—
- “additional service” has the meaning given by section 48(1); and
- “television programme service” means—
- (a) a television broadcasting service (as defined by subsection (5));
  - <sup>[F11]</sup>(aa) a restricted service (as defined by section 42A);]
  - <sup>[F12]</sup>(b) a satellite television service (as defined by section 43(1));]
  - (c) a licensable programme service (as defined by section 46(1)). <sup>[F13]</sup>or
  - (d) a digital programme service (as defined by section 1(4) of the Broadcasting Act 1996).]
- (5) In this Part “television broadcasting service” means (subject to subsection (6)) a service consisting in the broadcasting of television programmes for general reception in, or in any area in, the United Kingdom, <sup>F14</sup>. . . <sup>[F15]</sup>but not including a restricted service (as defined by section 42A) <sup>[F16]</sup>, a satellite television service (as defined by section 43(1)),]or a multiplex service (as defined by section 1(1) of the Broadcasting Act 1996)]
- (6) Subsection (5) does not apply to any teletext service or any other service in the case of which the visual images broadcast in the service consist wholly or mainly of non-representational images, that is to say visual images which are neither still pictures nor comprised within sequences of visual images capable of being seen as moving pictures.

#### Textual Amendments

- F1** Words in s. 2(1) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. 1 para. 1(2)(a)**; S.I. 1996/2120, art. 4, **Sch. 1**
- F2** Words in s. 2(1)(a) substituted (30.12.1998) by S.I. 1998/3196, reg. 2, **Sch. para. 1(2)(a)**

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- F3** Word in S. 2(1)(a) repealed (1.10.1996) by 1996 c. 55, s. 148(2), **Sch. 11 Pt. I**; S.I. 1996/2120, art. 4, **Sch. 1**
- F4** S. 2 (1)(aa) inserted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 1(2)(b)**
- F5** S. 2(1)(c)(d) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 1(2)(b)**; S.I. 1996/2120, art. 4, **Sch. 1**
- F6** S. 2(1)(cc) inserted (30.12.1998) by S.I. 1998/3196, reg. 2, **Sch. para. 1(2)(b)**
- F7** S. 2(1)(d) substituted (30.12.1998) by S.I. 1998/3196, reg. 2, **Sch. para. 1(2)(c)**
- F8** Words in s. 2(2)(a) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 1(3)(a)**; S.I. 1996/2120, art. 4, **Sch. 1**
- F9** Words in s. 2(2)(b) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 1(3)(b)**; S.I. 1996/2120, art. 4, **Sch. 1**
- F10** Words in S. 2(2)(b) substituted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 1(3)(b)**; S.I. 1996/2120, art. 4, **Sch. 1**
- F11** S. 2(4)(aa) inserted (1.4.1997) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. II para. 12**; S.I. 1997/1005, **art. 4**
- F12** S. 2(4)(b) substituted (11.7.1997) by S.I. 1997/1682, reg.2, **Sch. para. 1(3)**
- F13** Word or and sub-section (d) inserted (1.10.1996) after s. 2(4)(c) by 1996 c. 55, s.148(1), **Sch. 10 Pt. I para. 1(4)**; S.I. 1996/2120, art. 4, **Sch. 1**
- F14** Words in S. 2(5) omitted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 1(4)(a)**
- F15** Words inserted at the end of S. 2(5) (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 1(5)**; S.I. 1996/2120, art. 4, **Sch.**
- F16** Words in S. 2(5) inserted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 1(4)(b)**

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