



Broadcasting Act 1990

1990 CHAPTER 42

PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER II

TELEVISION BROADCASTING ON CHANNELS 3, 4 AND 5

Channel 5

28 Channel 5

- (1) The Commission shall do all that they can to secure the provision of a television broadcasting service for any such minimum area of the United Kingdom as may be determined by them in accordance with subsection (2); and any such service shall be known as Channel 5.
- (2) In determining the minimum area of the United Kingdom for which Channel 5 is to be provided the Commission shall have regard to the following consideration, namely that the service should, so far as is reasonably practicable, make the most effective use of the frequencies on which it is to be provided.
- (3) If the Commission so determine, Channel 5 shall be provided under a particular licence only between such times of the day or on such days of the week (or both) as they may determine.
- (4) Where the Commission have granted a licence to provide Channel 5, they may, if it appears to them to be appropriate to do so in view of any lack of facilities available for transmitting the service, dispense with any requirement to provide the service for such part of the area referred to in subsection (2) as they may determine; and any such dispensation shall have effect for such period as they may determine.

Status: This is the original version (as it was originally enacted).

29 Application to Channel 5 of provisions relating to Channel 3

- (1) Subject to subsections (2) and (3), sections 15 to 21 shall apply in relation to a Channel 5 licence as they apply in relation to a regional Channel 3 licence.
- (2) In its application in relation to a Channel 5 licence—
 - (a) section 15(1)(b)(i) shall be read as referring to any such minimum area of the United Kingdom as is determined by the Commission in accordance with section 28(2); and
 - (b) section 16(2) shall (except where subsection (3) below applies) have effect with the omission of paragraphs (c) and (d).
- (3) Where the Commission make a determination under section 28(3), section 16(2) shall, in its application in relation to each Channel 5 licence, have effect to such extent as they may determine to be appropriate having regard to the nature of the service to be provided under that licence.

30 Initial Channel 5 licensee required to retune equipment susceptible to interference

- (1) A Channel 5 licence which is in force at the commencement of the provision of Channel 5 shall include conditions—
 - (a) requiring the holder of the licence to make arrangements for any relevant equipment to be retuned or otherwise modified—
 - (i) at the request of the person by whom the equipment is kept (being a request made before such date as is specified in the conditions), and
 - (ii) without charge to that person,
 so far as is necessary to prevent the equipment from suffering interference caused by the transmission of Channel 5;
 - (b) requiring all work falling to be carried out under the arrangements—
 - (i) to be carried out in a proper manner, and
 - (ii) to be completed within such period as is specified in the conditions; and
 - (c) enabling the Commission to determine whether work carried out under the arrangements is carried out in a proper manner.
- (2) Any such Channel 5 licence shall also include conditions requiring the holder of the licence to publicise, in such manner as may be approved by the Commission, information with respect to—
 - (a) the likelihood of different kinds of equipment suffering interference caused by the transmission of Channel 5;
 - (b) the arrangements which the holder of the licence is required to make by virtue of conditions imposed in pursuance of subsection (1); and
 - (c) the kinds of equipment in relation to which those arrangements are to be so made.
- (3) The holder of a Channel 5 licence shall not be required, by virtue of conditions imposed in pursuance of subsection (1), to make any such arrangements as are mentioned in that subsection in relation to any relevant equipment—
 - (a) unless the equipment—

Status: This is the original version (as it was originally enacted).

- (i) is, on the date of the making of such a request as is referred to in paragraph (a)(i) of that subsection, kept by the person in question wholly or mainly for domestic purposes, and
 - (ii) was so kept by that person on the commencement date (if that date occurred before the date mentioned in sub-paragraph (i) above); or
- (b) if the equipment would not be liable to suffer interference caused by the transmission of Channel 5 but for the installation at the place where the equipment is kept of any apparatus for enabling that service to be received there;

and, where any relevant equipment has been retuned or otherwise modified in accordance with any such conditions, the holder of such a licence shall not be required by virtue of any such conditions to make arrangements on any subsequent occasion for the retuning or other modification of that equipment.

- (4) Any dispute as to when the commencement date occurred in the case of any relevant equipment shall be determined by the Commission.

- (5) Where—

- (a) in accordance with section 28(3), more than one Channel 5 licence is in force at the same time, and
- (b) each of the licences includes such conditions as are mentioned in subsections (1) and (2),

the holders of the licences shall each comply with those conditions to such extent as the Commission may determine in relation to him.

- (6) Where the holder of a Channel 5 licence is required, by virtue of conditions imposed in pursuance of subsection (1), to make any such arrangements as are mentioned in that subsection in relation to any relevant equipment, those conditions shall be taken as requiring him in addition to make arrangements for any television set connected to that equipment to be retuned—

- (a) at the request of the person by whom the equipment is kept, and
- (b) without charge to that person,

so far as is necessary to enable it to be used in conjunction with the equipment (as retuned or otherwise modified); and subsections (1)(b) and (c) and (2)(b) shall have effect in relation to those arrangements as they have effect in relation to any such arrangements as are mentioned in subsection (1)(a).

- (7) In this section—

“the commencement date”, in relation to any relevant equipment, means the date when Channel 5 began to be provided for reception in an area which includes the place where the equipment is kept on the date of the making of such a request as is referred to in subsection (1)(a)(i); and

“relevant equipment” means any equipment which is capable of transmitting self-generated electromagnetic signals for reception by a television set connected to it and which is liable, if used without being retuned or otherwise modified, to suffer interference caused by the transmission of Channel 5.