



Broadcasting Act 1990

1990 CHAPTER 42

^{F1}PART I U.K.

INDEPENDENT TELEVISION SERVICES

CHAPTER III U.K.

SATELLITE TELEVISION SERVICES

43 Domestic and non-domestic satellite services. U.K.

- (1) In this Part “domestic satellite service” means a television broadcasting service where the television programmes included in the service are transmitted by satellite from a place in the United Kingdom—
- (a) on an allocated frequency, and
 - (b) for general reception in the United Kingdom.
- (2) In this Part “non-domestic satellite service” means—
- (a) a service which consists in the transmission of television programmes by satellite—
 - (i) otherwise than on an allocated frequency, and
 - (ii) for general reception in the United Kingdom or in any prescribed country (or both),where the programmes are transmitted from a place in the United Kingdom; or
 - (b) a service which consists in the transmission of television programmes by satellite—
 - (i) from a place which is neither in the United Kingdom nor in any prescribed country, but
 - (ii) for such reception as is mentioned in paragraph (a) (ii),if and to the extent that the programmes included in it consist of material provided by a person in the United Kingdom who is in a position to determine

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what is to be included in the service (so far as it consists of programme material provided by him).

(3) For the purposes of this Part non-domestic satellite services shall be regarded as provided by the following persons—

- (a) a service falling within subsection (2)(a)—
 - (i) shall, if and to the extent that the programmes included in it consist of material provided by a person in the United Kingdom who is in a position to determine what is to be included in the service (so far as it consists of programme material provided by him), be regarded as provided by that person (whether the programmes are transmitted by him or not), but
 - (ii) shall otherwise be regarded as provided by the person by whom the programmes are transmitted; and
- (b) a service falling within subsection (2)(b) shall be regarded as provided by the person by whom the programme material in question is provided as mentioned in that provision.

(4) In this section—

“allocated frequency” means a frequency allocated to the United Kingdom for broadcasting by satellite;

“prescribed country” means any country specified in an order made by the Secretary of State for the purposes of this subsection.

44 Licensing etc. of domestic satellite services. U.K.

(1) The Commission may grant such licences to provide domestic satellite services as they may determine.

(2) Without prejudice to the generality of section 3(2), a licence to provide a domestic satellite service may authorise the provision of a service which to any extent consists in the simultaneous transmission of different programmes on different frequencies.

(3) Subject to subsection (4), the following provisions, namely—

- (a) sections 15 to 20,
- (b) section 33, and
- (c) sections 38 and 40 to 42,

shall apply in relation to a licence to provide a domestic satellite service as they apply in relation to a licence to provide a Channel 3 service.

(4) In its application in relation to a licence to provide a domestic satellite service—

- (a) section 15(1) shall have effect with the omission of paragraph (b);
- (b) section 16 shall have effect as if the licence were a licence to provide a regional Channel 3 licence, but with the omission of paragraphs (a) to (f) of subsection (2);
- (c) section 18 shall have effect with the omission of subsections (3) to (5); and
- (d) section 20 shall have effect—
 - (i) with the substitution in subsection (1) of “fifteen years” for “ten years” in both places where those words occur, and
 - (ii) with the omission of subsection (4)(b).

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45 Licensing etc. of non-domestic satellite services. U.K.

- (1) An application for a licence to provide a non-domestic satellite service shall—
 - (a) be made in such manner as the Commission may determine; and
 - (b) be accompanied by such fee (if any) as they may determine.
- (2) Where such an application is duly made to the Commission, they may only refuse to grant the licence applied for if it appears to them that the service which would be provided under the licence would not comply with the requirements of section 6(1).
- (3) Section 44(2) shall apply to a licence to provide a non-domestic satellite service as it applies to a licence to provide a domestic satellite service.
- (4) Any licence granted by the Commission to provide a non-domestic satellite service shall (subject to the provisions of this Part) continue in force for a period of ten years.
- (5) Subject to subsections (6) and (7), sections 40 to 42 shall apply in relation to such a licence as they apply in relation to a licence to provide a Channel 3 service.
- (6) In its application in relation to a licence to provide a non-domestic satellite service, section 41 shall have effect with the omission of subsection (2); and the maximum amount which the holder of such a licence may be required to pay by way of a financial penalty imposed in pursuance of subsection (1)(a) of that section shall instead be £50,000.
- (7) Section 42 shall apply in relation to such a licence with the omission of subsection (7).
- (8) The Secretary of State may by order amend subsection (6) by substituting a different sum for the sum for the time being specified there.
- (9) Any order under subsection (8) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 01/11/1996

[^{F1}45A Special power of revocation and suspension on certain grounds in case of licence to provide non-domestic satellite service. U.K.]

- (1) If the Commission are satisfied—
 - (a) that the holder of a licence to provide a non-domestic satellite service has included in the service one or more programmes containing material likely to encourage or incite to crime or to lead to disorder,
 - (b) that he has thereby failed to comply with a condition included in the licence in pursuance of section 6(1)(a), and
 - (c) that the failure is such as to justify the revocation of the licence,they shall serve on the holder of the licence a notice under subsection (2).
- (2) A notice under this subsection is a notice—
 - (a) stating that the Commission are satisfied as mentioned in subsection (1),
 - (b) specifying the respects in which, in their opinion, the licence holder has failed to comply with the condition mentioned in paragraph (b) of that subsection,

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- (c) stating that the Commission may revoke his licence after the end of the period of twenty-one days beginning with the date on which the notice is served on the licence holder,
 - (d) informing the licence holder of his right to make representations to the Commission within that period about the matters complained of, and
 - (e) suspending the licence as from the time when the notice is served on the licence holder until the revocation takes effect or the Commission decide not to revoke the licence.
- (3) If the Commission, having considered any representations about the matters complained of made to them within the period referred to in subsection (2)(c) by the licence holder, are satisfied that it is necessary in the public interest to revoke the licence in question, they shall serve on the licence holder a notice revoking the licence.
- (4) A notice under subsection (3) shall not take effect until the end of the period of twenty-eight days beginning with the day on which that notice was served on the licence holder.
- (5) Section 42 (as applied by section 45(5)) shall not have effect in relation to the revocation of a licence in pursuance of a notice under subsection (1).]

Textual Amendments

F1 S. 45A inserted (1.11.1996) by 1996 c. 55, s. 89 (with s. 43(1)(6)); S.I. 1996/2120, art. 5, Sch. 2

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