



Broadcasting Act 1990

1990 CHAPTER 42

^{F1}PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER III

SATELLITE TELEVISION SERVICES

^{F1}43 Satellite television services.

- (1) In this Part “satellite television service” means a service which—
 - (a) consists in the transmission for general reception of television programmes by satellite; and
 - (b) is provided by a person who for the purposes of Council Directive [89/552/EEC](#) is under the jurisdiction of the United Kingdom.
- (2) For the purposes of this Act any satellite television service which is composed by, and transmitted for, a BBC company, a Channel 4 company or an S4C company shall be regarded as provided by that company and not by the relevant broadcasting body (even if the relevant broadcasting body is in a position to determine what is to be included in the service).
- (3) In this section “relevant broadcasting body” means—
 - (a) in relation to a BBC company, the BBC,
 - (b) in relation to a Channel 4 company, the Channel Four Television Corporation, and
 - (c) in relation to an S4C company, the Welsh Authority.]

Textual Amendments

F1 S. 43 substituted (30.12.1998) by [S.I. 1998/3196](#), reg. 2, [Sch. para. 2](#)

Status: Point in time view as at 30/12/1998.

Changes to legislation: Broadcasting Act 1990, Chapter III is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F2 44 Licensing etc. of domestic satellite services.

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Textual Amendments
F2 S. 44 repealed (11.7.1997) by S.I. 1997/1682, arts. 1(2), 2, Sch. para. 4

45 Licensing etc. of [F3 satellite television]services.

- (1) An application for a licence to provide a [F4 satellite television]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).
- [F5(3) Without prejudice to the generality of section 3(2), a licence to provide a satellite television service may authorise the provision of a service which to any extent consists in the simultaneous transmission of different programmes on different frequencies.]
- (4) Any licence granted by the Commission to provide a [F4 satellite television]service shall (subject to the provisions of this Part) continue in force for a period of ten years.
- (5) Subject to subsections (6) [F6to] (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 [F4 satellite television] 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 [F7shall not exceed whichever is the greater of—
 - (a) £50,000, and
 - (b) the amount determined under subsection (6A).
- (6A) The amount referred to in subsection (6)(b) is—
 - (a) in a case where a penalty under section 41(1)(a) has not previously been imposed on the holder of the licence during any period for which his licence has been in force (“the relevant period”), 3 per cent. of the qualifying revenue for his last complete accounting period (as determined in accordance with section 19(2) to (6)); and
 - (b) in any other case, 5 per cent. of the qualifying revenue for that accounting period (as so determined);
 and in relation to a person whose first complete accounting period falling within the relevant period has not yet ended, paragraphs (a) and (b) above shall be construed as referring to 3, or (as the case may be) 5, per cent. of the amount which the Commission estimate to be the qualifying revenue for that accounting period (as so determined).]
- (7) Section 42 shall apply in relation to such a licence with the omission of subsection (7).
- [F8(8)
- [F8(9)

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Textual Amendments

- F3** Words in sidenote to s. 45 substituted (11.7.1997) by S.I. 1996/1682, reg. 2, **Sch. para.5(2)**
- F4** Words in s. 45(1)(4)(6) substituted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 5(2)**
- F5** S. 45(3) substituted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 5(3)**
- F6** Word in s. 45(5) substituted (24.7.1996) by 1996 c. 55, **ss. 88(2)**, 149(1)(e) (with s. 43(1)(6))
- F7** Words and s. 45(6A) substituted (24.7.1996) for words in s. 45(6) by 1996 c. 55, **ss. 88(3)**, 149(1)(e) (with s. 43(1)(6))
- F8** S. 45(8)(9) repealed (24.7.1996) by 1996 c. 55, **ss. 88(4)**, 149(1)(i), **Sch. 11 Pt. I** (with s. 43(1)(6))

[^{F9}45A Special power of revocation and suspension on certain grounds in case of licence to provide [^{F10}satellite television] service.

- (1) If the Commission are satisfied—
- that the holder of a licence to provide a [^{F11}satellite television]service has included in the service one or more programmes containing material likely to encourage or incite to crime or to lead to disorder,
 - that he has thereby failed to comply with a condition included in the licence in pursuance of section 6(1)(a), and
 - 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—
- stating that the Commission are satisfied as mentioned in subsection (1),
 - 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,
 - 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,
 - informing the licence holder of his right to make representations to the Commission within that period about the matters complained of, and
 - 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

- F9** 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**
- F10** Sidenote in s. 45A substituted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 6**

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F11 Words in s. 45A(1)(a) substituted (11.7.1997) by S.I. 1997/1682, reg. 2, **Sch. para. 6**

Status:

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