



# Broadcasting Act 1996

## 1996 CHAPTER 55

### PART VIII

#### MISCELLANEOUS AND GENERAL

##### *Standards for transmission systems*

#### **142 Standards for transmission systems**

- (1) The Independent Television Commission (in this section referred to as “the Commission”) shall do all that they can to secure that every licensed service uses a transmission system complying with Article 2 of Council Directive [95/47/EC](#) on the use of standards for the transmission of television signals (“the Directive”).
- (2) In this section “Community digital standard” means any of the alternatives permitted within the mandatory parts of the standards to be met by a transmission system for the purpose of complying with Article 2(c) of the Directive (which relates to television services that are fully digital).
- (3) The Commission may, after consultation with the persons specified in subsection (6), specify particular Community digital standards to be met in the provision of licensed services which are fully digital.
- (4) In deciding whether, and if so how, to exercise their powers under subsection (3), the Commission shall, in particular—
  - (a) have regard to the desirability of promoting—
    - (i) mutual technical compatibility between digital television services, and
    - (ii) the development of digital television broadcasting, and
  - (b) consider whether it would be reasonably practicable for persons providing licensed services which are fully digital to use transmission systems meeting the Community digital standards in question.
- (5) Where the Commission have exercised their powers under subsection (3), they shall—

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- (a) publish notice of their determination in such manner as they think fit, and
  - (b) do all that they can to secure that any licensed service which is fully digital uses a transmission system meeting the Community digital standards specified under that subsection.
- (6) The persons referred to in subsection (3) are—
- (a) every person providing a licensed service,
  - (b) the BBC,
  - (c) the Welsh Authority,
  - (d) the Secretary of State,
  - (e) the Director General of Telecommunications,
  - (f) the Director General of Fair Trading,
  - (g) such persons appearing to them to represent manufacturers of television broadcasting or receiving equipment as they think fit,
  - (h) such persons appearing to them to represent viewers as they think fit, and
  - (i) such other persons as they think fit.

(7) In this section—

“licensed service” means any service licensed by the Commission under Part I of this Act or Part I or II of the 1990 Act or provided under a relevant cable licence, but does not include any service which is only broadcast or transmitted for reception outside the European Economic Area;

“relevant cable licence” means a relevant licence within the meaning of Part III of Schedule 12 to the 1990 Act (transitional provisions relating to existing cable services).

*Disqualification on grounds relating to political objects*

**143 Duties of Independent Television Commission and Radio Authority in cases involving disqualification on grounds related to political objects**

- (1) If it appears to the Independent Television Commission that there are grounds for suspecting that any person who is an applicant for a licence under Part I or II of the 1990 Act or Part I of this Act is by virtue of any of the provisions specified in subsection (5) a disqualified person in relation to that licence, the Commission shall be regarded as failing to discharge their duty under section 5(1) of the 1990 Act, or as the case may be section 5(1) of this Act, if they grant the licence to that person without being provided with information which satisfies them that he is not on those grounds a disqualified person by virtue of that provision.
- (2) If it appears to the Independent Television Commission that there are grounds for suspecting that any person who is the holder of a licence under Parts I or II of the 1990 Act or Part I of this Act is by virtue of any of the provisions specified in subsection (5) a disqualified person in relation to that licence, the Commission shall be regarded as failing to discharge their duty under section 5(1) of the 1990 Act, or as the case may be section 5(1) of this Act, unless—
- (a) they require him to provide them with information for the purpose of determining whether he is on those grounds a disqualified person by virtue of that provision, and
  - (b) if they are satisfied that he is a disqualified person, they revoke the licence.

- (3) If it appears to the Radio Authority that there are grounds for suspecting that any person who is an applicant for a licence under Part III of the 1990 Act or Part II of this Act is by virtue of any of the provisions specified in subsection (5) a disqualified person in relation to that licence, the Authority shall be regarded as failing to discharge their duty under section 88(1) of the 1990 Act, or as the case may be section 44(1) of this Act, if they grant the licence to that person without being provided with information which satisfies them that he is not on those grounds a disqualified person by virtue of that provision.
- (4) If it appears to the Radio Authority that there are grounds for suspecting that any person who is the holder of a licence under Part III of the 1990 Act or Part II of this Act is by virtue of any of the provisions specified in subsection (5) a disqualified person in relation to that licence, the Authority shall be regarded as failing to discharge their duty under section 88(1) of the 1990 Act, or as the case may be section 44(1) of this Act, unless—
- (a) they require him to provide them with information for the purpose of determining whether he is a disqualified person on those grounds by virtue of that provision, and
  - (b) if they are satisfied that he is a disqualified person, they revoke the licence.
- (5) The provisions referred to in subsections (1) to (4) are the following provisions of paragraph 1(1) of Part II of Schedule 2 to the 1990 Act—
- (a) paragraphs (d) to (g),
  - (b) paragraph (h) so far as relating to participation by bodies falling within paragraph (d), (e) or (g),
  - (c) paragraph (hh) so far as relating to a body corporate controlled by a body corporate in which a body falling within paragraph (d), (e) or (g) is a participant with more than a 5 per cent. interest,
  - (d) paragraph (i) so far as relating to control by a person falling within any of paragraphs (d) to (g) or by two or more such persons, and
  - (e) paragraph (j) so far as relating to participation by a body corporate which is controlled by a person falling within any of paragraphs (d) to (g) or by two or more such persons.
- (6) Nothing in subsections (1) to (5) shall be taken to limit the generality of—
- (a) the duty imposed on the Independent Television Commission by section 5(1) of the 1990 Act or section 5(1) of this Act, or
  - (b) the duty imposed on the Radio Authority by section 88(1) of the 1990 Act or section 44(1) of this Act.

*Provision of false information, etc.*

**144 Offence of providing false information in certain circumstances**

- (1) A person who, in connection with an application by him for, or his continued holding of, a licence under the 1990 Act or this Act—
- (a) makes to the relevant authority a statement which he knows to be false in a material particular, or
  - (b) recklessly makes to the relevant authority a statement which is false in a material particular,

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is guilty of an offence if the statement relates to a matter which would be relevant in determining whether he is by virtue of any of the provisions specified in subsection (3) a disqualified person, and he is by virtue of any of those provisions a disqualified person in relation to that licence.

- (2) A person who, in connection with an application by him for, or his continued holding of, a licence under the 1990 Act or this Act, withholds any information with the intention of causing the relevant authority to be misled is guilty of an offence if—
  - (a) the information would be relevant in determining whether he is by virtue of any of the provisions specified in subsection (3) a disqualified person, and
  - (b) he is by virtue of any of those provisions a disqualified person in relation to that licence.
- (3) The provisions referred to in subsections (1) and (2) are the following provisions of paragraph 1(1) of Part II of Schedule 2 to the 1990 Act—
  - (a) paragraphs (d) to (g),
  - (b) paragraph (h) so far as relating to participation by bodies falling within paragraph (d), (e) or (g),
  - (c) paragraph (hh) so far as relating to a body corporate controlled by a body corporate in which a body falling within paragraph (d), (e) or (g) is a participant with more than a 5 per cent. interest,
  - (d) paragraph (i) so far as relating to control by a person falling within any of paragraphs (d) to (g) or by two or more such persons, and
  - (e) paragraph (j) so far as relating to participation by a body corporate which is controlled by a person falling within any of paragraphs (d) to (g) or by two or more such persons.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.
- (5) In this section “the relevant authority” means—
  - (a) in relation to any licence under Part I or II of the 1990 Act or Part I of this Act, the Independent Television Commission, and
  - (b) in relation to any licence under Part III of the 1990 Act or Part II of this Act, the Radio Authority.

#### **145 Disqualification for offence of supplying false information, etc**

- (1) Where a person is convicted of an offence under section 144 the court by which he is convicted may make an order (in this section referred to as a “disqualification order”) disqualifying him from holding a licence during a period specified in the order.
- (2) The period specified in a disqualification order shall not exceed five years beginning with the date on which the order takes effect.
- (3) Where an individual is disqualified from holding a licence by virtue of a disqualification order, any body corporate—
  - (a) of which he is a director, or
  - (b) in the management of which he is directly or indirectly concerned,
 is also disqualified from holding a licence.

- (4) Where the holder of a licence is disqualified by virtue of a disqualification order, the licence shall be treated as being revoked with effect from the time when the order takes effect.
- (5) For the purposes of any of the provisions specified in subsection (6) (which relate to the imposition of a financial penalty on the revocation of a licence), a licence which is revoked by virtue of subsection (4) shall be taken to have been revoked by the relevant authority as mentioned in that provision.
- (6) The provisions referred to in subsection (5) are as follows—
  - (a) section 18(3) of the 1990 Act,
  - (b) section 101(3) of the 1990 Act,
  - (c) section 11(5), and
  - (d) section 53(5).
- (7) In sections 5(1)(a) and 88(1)(a) of the 1990 Act and sections 5(1)(a) and 44(1)(a) of this Act, the reference to a person who is a disqualified person by virtue of Part II of Schedule 2 to the 1990 Act includes a reference to a person who is disqualified by virtue of a disqualification order.
- (8) In this section—

“licence” means any licence granted by the Independent Television Commission or the Radio Authority under the 1990 Act or this Act;

“the relevant authority” has the same meaning as in section 144.

#### **146 Supplementary provisions as to disqualification orders**

- (1) A person disqualified by a disqualification order may appeal against the order in the same manner as against a conviction.
- (2) A disqualification order made by a court in England and Wales or Northern Ireland—
  - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the order, and
  - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- (3) A disqualification order made by a court in Scotland—
  - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the order, and
  - (b) if an appeal against the order or the conviction is taken within that period, shall not take effect until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (4) In this section “disqualification order” means an order under section 145.

#### *General*

#### **147 General interpretation**

- (1) In this Act—

“the 1990 Act” means the Broadcasting Act 1990;

“the BBC” means the British Broadcasting Corporation.

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(2) The 1990 Act and the following provisions of this Act—

- (a) Parts I and II and Schedule 1,
- (b) Part IV,
- (c) Part V and Schedules 3 and 4, and
- (d) sections 142 to 146,

shall be construed as if those provisions were contained in that Act.

#### **148 Minor and consequential amendments, repeals and revocations**

- (1) Schedule 10 (which makes minor and consequential amendments) shall have effect.
- (2) The enactments and instruments mentioned in Schedule 11 are hereby repealed or, as the case may be, revoked to the extent specified in the third column of that Schedule.

#### **149 Commencement and transitional provisions**

(1) The following provisions of this Act—

- (a) paragraphs 7 to 9 of Schedule 2 so far as relating to BBC companies (as defined by section 202(1) of the 1990 Act), and section 73 so far as relating to those paragraphs in their application to such companies,
- (b) sections 74 to 78,
- (c) section 80,
- (d) section 83,
- (e) sections 88, 90 and 92,
- (f) Part VI (and Schedules 5 to 8),
- (g) section 147(1),
- (h) paragraphs 15 and 19 of Schedule 10 so far as relating to BBC companies (as defined by section 202(1) of the 1990 Act), and section 148(1) so far as relating to those paragraphs in their application to such companies,
- (i) the entries in Schedule 11 relating to sections 32(9), 45(8) and (9) and 47(11) and (12) of the 1990 Act, and section 148(2) so far as relating to those entries, and
- (j) this section and section 150,

shall come into force on the passing of this Act.

- (2) The other provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) The power to make an order under this section includes power to make such transitional provisions and savings as the Secretary of State considers appropriate.

#### **150 Short title and extent**

- (1) This Act may be cited as the Broadcasting Act 1996.
- (2) This Act, except paragraph 27 of Schedule 10, extends to Northern Ireland.
- (3) Section 204(6) of the 1990 Act (power to extend to Isle of Man and Channel Islands) applies to the provisions of this Act amending that Act.

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- (4) Her Majesty may by Order in Council direct that any of the other provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such modifications, if any, as appear to Her Majesty to be appropriate.