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STATUTORY INSTRUMENTS

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**1996 No. 2120 (C. 49)**

**BROADCASTING**

**The Broadcasting Act 1996 (Commencement  
No. 1 and Transitional Provisions) Order 1996**

*Made - - - - 9th August 1996*

The Secretary of State, in exercise of the powers conferred upon her by section 149(2) and (3) of the Broadcasting Act 1996(1), and of all other powers enabling her in that behalf, hereby makes the following Order:

1. This Order may be cited as the Broadcasting Act 1996 (Commencement No. 1 and Transitional Provisions) Order 1996.

2. In this Order—

- (a) “the 1990 Act” means the Broadcasting Act 1990(2); and
- (b) “the 1996 Act” means the Broadcasting Act 1996.

3.—(1) Subject to paragraphs (2) and (3), the following provisions of the 1996 Act shall come into force on the day after this Order is made—

Section 73 so far as relating to the provisions of Schedule 2 brought into force by this Article;  
Section 104;

Paragraphs 12 and 13 of the substituted Part IV of Schedule 2 to the 1990 Act;

Part I of Schedule 2 so far as relating to the interpretation of paragraphs 12 and 13 of the substituted Part IV of Schedule 2 to the 1990 Act; and

Paragraph 11 of Schedule 2 so far as relating to paragraphs 12 and 13 of the substituted Part IV of Schedule 2 to the 1990 Act or to paragraphs 1, 2, 3, 9, 10, 11 and 14 of that substituted Part in their application to the interpretation of paragraphs 12 and 13.

(2) For the purposes of paragraph 12(5)(b) of the substituted Part IV of Schedule 2 to the 1990 Act, any determination made by the relevant authority before 1st November 1996 shall be taken to have been made on that date.

(3) The coming into force of the provisions referred to in paragraph (1) does not affect the continued operation until 1st November 1996 of the restrictions contained in Schedule 2 to the 1990 Act as it had effect immediately before the passing of the 1996 Act.

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(1) 1996 c. 55.  
(2) 1990 c. 42.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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4.—(1) Subject to paragraphs (2) and (3) below, the provisions of the 1996 Act which are specified in Schedule 1 to this Order shall come into force on 1st October 1996.

(2) Section 2 shall come into force on 15th September 1996 for the purposes of the notification by the independent analogue broadcasters of their intention to provide their respective services for broadcasting in digital form, but not for any other purposes.

(3) Paragraph (1) above does not bring section 41 into force for the purposes of the notification by the independent national broadcasters of their intention to provide a service for broadcasting in digital form pursuant to section 41(2).

5.—(1) Subject to paragraph (2) below, the provisions of the 1996 Act which are specified in Schedule 2 to this Order shall come into force on 1st November 1996.

(2) Where the holder of any licence specified in paragraphs 9(4), 10(2), 11(1) and 11(3) of the substituted Part IV of Schedule 2 to the 1990 Act becomes connected with a national or local newspaper by virtue of the commencement of Part I of Schedule 2 to the 1996 Act, the “relevant day” shall for the purposes of paragraph 9(5) be 1st November 1996.

Department of National Heritage  
9th August 1996

*Inglewood*  
Parliamentary Under Secretary of State,

## SCHEDULE 1

Article 4

### PROVISIONS OF THE 1996 ACT COMING INTO FORCE ON 1ST OCTOBER 1996 SUBJECT TO THE PROVISIONS OF ARTICLE 4 OF THIS ORDER

Sections 1 to 72

Section 73, so far as relating to the provision of Schedule 2 mentioned below

Section 79

Sections 81 and 84

Section 86

Section 91

Sections 97 to 103

Section 105

Sections 137 and 138

Sections 140 to 142

In section 147, subsection (2) except paragraph (c)

Section 148, so far as relating to the provisions of Schedules 10 and 11 mentioned below.

Schedule 1

Paragraph 9 of Schedule 2

Schedule 9

In Schedule 10, paragraphs 1 to 11, paragraphs 14 and 15, paragraph 16 so far as relating to a multiplex service, paragraph 19, paragraphs 21(a) and (c), paragraphs 27 to 30, paragraph 31 so far as relating to anything done under Parts I or II of the 1996 Act, and paragraph 32 except so far as relating to anything done in pursuance of section 115(4) or (6), 116(5) or 117 of the 1996 Act.

In Part I of Schedule 11, the entries relating to the repeal of the 1990 Act except to the extent that the repeal concerns sections 104, 142 to 161 and 202 of, and Schedules 2, 13, 14 and 19 to, that Act.

In Part II of Schedule 11, the entry revoking the Cable (Excepted Programmes) Order 1991(3).

## SCHEDULE 2

Article 5

### PROVISIONS OF THE 1996 ACT COMING INTO FORCE ON 1ST NOVEMBER 1996, SUBJECT TO THE PROVISIONS OF ARTICLE 5 OF THIS ORDER

Section 73, except so far as relating to the provisions of Schedule 2 excluded from the operation of Article 5 of this Order and this Schedule.

Section 87

Section 89

Sections 93 and 94

Section 96

Section 139

Sections 143 to 146

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(3) S.I.1991/1246.

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Section 148, so far as relating to the provisions of Schedules 10 and 11 mentioned below.

Schedule 2 (so far as not brought into force by Articles 3 and 4 of this Order) except paragraph 10 so far as relating to paragraphs 1(2)(b) and 2(7) of the substituted Part III of Schedule 2 to the 1990 Act and paragraph 11 so far as relating to paragraph 15 of the substituted Part IV of Schedule 2 to the 1990 Act.

In Schedule 10, paragraphs 13 and 21(b).

In Schedule 11, the entries in Part I relating to the repeal of section 104(5) and (6)(a) of, and Schedule 2 to, the 1990 Act and the entries in Part II relating to the revocation of the Broadcasting (Restrictions on the Holding of Licences) Order 1991(4), the Broadcasting (Restrictions on the Holding of Licences) (Amendment) Order 1993(5) and the Broadcasting (Restrictions on the Holding of Licences) (Amendment) Order 1995(6).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force immediately those provisions of the substituted Part IV of Schedule 2 to the Broadcasting Act 1990 which empower the Independent Television Commission and the Radio Authority to determine whether certain prospective alliances between broadcasting licence holders or service providers and newspaper proprietors could be expected to operate against the public interest, and those provisions of the Broadcasting Act 1996 which require the Independent Television Commission to draw up a code relating to the televising of listed events.

This Order brings into force on 1 October 1996 those provisions of the Broadcasting Act 1996 which are specified in Schedule 1 to the Order, subject to the transitional provisions in Article 4.

This Order brings into force on 1 November 1996 those provisions of the Broadcasting Act 1996 which are specified in Schedule 2 to the Order.

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(4) S.I. 1991/1176.

(5) S.I. 1993/3199.

(6) S.I. 1995/1924.