

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision connected with the implementation of Directive 2007/65 EC of the European Parliament and of the Council amending Council Directive [89/552/EEC](#) on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities⁽¹⁾.

The Order specifies an appropriate regulatory authority mentioned at section 368B of the Communications Act 2003 (“the Act”) (inserted by regulation 2 of the Audiovisual Media Services Regulations 2009 ([S.I.2009/2979](#))) as a “relevant person” for the purposes of section 393(3) of the Act. The effect of this is to remove the restrictions on disclosure of information to which the regulatory authorities would otherwise be subject under section 393(1) of the Act. Section 393(2) (b) provides that such restrictions do not apply to any disclosure of information which is made for the purpose of facilitating the carrying out by any relevant person of any relevant function. Section 393(3)(i) permits the Secretary of State to specify further relevant persons by order. Article 2 of this Order specifies that an appropriate regulatory authority, as defined in section 368B of the Act, is a relevant person for the purposes of section 393.

(1) Directive 2007/65 EC OJ No L 332, 18.12.2007, p.27 amending Directive [89/552/EEC](#) OJ No L 298, 17.10.1989, p.23 as amended by Directive [97/36/EC](#) OJ No L 202, 30.7.1997, p.60