



5. In paragraph (5)—

- (a) omit “and in paragraph (4A) above except as otherwise indicated”;
- (b) after “reference to a broadcaster” omit “or producer”;
- (c) where it occurs, for “, respectively, a broadcaster or producer” substitute “a broadcaster”;
- (d) where it occurs omit “or, as the case may be, producer”;
- (e) for “has the same meaning as in” substitute “shall be construed in accordance with paragraph 1(1A) of”, and after “Schedule 2 to the 1990 Act” omit the rest of the sentence.

6. In paragraph (6) for “paragraphs (4) and (4A) above” substitute “paragraph (4)”.

7. In paragraph (7)—

- (a) in the definition of “broadcaster”—
  - (i) for the words from “providing to members of the public” to “whether in the United Kingdom or elsewhere”, substitute “which is primarily intended to be available for reception by members of the public in, or in any area in, the United Kingdom (whether or not that service is also intended for reception elsewhere);”, and
  - (ii) after “provides, in the United Kingdom” omit “or elsewhere”;
- (b) omit the definition of “UK broadcaster”.

Minister of State  
Department for Culture, Media and Sport  
Department for Business, Innovation and Skills

Date

### EXPLANATORY NOTE

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

This Order amends article 3 of the Broadcasting (Independent Productions) Order 1991 which defines “independent productions” for the purposes of the licence conditions set under sections 277 and 309 of and paragraphs 1 and 7 of Schedule 12 to the Communications Act 2003.

The amendments in this Order ensure that production companies owned by non-UK broadcasters can still qualify as independent producers for the purpose of the quotas imposed by licence condition on the UK’s public service broadcasters. The amendments also preserve independent status for producers who are connected to a person who owns, or is owned by, a broadcaster which does not aim its services primarily at the UK.

No impact assessment has been produced for this Order as this Order will have no impact on businesses, charities or the public sector.

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