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# Broadcasting Act 1990

## CHAPTER 42

### BROADCASTING ACT 1990

#### PART I

##### INDEPENDENT TELEVISION SERVICES

#### CHAPTER 1

##### REGULATION BY COMMISSION OF TELEVISION SERVICES GENERALLY

###### *Establishment of Independent Television Commission*

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###### *Function of Commission*

- 2 Regulation by Commission of provision of television services.

###### *General provisions about licences*

- 3 Licences under Part I.
- 4 General licence conditions.
- 5 Restrictions on the holding of licences.

###### *General provisions about licensed services*

- 6 General requirements as to licensed services.
- 7 General code for programmes.
- 8 General provisions as to advertisements.
- 9 Control of advertisements.
- 10 Government control over licensed services.

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- 11 Monitoring by Commission of programmes included in licensed services.
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*Prohibition on providing unlicensed television services*

- 13 Prohibition on providing television services without a licence.

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- 15 Applications for Channel 3 licences.
- 16 Procedure to be followed by Commission in connection with consideration of applications for licences.
- 17 Award of licence to person submitting highest cash bid.
- 17A Award of Channel 3 licence subject to conditions.
- 18 Failure to begin providing licensed service and financial penalties on revocation of licence.
- 19 Additional payments to be made in respect of Channel 3 licences.
- 20 Duration and renewal of Channel 3 licences.
- 21 Restriction on changes in control over Channel 3 licence holder.
- 21A Variation of regional Channel 3 licence following change of control.
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*Function of Authority*

- 84 Regulation by Authority of independent radio services.  
85 Licensing functions of Authority.

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- 86 Licences under Part III.  
87 General licence conditions.  
88 Restrictions on the holding of licences.  
89 Disqualification for holding licence on grounds of conviction for transmitting offence.

*General provisions about licensed services*

- 90 General requirements as to licensed services.  
91 General code for programmes.  
92 General provisions as to advertisements.  
93 Control of advertisements.  
94 Government control over licensed services.  
95 Monitoring by Authority of programmes included in licensed services.  
96 Audience research.

*Prohibition on providing unlicensed independent radio services*

- 97 Prohibition on providing independent radio services without a licence.

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- 99 Procedure to be followed by Authority in connection with consideration of applications for national licences.
- 100 Award of national licence to person submitting highest cash bid.
- 101 Failure to begin providing licensed service and financial penalties on revocation of licence.
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#### *Miscellaneous provisions relating to national and local services*

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- 106A Variation of local licence following change of control.
- 107 Party political broadcasts.
- 108 Promotion of equal opportunities in relation to employment by holder of national licence.

#### *Enforcement of licences*

- 109 Power to require scripts etc. or broadcasting of correction or apology.
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- 116 Applications for additional services licences.
- 117 Procedure to be followed by Authority in connection with consideration of applications for, and awarding of, licences.
- 118 Additional payments to be made in respect of additional services licences.
- 119 Additional services not to interfere with other transmissions.
- 120 Enforcement of additional services licences.

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- 130 Variation of programme contracts to take account of new transmission arrangements.
- 131 Supplementary provisions relating to variation of programme contracts.
- 132 Disposal by IBA of DBS transmitting equipment etc.
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- 143 Function of BCC.
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- 145 Consideration of complaints.
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- 158 International representation by Council of Government interests.
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- 179 Unauthorised decoders for encrypted services etc.

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- 180 Transfer to BBC of functions connected with television licences.
- 181 Certain apparatus to be deemed to be apparatus for wireless telegraphy.

###### *Listed events*

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###### *Gaelic television programmes*

- 183 Financing of programmes in Gaelic out of Gaelic Television Fund.
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###### *National television archive*

- 185 Contributions towards maintenance of national television archive.

###### *Duties of BBC as respects independent productions*

- 186 Duty of BBC to include independent productions in their television services.
- 187 Information to be furnished by BBC for purposes of reports under section 186.

###### *Power to give directions relating to international obligations*

- 188 Power to give broadcasting bodies etc. directions relating to international obligations.

###### *Matters relating to telecommunication systems*

- 189 Sharing of apparatus by operators of telecommunication systems.

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- 190 Modification of certain references in Telecom- munications Act licences.
- 191 Revocation of class licence to run broadcast relay systems.

*Application of competition legislation*

- 192 Application of provisions of Fair Trading Act 1973 to broadcasting and telecommunication services.
- 193 Modification of networking arrangements in consequence of reports under competition legislation.
- 194 Restrictive Trade Practices Act 1976 not to apply to networking arrangements.
- 194A Modification of Restrictive Trade Practices Act 1976 in its application to agreements relating to Channel 3 news provision.

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- 195 Offences by bodies corporate.
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- 198 Financial provisions.
- 199 Notices.
- 200 Regulations and orders.
- 201 Programme services.
- 202 General interpretation.
- 203 Consequential and transitional provisions.
- 204 Short title, commencement and extent.

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SCHEDULES

SCHEDULE 1 — The Independent Television Commission: Supplementary Provisions

*Status and capacity*

- 1 (1) The Commission shall be a body corporate.

*Appointment of members*

- 2 (1) A person shall be disqualified for being a member...

*Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each...

*Remuneration and pensions of members*

- 4 (1) The Commission may pay to each member such remuneration...

*Disqualification of members of Commission for House of Commons and Northern Ireland Assembly*

- 5 In Part II of Schedule 1 to the House of...

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### *Proceedings*

- 6 (1) Subject to paragraph 7, the quorum of the Commission...  
7 (1) A member who is in any way directly or...  
8 The validity of any proceedings of the Commission shall not...

### *Employees of the Commission*

- 9 (1) The Commission shall appoint a secretary and may appoint...

### *Authentication of Commission's seal*

- 10 The application of the seal of the Commission shall be...

### *Presumption of authenticity of documents issued by Commission*

- 11 Any document purporting to be an instrument issued by the...

### *Finances of Commission*

- 12 (1) It shall be the duty of the Commission so...

### *Advances to Commission*

- 13 (1) For the purpose of— (a) furnishing the Commission with...

### *Accounts and audit*

- 14 (1) The Commission shall keep proper accounts and proper records...

### *Annual reports*

- 15 (1) As soon as possible after the end of every...

### *Advisory committees*

- 16 The Commission may appoint, or arrange for the assistance of,...

## SCHEDULE 2 — Restrictions on the Holding of Licences

### Part I — GENERAL

- 1 (1) In this Schedule— “ the 1996 Act ” means...  
2 (1) Subject to sub-paragraph (1A)Any reference in paragraph 1 above...  
3 For the purposes of this Schedule the following persons shall...  
3A (1) In this Schedule “ coverage area ”—  
3B (1) For the purposes of this Schedule—  
4 An order under any provision of this Schedule other than...

### Part II — DISQUALIFICATION FOR HOLDING LICENCES

#### *General disqualification of non-EEC nationals and bodies having political connections*

- 1 (1) Subject to sub-paragraph (2), the following persons are disqualified...

#### *Disqualification of religious bodies*

- 2 (1) Subject to sub-paragraph (2), the following persons are disqualified...

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*Disqualification of publicly-funded bodies for radio service licences*

3 (1) The following persons are disqualified persons in relation to...

*General disqualification on grounds of undue influence*

4 (1) A person is a disqualified person in relation to...

*General disqualification of broadcasting bodies*

5 The following persons are disqualified persons in relation to a...

*Disqualification of certain companies for certain licences*

5A (1) A BBC company, a Channel 4 company or an...

*General disqualification of advertising agencies*

6 The following persons are disqualified persons in relation to a...

**Part III — RESTRICTIONS TO PREVENT ACCUMULATIONS OF INTERESTS IN  
LICENSED SERVICES**

1 (1) In this Part of this Schedule “relevant services” means any...

*General limit on the holding of licences to provide television  
services or interests in bodies corporate holding such licences*

2 (1) No one person may, at any time when his...

*Audience time and total audience time for purposes of paragraph 2*

3 (1) For the purposes of paragraph 2—

*Restrictions on holding of licences to provide Channel 3 services or Channel 5*

4 (1) No one person may at any time hold a...

*Limit on the holding of licences to provide television multiplex services*

5 (1) No one person may at any time hold more...

*Limits on the holding, by persons providing digital programme  
services, of licences to provide other categories of service*

6 (1) The Secretary of State may by order prescribe restrictions...

*Limit in relation to provision of digital programme services*

7 (1) No person holding a licence to provide digital programme...

*Limits in relation to licences to provide radio services*

8 (1) No one person may, at any time before such...

*Calculation of points for purposes of paragraph 8*

9 (1) For the purposes of paragraph 8, to the categories...

*Power to amend paragraphs 8 and 9*

10 (1) The Secretary of State may by order make such...

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*Limits in relation to licences to provide national radio services,  
radio multiplex services or digital sound programme services*

11 (1) No one person may at any time hold more...

*Limits in relation to licences to provide local radio services in overlapping areas*

12 (1) No one person may at any time hold any...

*Power by order to impose different restrictions in place of paragraph 12*

13 The Secretary of State may by order provide that, where...

*Limits in relation to provision of local digital sound programme services*

14 (1) Subject to sub-paragraph (2), no one person holding a...

*Further restrictions on holding of licences of different descriptions*

15 (1) No one person may at any time hold—

*Power to impose additional limits in relation to  
licences to provide television or radio services*

16 (1) The Secretary of State may, in the case of—...

*Connected persons*

17 (1) Subject to sub-paragraph (2), for the purposes of—  
Part IV — RESTRICTIONS ON CONTROLLING INTERESTS IN BOTH  
NEWSPAPERS AND LICENSED SERVICES

*Meaning of “ relevant authority ”*

1 In this Part of this Schedule “ the relevant authority... ”

*National and local newspapers and their respective national and local market shares*

2 (1) In this Part of this Schedule references to a...

*Other interpretative provisions*

3 (1) For the purposes of this Part of this Schedule...

*Restrictions on common control etc.*

4 (1) No person who runs a national newspaper which for...

*Restrictions on participation*

5 (1) No proprietor of a national newspaper which for the...

*Holding of local radio licence by person running local  
newspapers with at least 50 per cent local market share*

6 (1) A licence to provide a local radio service may...

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*Further restrictions on holding of local radio licences by a person who runs a local newspaper*

- 7 (1) No person who runs a local newspaper which for...

*Power by order to impose different restrictions in place of paragraph 7*

- 8 (1) The Secretary of State may by order provide that,...

*Additional restrictions applying where control of or by newspaper proprietor may operate against public interest*

- 9 (1) A licence to provide any of the services specified...  
10 (1) A licence to provide a regional Channel 3 service...  
11 (1) A body corporate which holds a licence to provide...  
12 (1) Notice may be given to the relevant authority in...  
13 (1) The matters to which the relevant authority shall have...  
14 In relation to any determination under paragraph 11(1), (3) or...

*Restricted television services*

- 15 (1) The Secretary of State may by order—  
Part V — RESTRICTION ON HOLDING OF LICENCES BY OPERATORS OF  
PUBLIC TELECOMMUNICATION SYSTEMS  
The Secretary of State may by order specify categories of...

SCHEDULE 3 — The Channel Four Television Corporation: Supplementary Provisions

*Status and capacity*

- 1 (1) The Corporation shall be a body corporate.

*Appointment of members*

- 2 (1) A person shall be disqualified for being a member...

*Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each...

*Remuneration and pensions of members*

- 4 (1) The Corporation may pay — (a) to each member...

*Disqualification of members of Corporation for House of Commons and Northern Ireland Assembly*

- 5 In Part II of Schedule 1 to the House of...

*Proceedings*

- 6 (1) Subject to paragraph 7, the quorum of the Corporation...  
7 (1) A member who is in any way directly or...  
8 The validity of any proceedings of the Corporation shall not...

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*Employees of the Corporation*

9 (1) The Corporation shall appoint a chief executive of the...

*Authentication of Corporation's seal*

10 The application of the seal of the Corporation shall be...

*Presumption of authenticity of documents issued by Corporation*

11 Any document purporting to be an instrument issued by the...

*Accounts and audit*

12 (1) The Corporation shall keep proper accounts and proper records...

*Annual reports*

13 (1) As soon as possible after the end of every...

SCHEDULE 4 — References with Respect to Networking Arrangements

*Report by Director on reference under s. 39*

1 (1) Where any reference is made to the Director General...

*The competition test*

2 (1) For the purposes of this Schedule arrangements satisfy the...

*Duty to modify arrangements in consequence of Director's report*

3 (1) Where the Director's report on any arrangements specifies any...

*References to MMC*

4 (1) Where the Director's report on any arrangements contains any...

4A *Further provision about references under paragraph 4*

*Report by MMC on reference under paragraph 4*

5 (1) The MMC's report on a reference under paragraph 4...

*Duty to modify arrangements in consequence of MMC's report*

6 (1) Where the MMC's report on any reference under paragraph...

*Power of Director to review previous decision with respect to arrangements*

7 (1) The Director may at any time after making a...

*Power to obtain information*

8 (1) The Director may serve on any person a notice...

8A *Enforcement*

8B (1) A person commits an offence if he intentionally alters,...

8C *False or misleading information*

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*Duty of Director to assist MMC*

9 (1) It shall be the duty of the Director, for...

*Interpretation*

10 In this Schedule— “the Director” means the Director General of...

SCHEDULE 5 — Special Provisions Relating to Public Teletext Service

*The relevant service*

1 In this Schedule “the relevant service” means the teletext service...

*Applications for licence to provide the relevant service*

2 (1) Where any such application as is mentioned in section...

*Consideration of applications and award of licence*

3 (1) Where a person has, in accordance with section 50...

*Conditions requiring licence holder to deliver promised service*

4 (1) A licence to provide the relevant service shall include...

*Failure to begin providing licensed service and financial penalties on revocation of licence*

5 (1) Subject to sub-paragraph (2), section 18 of this Act...

*Renewal of licence to provide relevant service*

6 Section 53(5) of this Act shall have effect in relation...

*Additional methods of enforcement of licence to provide relevant service*

7 (1) Subject to sub-paragraph (2), sections 40 and 41 of...

SCHEDULE 6 — The Welsh Authority: Supplementary Provisions

*Status and capacity*

1 (1) The Welsh Authority (in this Schedule referred to as...

*Appointment of members*

2 (1) A person shall be disqualified for being a member...

*Tenure of office*

3 (1) Subject to the following provisions of this paragraph, each...

*Remuneration and pensions of members*

4 (1) The Authority may pay to each member such remuneration...

*Disqualification of members of Authority for House of Commons*

5 In Part II of Schedule 1 to the House of...



*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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### *Proceedings*

- 6 (1) Subject to paragraph 7, the quorum of the Authority...
- 7 (1) A member who is in any way directly or...
- 8 The validity of any proceedings of the Authority shall not...

### *Employees of the Authority*

- 9 (1) The Authority shall appoint a secretary and may appoint...

### *Authentication of Authority's seal*

- 10 The application of the seal of the Authority shall be...

### *Presumption of authenticity of documents issued by Authority*

- 11 Any document purporting to be an instrument issued by the...

### *Accounts and audit*

- 12 (1) The Authority shall keep proper accounts and proper records...

### *Annual reports*

- 13 (1) As soon as possible after the end of every...

### *Advisory committees*

- 14 The Authority may appoint, or arrange for the assistance of,...

## SCHEDULE 7 — Qualifying Revenue: Supplementary Provisions

### Part I — QUALIFYING REVENUE FOR PURPOSES OF PART I OR II OF THIS ACT

#### *Computation of qualifying revenue*

- 1 (1) It shall be the duty of the Commission to...

#### *Disputes*

- 2 (1) For the purposes of any provision of Part I...  
Part II — QUALIFYING REVENUE FOR PURPOSES OF PART III OF THIS ACT

#### *Computation of qualifying revenue*

- 1 (1) It shall be the duty of the Authority to...

#### *Disputes*

- 2 (1) For the purposes of any provision of Part III...

## SCHEDULE 8 — The Radio Authority: Supplementary Provisions

### *Status and capacity*

- 1 (1) The Authority shall be a body corporate.

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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#### *Appointment of members*

- 2 (1) A person shall be disqualified for being a member...

#### *Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each...

#### *Remuneration and pensions of members*

- 4 (1) The Authority may pay to each member such remuneration...

#### *Disqualification of members of Authority for House of Commons and Northern Ireland Assembly*

- 5 In Part II of Schedule 1 to the House of...

#### *Proceedings*

- 6 (1) Subject to paragraph 7, the quorum of the Authority...  
7 (1) A member who is in any way directly or...  
8 The validity of any proceedings of the Authority shall not...

#### *Employees of the Authority*

- 9 (1) The Authority shall appoint a secretary and may appoint...

#### *Authentication of Authority's seal*

- 10 The application of the seal of the Authority shall be...

#### *Presumption of authenticity of documents issued by Authority*

- 11 Any document purporting to be an instrument issued by the...

#### *Finances of Authority*

- 12 (1) It shall be the duty of the Authority so...

#### *Advances to Authority*

- 13 (1) For the purpose of— (a) furnishing the Authority with...

#### *Accounts and audit*

- 14 (1) The Authority shall keep proper accounts and proper records...

#### *Annual reports*

- 15 (1) As soon as possible after the end of every...

#### *Advisory committees*

- 16 The Authority may appoint, or arrange for the assistance of,...

SCHEDULE 9 — Scheme Providing for Division of Assets of IBA

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Preliminary*

- 1 In this Schedule— “relevant transferee” shall be construed in accordance...

*Making and modification of transfer scheme*

- 2 (1) The IBA shall make a scheme under this Schedule...

*Content of transfer scheme*

- 3 (1) A transfer scheme may— (a) define the property, rights...

*Effect of transfer scheme*

- 4 (1) Where a transfer scheme comes into force on the...

*Third parties affected by transfer scheme*

- 5 (1) This paragraph applies where— (a) in consequence of any...

*Supplemental provisions of scheme*

- 6 (1) A transfer scheme may contain supplemental, consequential and transitional...

*Vesting of IBA’s property after coming into force of scheme*

- 7 (1) A transfer scheme may provide for the imposition of...

*Certificate of Secretary of State as to vesting of property etc.*

- 8 (1) Subject to sub-paragraph (2), a certificate issued by the...

*Power of Secretary of State to control division of IBA’s pension fund*

- 9 (1) If the Secretary of State so determines, the trustees...

*Discharge by IBA of contingent etc. liabilities*

- 10 (1) This paragraph applies to any liabilities to which the...

*Final accounts and annual report of IBA*

- 11 (1) The IBA shall, as soon as possible after the...

SCHEDULE 10 — Supplementary Provisions Relating To Dissolution of Cable Authority

*Provisions as to vesting of property etc. of Cable Authority*

- 1 (1) Sub-paragraph (2) below shall have effect for the purposes...  
2 (1) Where immediately before the transfer date there is in...

*Transfer of employees*

- 3 (1) It is hereby declared for the avoidance of doubt...

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Final accounts and annual report of Cable Authority*

4 (1) The Cable Authority shall, as soon as possible after...

SCHEDULE 11 — Transitional Provisions Relating to IBA's Broadcasting Services

Part I — GENERAL

In this Schedule— “the 1981 Act” means the Broadcasting Act...

Part II — TELEVISION BROADCASTING SERVICES TO BE PROVIDED BY COMMISSION

*IBA's television broadcasting services to be provided by Commission during interim period*

1 (1) During the period beginning with the transfer date and...

*General provisions about programme contracts and programme contractors*

2 (1) Sections 2(3) and 14(2) of the 1981 Act shall...

*Provisions relating to Channel 4*

3 (1) Channel 4 shall be provided by the Commission during...

*Provisions relating to teletext services*

4 (1) For the purposes of— (a) this Part of this...

*Provisions relating to DBS services*

5 (1) The following provisions of the 1981 Act, namely—

*General provisions relating to S4C*

6 (1) Subject to the provisions of this paragraph and paragraph...

*Broadcasting of advertisements on S4C*

7 (1) During the interim period the programmes broadcast by the...

*Financing of S4C during interim period*

8 (1) For each financial year, or part of a financial...

*Delivery of programmes by means of local delivery services*

9 Part II of this Act shall have effect as if...

*Provisions relating to Broadcasting Complaints Commission*

10 (1) Part V of this Act shall have effect as...

*Provisions relating to Broadcasting Standards Council*

11 Part VI of this Act shall have effect during the...

*Supplementary provisions*

12 (1) Any code, notice, direction, approval or other thing drawn...

Part III — REPLACEMENT OF DBS CONTRACTS BY LICENCES UNDER PART

I

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Replacement of DBS programme contract by domestic satellite licence*

- 1 (1) Where any contract which, by virtue of paragraph 2(1)...

*Power to require licence holder to make additional payments under 1981 Act*

- 2 (1) The Secretary of State may by order provide for...

*Replacement of DBS teletext contract by additional services licence*

- 3 (1) Where any contract which, by virtue of paragraph 2(1)...

Part IV — SOUND BROADCASTING SERVICES TO BE PROVIDED BY RADIO  
AUTHORITY

*Certain local sound broadcasting services of IBA to  
be provided by Radio Authority as from transfer date*

- 1 (1) So long as any contracts for the provision of...

*Preservation of certain local sound broadcasting contracts*

- 2 (1) Where— (a) the IBA has, at any time before...

*Delivery of programmes by means of local delivery services*

- 3 Part II of this Act shall have effect as if...

*Provisions relating to Broadcasting Complaints Commission*

- 4 (1) Part V of this Act shall have effect as...

*Provisions relating to Broadcasting Standards Council*

- 5 Part VI of this Act shall have effect as if—...

*Supplementary provisions*

- 6 (1) Any code, notice, direction, approval or other thing drawn...

Part V — REPLACEMENT OF PROGRAMME CONTRACTS BY LOCAL  
LICENCES

*Replacement of contracts to which paragraph 2(1) in Part IV applies by local licences*

- 1 (1) The Authority may, if the programme contractor under a...

*Replacement by local licences of certain contracts for the provision of local  
sound broadcasts in localities in which such broadcasts were already provided*

- 2 (1) Any contract which— (a) the IBA has, at any...

*Common provisions applying to licences granted  
in pursuance of paragraph 1(1) or 2(1) above*

- 3 (1) A request for the grant of a licence which...

*Saving for liabilities under terminated contracts*

- 4 (1) Where the contract of a programme contractor is terminated...

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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## SCHEDULE 12 — Transitional Provisions Relating to Existing Cable Services

### Part I — GENERAL

- 1 (1) In this Schedule— “the 1984 Act” means the Cable...
- 2 This Schedule applies to a licence granted under section 58...

### Part II — LICENSING OF EXISTING CABLE SERVICES

#### *Prescribed diffusion services: continuation in force of existing licences*

- 1 (1) Subject to paragraph 2 below, any licence to provide...

#### *Prescribed diffusion services: replacement of cable licences by local delivery licences*

- 2 (1) Where— (a) any person is the holder of a...

#### *Prescribed diffusion services: grant of new licences to provide existing services*

- 3 (1) The Commission may on or after the transfer date...

#### *Prescribed diffusion services: cable licences to be succeeded on their expiry by local delivery licences*

- 4 (1) Subject to the following provisions of this paragraph, a...

#### *Other diffusion services: continuation in force of existing licences*

- 5 (1) Subject to paragraph 7(1) below, where immediately before the...

#### *Other diffusion services: replacement of cable licences by local delivery licences*

- 6 (1) Subject to paragraph 7(1) below, where immediately before the...

#### *Other diffusion services: certain licences to cease to have effect*

- 7 (1) Neither paragraph 5(1) nor paragraph 6(1) above applies to...

#### *Other diffusion services: certain unlicensed services to be licensed as cableservices or local delivery services*

- 8 (1) This paragraph has effect in relation to any diffusion...

#### *Other diffusion services: services falling partly within and partly outside franchise areas*

- 9 (1) Where immediately before the transfer date there is in...

#### *Restricted services: replacement of existing licences*

- 10 (1) Where immediately before the transfer date there is in...

#### *Requests made under this Part*

- 11 Any request made to the Commission in pursuance of any...

#### *Saving for liabilities under terminated licences*

- 12 (1) Where any licence ceases to have effect at any...

### Part III — PROVISIONS RELATING TO LICENCES IN FORCE UNDER OR BY VIRTUE OF THIS SCHEDULE

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Effect of relevant licences*

- 1 (1) Subject to sub-paragraph (4) below, a relevant licence shall...

*General provisions about relevant licences*

- 2 (1) It shall be the duty of the Commission to...

*Restrictions on the holding of certain relevant licences*

- 3 (1) The Commission shall do all that they can to...

*Inclusion of broadcasts in licensed services*

- 4 (1) The Commission shall do all that they can to...  
4A (1) Where the Commission are satisfied, in the case of...

*Inclusion of local material in prescribed diffusion services*

- 5 (1) In the case of a licence which continues in...

*Revocation of licences*

- 6 (1) Every relevant licence shall contain all such provisions as...

*Supplementary provisions*

- 7 (1) Any notice, direction or other thing given or done...

SCHEDULE 13 — The Broadcasting Complaints Commission: Supplementary Provisions

*Status and capacity*

- 1 (1) The BCC shall not be treated for the purposes...

*Appointment of members*

- 2 (1) A person shall be disqualified for being a member...

*Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each...

*Remuneration and pensions of members*

- 4 (1) The BCC may pay to each member such remuneration...

*Proceedings*

- 5 (1) Subject to paragraph 6 and to the provisions of...  
6 (1) A member who is in any way directly or...  
7 The validity of any proceedings of the BCC shall not...

*Employees of the BCC*

- 8 (1) The BCC may appoint such number of employees as...

*Status: Point in time view as at 04/11/1996.*

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*Financial provisions*

- 9 (1) The Secretary of State shall pay to the BCC—...

*Authentication of BCC's seal*

- 10 The application of the seal of the BCC shall be...

*Presumption of authenticity of documents issued by BCC*

- 11 Any document purporting to be an instrument issued by the...

*Accounts and audit*

- 12 (1) The BCC shall keep proper accounts and proper records...

SCHEDULE 14 — The Broadcasting Standards Council: Supplementary Provisions

*Status and capacity*

- 1 (1) The Council shall not be treated for the purposes...

*Appointment of members*

- 2 (1) A person shall be disqualified for being a member...

*Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each...

*Remuneration and pensions of members*

- 4 (1) The Council may pay to each member such remuneration...

*Disqualification of members of Council for House  
of Commons and Northern Ireland Assembly*

- 5 In Part II of Schedule 1 to the House of...

*Proceedings*

- 6 (1) Subject to paragraph 7 and to the provisions of...  
7 (1) A member who is in any way directly or...  
8 The validity of any proceedings of the Council shall not...

*Employees of the Council*

- 9 (1) The Council may appoint such number of employees as...

*Financial provisions*

- 10 (1) The Secretary of State shall pay to the Council—...

*Authentication of Council's seal*

- 11 The application of the seal of the Council shall be...

*Presumption of authenticity of documents issued by Council*

- 12 Any document purporting to be an instrument issued by the...



*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Accounts and audit*

13 (1) It shall be the duty of the Council—

SCHEDULE 15 — Application of 1959 Act to Television and Sound Programmes

*Interpretation*

1 In this Schedule— “the 1959 Act” means the Obscene Publications...

*Liability of person providing live programme material*

2 Where— (a) any matter is included by any person in...

*Obscene articles kept for inclusion in programmes*

3 It is hereby declared that where a person has an...

*Requirement for consent of Director of Public Prosecutions*

4 (1) Proceedings for an offence under section 2 of the...

*Defences*

5 (1) A person shall not be convicted of an offence...

*Exclusion of proceedings under common law*

6 Without prejudice to section 2(4) of the 1959 Act, a...

SCHEDULE 16 — Amendments of the Marine, &c., Broadcasting (Offences) Act  
1967

1 (1) Section 2 (prohibition of broadcasting from marine structures)  
shall...

2 After section 2 insert the following section— Unlawful broadcasting  
from...

3 In section 3 (prohibition of acts connected with broadcasting from...

4 After section 3 insert the following section— Prohibition of  
management...

5 (1) Section 4 (prohibition of acts facilitating broadcasting from ships,...

6 (1) Section 5 (prohibition of acts relating to matter broadcast...

7 (1) Section 6 (penalties and legal proceedings) shall be amended...

8 After section 7 insert the following section— Powers of enforcement...

SCHEDULE 17 — Information About Programmes: Copyright

Part I — COPYRIGHT LICENSING

1 (1) This paragraph applies where the person providing a programme...

Part II — USE OF INFORMATION AS OF RIGHT

*Circumstances in which right available*

2 (1) Paragraph 4 applies to any act restricted by the...

*Notice of intention to exercise right*

3 (1) A publisher intending to avail himself of the right...

*Status: Point in time view as at 04/11/1996.*

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*Conditions for exercise of right*

- 4 (1) Where the publisher, on or after the date specified...

*Applications to settle payments*

- 5 (1) On an application to settle the terms of payment,...

*Application for review of order*

- 6 (1) A person exercising the right conferred by paragraph 4,...

Part III — SUPPLEMENTARY

- 7 (1) This Schedule and the Copyright, Designs and Patents Act...

SCHEDULE 18 — Transfer of Functions Connected with Television Licences

Part I — AMENDMENTS OF WIRELESS TELEGRAPHY ACT 1949

- 1 (1) Section 1 (licensing of wireless telegraphy) shall be amended...  
2 (1) Section 2 (fees and charges for wireless telegraphy licences)...  
3 In section 15(1) (entry and search of premises etc.), for...  
4 In section 19 (interpretation), insert the following subsection after subsection...

Part II — AMENDMENTS OF PART I OF WIRELESS TELEGRAPHY ACT 1967

- 1 In the following provisions, namely— (a) . . . . .  
2 . . . . .  
3 In section 2(3)— (a) for “him” substitute “ them ”;...  
4 In section 3(1), for “him” (where first occurring) substitute “...  
5 In section 4(2), for “him” (wherever occurring) substitute “ them...  
6 In section 5— (a) in subsection (3), for “his” substitute...  
7 In section 6(1)— (a) insert the following definition after the...

SCHEDULE 19 — The Gaelic Television Committee: Supplementary Provisions

*Status and capacity*

- 1 (1) The Committee shall be a body corporate.

*Tenure of office and remuneration*

- 2 (1) Subject to sub-paragraph (2), each member of the Committee...

*Disqualification of members of Committee for House of Commons*

- 3 In Part II of Schedule 1 to the House of...

*Proceedings*

- 4 (1) Subject to paragraph 5, the quorum of the Committee...  
5 (1) A member who is in any way directly or...  
6 The validity of any proceedings of the Committee shall not...

*Employees of the Committee*

- 7 (1) The Committee may appoint such employees as they may...

*Financial provision*

- 8 There shall be defrayed out of the Gaelic Television Fund—...

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Authentication of Committee's seal*

9 The application of the seal of the Committee shall be...

*Presumption of authenticity of documents issued by the Committee*

10 Any document purporting to be an instrument issued by the...

*Accounts and audit*

11 (1) The Committee shall keep proper accounts and proper records...

*Annual reports*

12 (1) As soon as possible after the end of each...

SCHEDULE 20 — Minor and Consequential Amendments

*Parliamentary Papers Act 1840 (c. 9)*

1 Section 3 (protection in respect of proceedings for printing extracts...

*Law of Libel Amendment Act 1888 (c. 64)*

2 Section 3 (contemporary reports of proceedings before courts exercising judicial...

*Children and Young Persons Act 1933 (c. 12)*

3 (1) In section 28 (powers of entry)—

*Children and Young Persons (Scotland) Act 1937 (c. 37)*

4 (1) In section 36 (power to enter studios)—

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

5 In section 1(7) (admission of public to meetings of local...

*Children and Young Persons Act 1963 (c. 37)*

6 In section 37(2) (restriction on persons under 16 taking part...

*Licensing Act 1964 (c. 26)*

7 In section 182(1) (relaxation, with respect to licensed premises, of...

*Private Places of Entertainment (Licensing) Act 1967 (c. 19)*

8 In section 2(3) (certain private places of entertainment to require...

*Wireless Telegraphy Act 1967 (c. 72)*

9 In section 6(1) (interpretation of Part I of the Act),...

*London Cab Act 1968 (c. 7)*

10 In section 4(5) (restrictions on advertising in connection with private...

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Trade Descriptions Act 1968 (c. 29)*

- 11 In section 39(2) (interpretation), for “or in a programme included...

*Social Work (Scotland) Act 1968 (c. 49)*

- 12 In section 58(1) (prohibition of publication of proceedings in a...

*Theatres Act 1968 (c. 54)*

- 13 In section 7(2)(b) (exceptions for performance given in certain circumstances),...

*Gaming Act 1968 (c. 65)*

- 14 .....

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))*

- 15 (1) In section 40(2) (restriction on persons under 16 taking...

*Local Government Act 1972 (c. 70)*

- 16 In section 100K (interpretation and application of Part VA of...

*Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))*

- 17 In section 148(1) (interpretation), in the definition of “newspaper”, for...

*Employment Agencies Act 1973 (c. 35)*

- 18 In section 13(4) (interpretation), for paragraphs (c) and (d) substitute...

*Northern Ireland Constitution Act 1973 (c. 36)*

- 19 In Schedule 3 (minimum reserved matters), in paragraph 14, for...

*Fair Trading Act 1973 (c. 41)*

- 20 In section 133(2)(a) (exceptions to restriction on disclosure of information),...

*Criminal Procedure (Scotland) Act 1975 (c. 21)*

- 21 In subsection (2) of sections 169 and 374 (restrictions on...

*Industry Act 1975 (c. 68)*

- 22 .....

*Scottish Development Agency Act 1975 (c. 69)*

- 23 In section 17 (the Scottish Development Agency and the media),...

*Welsh Development Agency Act 1975 (c. 70)*

- 24 In section 19 (the Welsh Development Agency and the media)—...

*Status: Point in time view as at 04/11/1996.*

*Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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)*

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*Restrictive Trade Practices Act 1976 (c. 34)*

- 25 In section 41(1)(a) (exceptions to restriction on disclosure of information),...

*Sexual Offences (Amendment) Act 1976 (c. 82)*

- 26 (1) In section 4 (anonymity of complainants in rape etc....

*Sexual Offences (Northern Ireland) Order 1978 (S.I. 1978/460 (N.I.5))*

- 27 (1) In Article 6 (anonymity of complainants in rape offence...

*Competition Act 1980 (c. 21)*

- 28 In section 19(3) (exceptions to restriction on disclosure of information),...

*Magistrates' Courts Act 1980 (c. 43)*

- 29 (1) In section 8 (restrictions on reports of committal proceedings)—...

*Indecent Displays (Control) Act 1981 (c. 42)*

- 30 In section 1(4) (provisions relating to indecent displays disapplied in...

*Contempt of Court Act 1981 (c. 49)*

- 31 (1) In section 2 (limitation of scope of strict liability)—...

*Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (S.I. 1981/839 (N.I.20))*

- 32 In Article 11(4) (interpretation), for sub-paragraphs (c) and (d) substitute...

*Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26))*

- 33 (1) In Article 44 (reports of preliminary proceedings)—

*Insurance Companies Act 1982 (c. 50)*

- 34 In section 72(6) (meaning of "advertisement" for the purposes of...

*Representation of the People Act 1983 (c. 2)*

- 35 (1) Part II shall be amended as follows.

*National Audit Act 1983 (c. 44)*

- 36 In Part II of Schedule 4 (nationalised industries and other...

*Value Added Tax Act 1983 (c. 55)*

- 37 .....

*Telecommunications Act 1984 (c. 12)*

- 38 (1) In section 6 (exceptions to prohibition on the running...

*Status: Point in time view as at 04/11/1996.*

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*Video Recordings Act 1984 (c. 39)*

39 In section 3(8) (exempted supplies), for paragraphs (a) and (b)...

*Cinemas Act 1985 (c. 13)*

40 In section 21(1) (interpretation), in the definition of “film exhibition”,...

*Bankruptcy (Scotland) Act 1985 (c. 66)*

41 In subsection (5) of section 70 (supplies by utilities), for...

*Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I.11))*

42 In Article 130(8) (definition of “advertisement” for the purposes of...

*Insolvency Act 1986 (c. 45)*

43 In sections 233(5)(d) and 372(5)(c) (supplies of gas, water, electricity...

*Building Societies Act 1986 (c. 53)*

44 In section 50(10) (powers to control advertising), in the definition...

*Financial Services Act 1986 (c. 60)*

45 (1) In section 207 (interpretation)— (a) in subsection (2), after...

*Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I.3))*

46 In Article 2(2) (interpretation), in the definition of “newspaper”, for...

*Criminal Justice Act 1987 (c. 38)*

47 .....

*Consumer Protection Act 1987 (c. 43)*

48 In section 24 (defences to offence of giving misleading price...

*Consumer Protection (Northern Ireland) Order 1987 (S.I.1987/2049 (N.I.20))*

49 In Article 17 (defences to offence of giving misleading price...

*Copyright, Designs and Patents Act 1988 (c. 48)*

50 .....

*Control of Misleading Advertisements Regulations 1988 (S.I. 1988/915)*

51 (1) In regulation 2(1) (interpretation)— (a) omit the definitions of...

*Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I.1988/1846 (N.I.16))*

52 In Article 10 (restrictions on reporting applications for dismissal and...

*Children Act 1989 (c. 41)*

53 In section 97(5) (privacy for children involved in certain proceedings),...

*Status: Point in time view as at 04/11/1996.*

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*Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I.19))*

54 In Articles 197(3) and 343(4) (supplies of water, electricity and...

SCHEDULE 21 — Repeals

SCHEDULE 22 — Transitional Provisions and Savings

*Preservation of appointments of existing members  
of the Welsh Authority, the BCC and the BSC*

1 (1) Where, immediately before the date when the relevant section...

*Power to make provision with respect to complaints to the BCC or BSC*

2 (1) The Secretary of State may by order make such...

*Power to make provision with respect to complaints under  
the Control of Misleading Advertisements Regulations 1988*

3 (1) The Secretary of State may by order make such...

*Saving of amendments made by Cable and Broadcasting Act 1984*

4 The amendments made by paragraphs 12, . . . , 32...

*Transitional modification of amendments made by this Act*

5 (1) Any provision to which this sub-paragraph applies—

6 Section 92(1) of the Representation of the People Act 1983...

7 Regulation 8(1) and (2) of the Control of Misleading Advertisements...

**Status:**

Point in time view as at 04/11/1996.

**Changes to legislation:**

Broadcasting Act 1990 is up to date with all changes known to be in force on or before 30 June 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.