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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

- 1 The Independent Television Commission.

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.
- 12 Audience research.

Prohibition on providing unlicensed television services

- 13 Prohibition on providing television services without a licence.

CHAPTER II

TELEVISION BROADCASTING ON CHANNELS 3, 4 AND 5

Channel 3

- 14 Establishment of Channel 3.
- 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.
- 22 Temporary provision of regional Channel 3 service for additional area.

Channel 4

- 23 The Channel Four Television Corporation.
- 24 Channel 4 to be provided by Corporation as licensed service.
- 25 Conditions to be included in Channel 4 licence.
- 26 Revenue deficits of Corporation to be funded by Channel 3 licensees.
- 27 Application of excess revenues of Corporation.

Channel 5

- 28 Channel 5.
- 29 Application to Channel 5 of provisions relating to Channel 3.
- 30 Initial Channel 5 licensee required to retune equipment susceptible to interference.

Provision of news programmes

- 31 Provision of news on Channels 3 and 5.
- 31A Appointment of news provider by holders of regional Channel 3 licences.
- 32 Nomination of bodies to provide news for regional Channel 3 services.

Miscellaneous provisions relating to Channels 3, 4 and 5

- 33 Conditions requiring holder of Channel 3 or Channel 5 licence to deliver promised service.
- 34 Schools programmes.
- 35 Subtitling for the deaf.

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- 36 Party political broadcasts.
- 37 Announcements of programme schedules.
- 38 Promotion of equal opportunities in relation to employment by licence holder.
- 39 Networking arrangements between holders of regional Channel 3 licences.

Enforcement of licences

- 40 Power to direct licensee to broadcast correction or a statement of findings or not to repeat programme.
- 41 Power to impose financial penalty or shorten licence period.
- 42 Power to revoke Channel 3 or 5 licence.

CHAPTER IIA

RESTRICTED SERVICES

- 42A Restricted services.
- 42B Licensing etc. of restricted services.

CHAPTER III

SATELLITE TELEVISION SERVICES

- 43 Satellite television services.
- 44 Licensing etc. of domestic satellite services.
- 45 Licensing etc. of satellite television services.
- 45A Special power of revocation and suspension on certain grounds in case of licence to provide satellite television service.

CHAPTER IV.

LICENSABLE PROGRAMME SERVICES

- 46 Licensable programme services.
- 47 Licensing etc. of licensable programme services.

CHAPTER V

ADDITIONAL SERVICES PROVIDED ON TELEVISION BROADCASTING FREQUENCIES

- 48 Additional services.
- 49 Licensing of additional services.
- 50 Applications for additional services licences.
- 51 Procedure to be followed by Commission in connection with consideration of applications for, and awarding of, licences.
- 52 Additional payments to be made in respect of additional services licences.
- 53 Duration of licences, and renewal of licences for provision of services on assigned frequencies.
- 54 Additional services not to interfere with other transmissions.
- 55 Enforcement of additional services licences.

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CHAPTER VI

TELEVISION BROADCASTING BY WELSH AUTHORITY

- 56 Welsh Authority to continue in existence as Sianel Pedwar Cymru.
- 57 Function and duties of Welsh Authority.
- 58 Sources of programmes for S4C.
- 59 Requirements to be complied with in relation to S4C programmes.
- 60 Advertising on S4C.
- 61 Funding of Welsh Authority.
- 61A Welsh Authority public service fund.
- 62 Information to be supplied to Commission by Welsh Authority.
- 63 Government control over S4C.
- 64 Audience research by Welsh Authority.

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SUPPLEMENTAL

- 65 Assignment of frequencies by Secretary of State.
- 66 Requirements relating to transmission and distribution of services.
- 66A Enforcement of licences held by BBC companies.
- 67 Computation of qualifying revenue.
- 68 Certain receipts of Commission to be paid into Consolidated Fund.
- 69 Frequency planning and research and development.
- 70 Representation by Commission of Government and other interests in connection with broadcasting matters.
- 71 Interpretation of Part I.

PART II

LOCAL DELIVERY SERVICES

Preliminary

- 72 Local delivery services.

Licensing of local delivery services

- 73 Licensing of local delivery services.
- 74 Applications for local delivery licences.
- 75 Procedure to be followed by Commission in connection with consideration of applications for licences.
- 76 Award of licence to person submitting highest cash bid.
- 76A Award of local delivery licence subject to conditions.
- 77 Additional payments to be made in respect of local delivery licences.
- 78 Duration and renewal of local delivery licences.
- 78A Inclusion of certain services in local delivery service provided by digital means.

Regulation of delivery of certain programmes

- 79 Regulation of delivery of programmes provided by licence holder and foreign satellite programmes.

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- 80 Directions requiring licence holder to cease relaying foreign television programmes.

Enforcement of licences

- 81 Enforcement of local delivery licences.

Prohibition on providing unlicensed local delivery services

- 82 Prohibition on providing local delivery services without a licence.

PART III

INDEPENDENT RADIO SERVICES

CHAPTER I

REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

Establishment of Radio Authority

- 83 The Radio Authority.

Function of Authority

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

General provisions about licences

- 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.

Digital switchover

- 97A Date for digital switchover
97B Variation of licence period after date for digital switchover nominated

CHAPTER II

SOUND BROADCASTING SERVICES

Status: Point in time view as at 25/06/2013.

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National services

- 98 Applications for national licences.
- 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.
- 100A Licence conditions relating to simulcast radio services
- 101 Failure to begin providing licensed service and financial penalties on revocation of licence.
- 102 Additional payments to be made in respect of national licences.
- 103 Restriction on changes in control over holder of national licence.
- 103A Renewal of national licences.
- 103B Further renewal of national licences

Local and other services

- 104 Applications for other licences.
- 104A Renewal of local licences.
- 104AA Further renewal of local licences
- 104AB Renewal under section 104AA: nomination of national services
- 104AC Variation of conditions relating to digital services
- 104B Special application procedure for local licences.
- 105 Special requirements relating to grant of local licences.

Miscellaneous provisions relating to national and local services

- 105A Variation of licence period following renewal
- 106 Requirements as to character and coverage of national and local services.
- 106ZA Consultation about change of character of local services
- 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 a statement of findings.
- 110 Power to impose financial penalty or suspend or shorten licence period.
- 111 Power to revoke licences.
- 111A Enforcement of licences held by BBC companies.
- 111B Power to suspend licence to provide satellite service.

CHAPTER III

LICENSABLE SOUND PROGRAMME SERVICES

- 112 Licensable sound programme services.
- 113 Licensing etc. of licensable sound programme services.

Status: Point in time view as at 25/06/2013.

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CHAPTER IV

ADDITIONAL SERVICES PROVIDED ON SOUND BROADCASTING FREQUENCIES

- 114 Additional services.
- 115 Licensing of additional services.
- 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.

CHAPTER V

SUPPLEMENTAL

- 121 Computation of qualifying revenue.
- 122 Certain receipts of Authority to be paid into Consolidated Fund.
- 123 Frequency planning and general research and development.
- 124 Authority to assist Secretary of State in connection with licensing functions under 1949 Act.
- 125 Representation by Authority of Government and other interests in connection with broadcasting matters.
- 126 Interpretation of Part III.

PART IV

TRANSFER OF UNDERTAKINGS OF IBA AND CABLE AUTHORITY

Transfer of undertakings

- 127 Division of assets of IBA and their dissolution.
- 128 Vesting in Commission of assets of Cable Authority and dissolution of Authority.

Transitional arrangements

- 129 Transitional arrangements relating to IBA's broadcasting services.
- 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.
- 133 Functions exercisable by IBA before transfer date in connection with local sound broadcasting.
- 134 Transitional arrangements relating to existing cable services.

Provisions relating to nominated company

- 135 Initial Government holding in nominated company.
- 136 Exercise of functions through nominees.
- 137 Target investment limit for Government shareholding in nominated company.
- 138 Reserves of nominated company.

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- 139 Loans by Secretary of State to nominated company.
- 140 Temporary restriction on borrowings of nominated company.

General

- 141 Interpretation of Part IV.

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THE BROADCASTING COMPLAINTS COMMISSION

- 142 The Broadcasting Complaints Commission.
- 143 Function of BCC.
- 144 Making and entertaining of complaints.
- 145 Consideration of complaints.
- 146 Publication of BCC's findings.
- 147 Duty to publicise BCC.
- 148 Annual reports.
- 149 Contributions towards cost of BCC.
- 150 Interpretation of Part V.

PART VI

THE BROADCASTING STANDARDS COUNCIL

- 151 The Broadcasting Standards Council.
- 152 Preparation by Council of code relating to broadcasting standards.
- 153 Monitoring by Council of broadcasting standards.
- 154 Consideration by Council of complaints relating to broadcasting standards.
- 155 Consideration of complaints.
- 156 Publication of Council's findings.
- 157 Power of Council to commission research.
- 158 International representation by Council of Government interests.
- 159 Duty to publicise Council.
- 160 Annual reports.
- 161 Interpretation of Part VI.

PART VII

PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

Obscenity

- 162 Obscenity in programme services: England and Wales.
- 163 Obscenity in programme services: Scotland.

Racially inflammatory material etc.

- 164 Inclusion in programme services in Great Britain of racially inflammatory material.
- 165 Inclusion in programme services in Northern Ireland of material likely to stir up hatred etc.

Defamation

- 166 Defamatory material.

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Supplementary

- 167 Power to make copies of recordings.

PART VIII

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

- 168 Offence of keeping wireless telegraphy station or apparatus available for unauthorised use.
169 Offence of allowing premises to be used for purpose of unlawful broadcasting.
170 Prohibition of acts facilitating unauthorised broadcasting.
171 Amendments of the Marine, &c., Broadcasting (Offences) Act 1967.
172 Amendments of provisions of 1949 Act relating to penalties and forfeiture.
173 Extension of search and seizure powers in relation to unlawful broadcasting etc.
174 Application of Part VIII to Isle of Man and Channel Islands.

PART IX

COPYRIGHT AND RELATED MATTERS

- 175 Use as of right of sound recordings in broadcasts and cable programme services.
176 Duty to provide advance information about programmes.

PART X

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Foreign satellite services

- 177 Orders proscribing unacceptable foreign satellite services.
178 Offence of supporting proscribed foreign satellite services.

Unauthorised decoders

- 179 Unauthorised decoders for encrypted services etc.

Television licensing

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

Listed events

- 182 Certain events not to be shown on pay-per-view terms.

Gaelic television programmes

- 183 Financing of programmes in Gaelic out of Gaelic Television Fund.
183A Membership of the Gaelic Media Service
184 Broadcasting of programmes in Gaelic on Channel 3 in Scotland.

National television archive

- 185 Contributions towards maintenance of national television archive.

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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.
190 Modification of certain references in Telecommunications 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 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.

General

- 195 Offences by bodies corporate.
196 Entry and search of premises.
197 Restriction on disclosure of information.
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.

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...

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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...

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...

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Part II — DISQUALIFICATION FOR HOLDING LICENCES

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

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

Disqualification of religious bodies

- 2 (1) The following persons are disqualified persons in relation only...

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

Part IV — RESTRICTIONS ON CONTROLLING INTERESTS IN BOTH NEWSPAPERS AND LICENSED SERVICES

Part V — RESTRICTION ON HOLDING OF LICENCES BY OPERATORS OF PUBLIC TELECOMMUNICATION SYSTEMS

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...

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*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...

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 OFT on reference under s. 39

1 (1) Where any reference is made to the Office of...

The competition test

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

Duty to modify arrangements in consequence of OFT's report

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

References to Monopolies and Mergers CommissionMMC

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

Further provision about references under paragraph 4

4A (1) The following sections of Part 3 of the Enterprise...

Report by Monopolies and Mergers CommissionMMC on reference under paragraph 4

5 (1) The Competition Commission's report on a reference under paragraph...

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*Duty to modify arrangements in consequence of
Monopolies and Mergers CommissionMMC's report*

- 6 (1) Where the Competition Commission report on any reference under...

Power of OFT to review previous decision with respect to arrangements

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

Power to obtain information

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

Enforcement

- 8A (1) The court may, on an application by the OFT...
8B (1) A person commits an offence if he intentionally alters,...

False or misleading information

- 8C (1) A person commits an offence if—

Duty of OFT to assist Monopolies and Mergers CommissionMMC

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

Interpretation

- 10 In this Schedule—

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...

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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...

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 OFCOM to draw...

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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 OFCOM to draw...

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.

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...

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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

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...

Status: Point in time view as at 25/06/2013.

Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 22 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)

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...

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 SAC

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

Broadcasting of advertisements on SAC

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

Financing of SAC during interim period

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

Status: Point in time view as at 25/06/2013.

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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

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

Status: Point in time view as at 25/06/2013.

Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 22 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)

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...

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...

Status: Point in time view as at 25/06/2013.

Changes to legislation: Broadcasting Act 1990 is up to date with all changes known to be in force on or before 22 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)

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

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 —

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...

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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...

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 —

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...

Status: Point in time view as at 25/06/2013.

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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...

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...

Status: Point in time view as at 25/06/2013.

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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...

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

2 (1)

3

4

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

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 Service : Supplementary Provisions

Status and capacity

1 (1) The Service shall be a body corporate.

Tenure of office and remuneration

2 (1) Subject to sub-paragraphs (1A) and (2), each member of...

Disqualification of members of Service for House of Commons

3

Status: Point in time view as at 25/06/2013.

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Proceedings

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

Employees of the Service

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

Financial provision

- 8 There shall be defrayed out of the Gaelic Broadcasting Fund—...
- 8A (1) The Service must pay all their receipts to OFCOM....

Authentication of Service 's seal

- 9 The application of the seal of the Service shall be...

Presumption of authenticity of documents issued by the Service

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

Accounts and audit

- 11 (1) The Service 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

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...

Status: Point in time view as at 25/06/2013.

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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...

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

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...

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- 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)—...
- 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.

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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...

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

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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),...

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 25/06/2013.

Changes to legislation:

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