



Broadcasting Act 1996

1996 CHAPTER 55

PART VIII

MISCELLANEOUS AND GENERAL

Standards for transmission systems

^{F1}142 Standards for transmission systems.

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Textual Amendments

^{F1} S. 142 repealed (29.12.2003) by [Communications Act 2003](#) (c. 21), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

Disqualification on grounds relating to political objects

143 Duties of Independent Television Commission and Radio Authority in cases involving disqualification on grounds related to political objects.

- (1) If it appears to the [^{F2}OFCOM] that there are grounds for suspecting that any person who is an applicant for a licence under [^{F3}Part 1 or 3 of the 1990 Act or Part 1 or 2 of this Act,] is by virtue of any of the provisions specified in subsection (5) a disqualified person in relation to that licence, [^{F2}OFCOM] shall be regarded as failing to discharge their duty under [^{F4}section 5(1) or 88(1) of the 1990 Act or section 5(1) or 44(1) of this Act] , if they grant the licence to that person without being provided with information which satisfies them that he is not on those grounds a disqualified person by virtue of that provision.
- (2) If it appears to [^{F5}OFCOM] that there are grounds for suspecting that any person who is the holder of a licence under [^{F6}Part 1 or 3 of the 1990 Act or Part 1 or 2 of this

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Act,] is by virtue of any of the provisions specified in subsection (5) a disqualified person in relation to that licence, [F⁵OFCOM] shall be regarded as failing to discharge their duty under [F⁷section 5(1) or 88(1) of the 1990 Act or section 5(1) or 44(1) of this Act], unless—

- (a) they require him to provide them with information for the purpose of determining whether he is on those grounds a disqualified person by virtue of that provision, and
- (b) if they are satisfied that he is a disqualified person, they revoke the licence.

F⁸(3)

F⁸(4)

(5) The provisions referred to in subsections (1) [F⁹and (2)] are the following provisions of paragraph 1(1) of Part II of Schedule 2 to the 1990 Act—

- (a) paragraphs (d) to (g),
- (b) paragraph (h) so far as relating to participation by bodies falling within paragraph (d), (e) or (g),
- (c) paragraph (hh) so far as relating to a body corporate controlled by a body corporate in which a body falling within paragraph (d), (e) or (g) is a participant with more than a 5 per cent. interest,
- (d) paragraph (i) so far as relating to control by a person falling within any of paragraphs (d) to (g) or by two or more such persons, and
- (e) paragraph (j) so far as relating to participation by a body corporate which is controlled by a person falling within any of paragraphs (d) to (g) or by two or more such persons.

(6) Nothing in subsections (1) to (5) shall be taken to limit the generality of [F¹⁰the duties imposed on OFCOM by sections 5(1) and 88(1) of the 1990 Act and sections 5(1) and 44(1) of this Act.]

Textual Amendments

- F2** Words in s. 143(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(2\)\(a\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in s. 143(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(3\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F4** Words in s. 143(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(2\)\(b\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F5** Words in s. 143(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(2\)\(a\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F6** Words in s. 143(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F7** Words in s. 143(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(2\)\(b\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F8** S. 143(3)(4) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(5\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F9** Words in s. 143(5) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(6\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F10** Words in s. 143(6) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 138\(7\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

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Provision of false information, etc.

144 Offence of providing false information in certain circumstances.

- (1) A person who, in connection with an application by him for, or his continued holding of, a licence under the 1990 Act or this Act—
 - (a) makes [^{F11}a statement to OFCOM] which he knows to be false in a material particular, or
 - (b) recklessly makes [^{F11}a statement to OFCOM] which is false in a material particular,is guilty of an offence if the statement relates to a matter which would be relevant in determining whether he is by virtue of any of the provisions specified in subsection (3) a disqualified person, and he is by virtue of any of those provisions a disqualified person in relation to that licence.
- (2) A person who, in connection with an application by him for, or his continued holding of, a licence under the 1990 Act or this Act, withholds any information with the intention of causing [^{F12}OFCOM] to be misled is guilty of an offence if—
 - (a) the information would be relevant in determining whether he is by virtue of any of the provisions specified in subsection (3) a disqualified person, and
 - (b) he is by virtue of any of those provisions a disqualified person in relation to that licence.
- (3) The provisions referred to in subsections (1) and (2) are the following provisions of paragraph 1(1) of Part II of Schedule 2 to the 1990 Act—
 - (a) paragraphs (d) to (g),
 - (b) paragraph (h) so far as relating to participation by bodies falling within paragraph (d), (e) or (g),
 - (c) paragraph (hh) so far as relating to a body corporate controlled by a body corporate in which a body falling within paragraph (d), (e) or (g) is a participant with more than a 5 per cent. interest,
 - (d) paragraph (i) so far as relating to control by a person falling within any of paragraphs (d) to (g) or by two or more such persons, and
 - (e) paragraph (j) so far as relating to participation by a body corporate which is controlled by a person falling within any of paragraphs (d) to (g) or by two or more such persons.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

^{F13}(5)

Textual Amendments

- F11** Words in s. 144(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 139\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F12** Words in s. 144(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 139\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F13** [S. 144\(5\)](#) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 139\(4\), Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

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145 Disqualification for offence of supplying false information, etc.

- (1) Where a person is convicted of an offence under section 144 the court by which he is convicted may make an order (in this section referred to as a “disqualification order”) disqualifying him from holding a licence during a period specified in the order.
- (2) The period specified in a disqualification order shall not exceed five years beginning with the date on which the order takes effect.
- (3) Where an individual is disqualified from holding a licence by virtue of a disqualification order, any body corporate—
 - (a) of which he is a director, or
 - (b) in the management of which he is directly or indirectly concerned,
 is also disqualified from holding a licence.
- (4) Where the holder of a licence is disqualified by virtue of a disqualification order, the licence shall be treated as being revoked with effect from the time when the order takes effect.
- (5) For the purposes of any of the provisions specified in subsection (6) (which relate to the imposition of a financial penalty on the revocation of a licence), a licence which is revoked by virtue of subsection (4) shall be taken to have been revoked by [F14OFCOM] as mentioned in that provision.
- (6) The provisions referred to in subsection (5) are as follows—
 - (a) section 18(3) of the 1990 Act,
 - (b) section 101(3) of the 1990 Act,
 - (c) section 11(5), and
 - (d) section 53(5).
- (7) In sections [F155(1)(a) and (2)(db)]^{F16} ... and 88(1)(a) and (2)(db)] of the 1990 Act and sections [F175(1)(a) and (2)(db) and 44(1)(a) and (2)(db)] of this Act, the reference to a person who is a disqualified person by virtue of Part II of Schedule 2 to the 1990 Act includes a reference to a person who is disqualified by virtue of a disqualification order.
- (8) In this section—

[F18“licence” means a licence under Part 1 or 3 of the 1990 Act or under Part 1 or 2 of this Act;]

F19
...

Textual Amendments

- F14** Words in s. 145(5) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 140\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F15** Words in s. 145(7) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 140\(3\)\(a\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F16** Words in s. 145(7) repealed (29.12.2003) by [The Media Ownership \(Local Radio and Appointed News Provider\) Order 2003 \(S.I. 2003/3299\)](#), arts. 1(2), [13\(2\)](#)
- F17** Words in s. 145(7) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 140\(3\)\(b\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F18** Words in s. 145(8) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 140\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

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F19 Words in s. 145(8) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

146 Supplementary provisions as to disqualification orders.

- (1) A person disqualified by a disqualification order may appeal against the order in the same manner as against a conviction.
- (2) A disqualification order made by a court in England and Wales or Northern Ireland—
 - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the order, and
 - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- (3) A disqualification order made by a court in Scotland—
 - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the order, and
 - (b) if an appeal against the order or the conviction is taken within that period, shall not take effect until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (4) In this section “disqualification order” means an order under section 145.

General

147 General interpretation.

- (1) In this Act—
 - “the 1990 Act” means the ^{M1}Broadcasting Act 1990;
 - “the BBC” means the British Broadcasting Corporation.
 - [^{F20}“ OFCOM” means the Office of Communications;]
- (2) The 1990 Act and the following provisions of this Act—
 - (a) Parts I and II and Schedule 1,
 - (b) Part IV,
 - (c) Part V and Schedules 3 and 4, and
 - (d) sections 142 to 146,shall be construed as if those provisions were contained in that Act.

Textual Amendments

F20 Words in s. 147(1) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 141](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Modifications etc. (not altering text)

C1 S. 147(1) extended (with modifications) (22.8.1997): to Guernsey by [S.I. 1997/1755](#), art. 2, [Sch.](#); to the Isle of Man by [S.I. 1997/1756](#), art. 2, [Sch.](#); to Jersey by [S.I. 1997/1757](#), art. 2, [Sch.](#)

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Commencement Information

- I1** S. 147 wholly in force: S. 147(1) in force at 24.7.1996, see s. 149(1); s. 147(2)(a)(b)(d) in force at 1.10.1996 by [S.I. 1996/2120](#), [art. 4](#), [Sch. 1](#); s. 147(2)(c) in force at 1.4.1997 by [S.I. 1997/1005](#), [art. 4](#)

Marginal Citations

- M1** [1990 c. 42](#).

148 Minor and consequential amendments, repeals and revocations.

- (1) Schedule 10 (which makes minor and consequential amendments) shall have effect.
- (2) The enactments and instruments mentioned in Schedule 11 are hereby repealed or, as the case may be, revoked to the extent specified in the third column of that Schedule.

Commencement Information

- I2** [S. 148](#) wholly in force: s. 148 in force for certain purposes at 24.7.1996 see [s. 149\(1\)](#); [s. 148](#) in force for certain purposes at 1.10.1996 by [S.I. 1996/2120](#), [art. 4](#), [Sch. 1](#); [s. 148](#) in force for certain purposes at 1.11.1996 by [S.I. 1996/2120](#), [art. 5](#), [Sch. 2](#); [s. 148](#) wholly in force at 1.4.1997 by [S.I. 1997/1005](#), [art. 4](#)

149 Commencement and transitional provisions.

- (1) The following provisions of this Act—
 - (a) paragraphs 7 to 9 of Schedule 2 so far as relating to BBC companies (as defined by section 202(1) of the 1990 Act), and section 73 so far as relating to those paragraphs in their application to such companies,
 - (b) sections 74 to 78,
 - (c) section 80,
 - (d) section 83,
 - (e) sections 88, 90 and 92,
 - (f) Part VI (and Schedules 5 to 8),
 - (g) section 147(1),
 - (h) paragraphs 15 and 19 of Schedule 10 so far as relating to BBC companies (as defined by section 202(1) of the 1990 Act), and section 148(1) so far as relating to those paragraphs in their application to such companies,
 - (i) the entries in Schedule 11 relating to sections 32(9), 45(8) and (9) and 47(11) and (12) of the 1990 Act, and section 148(2) so far as relating to those entries, and
 - (j) this section and section 150,
 shall come into force on the passing of this Act.
- (2) The other provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) The power to make an order under this section includes power to make such transitional provisions and savings as the Secretary of State considers appropriate.

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Subordinate Legislation Made

- P1** [S. 149\(2\)](#) power partly exercised (9.8.1996): different dates appointed for specified provisions by [S.I. 1996/2120](#)
- [S. 149\(2\)](#) power partly exercised (21.3.1997): different dates appointed for specified provisions by [S.I. 1997/1005](#)
- [S. 149\(2\)](#) power partly exercised (28.1.1998): 29.1.1998 appointed for specified provisions for specified purposes by [S.I. 1998/188](#), [art. 3](#)

150 Short title and extent.

- (1) This Act may be cited as the Broadcasting Act 1996.
- (2) This Act, except paragraph 27 of Schedule 10, extends to Northern Ireland.
- (3) Section 204(6) of the 1990 Act (power to extend to Isle of Man and Channel Islands) applies to the provisions of this Act amending that Act.
- (4) Her Majesty may by Order in Council direct that any of the other provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such modifications, if any, as appear to Her Majesty to be appropriate.

Modifications etc. (not altering text)

- C2** [S. 150\(1\)](#) extended (with modifications) (22.8.1997): to Guernsey by [S.I. 1997/1755](#), [art. 2](#), [Sch.](#); to the Isle of Man by [S.I. 1997/1756](#), [art. 2](#), [Sch.](#); to Jersey by [S.I. 1997/1757](#), [art. 2](#), [Sch.](#)

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