



Broadcasting Act 1996

1996 CHAPTER 55

PART III

AMENDMENTS OF THE BROADCASTING ACT 1990

Regional Channel 3 services

77 Modification of Restrictive Trade Practices Act 1976 in its application to agreements relating to Channel 3 news provision.

(1) After section 194 of the 1990 Act there is inserted—

“194A Modification of Restrictive Trade Practices Act 1976 in its application to agreements relating to Channel 3 news provision.

- (1) In this section a “relevant agreement” means an agreement—
 - (a) which is made between all holders of regional Channel 3 licences for securing the appointment by them, in accordance with conditions included in their licences by virtue of section 31A(a), of a single body corporate to be the appointed news provider for the purposes of section 31(2), or
 - (b) which is made between them and the body corporate appointed to be the appointed news provider for the purposes of section 31(2) for purposes connected with the appointment.
- (2) If a relevant agreement is registered under the ^{M1}Restrictive Trade Practices Act 1976 (“the 1976 Act”), the Director General of Fair Trading shall report to the Secretary of State as to whether it appears to the Director that the agreement falls within subsection (4).
- (3) If, on receiving a report under subsection (2), it appears to the Secretary of State that the agreement falls within subsection (4), he may give a direction to the Director requiring him not to make an application to the Restrictive

Status: Point in time view as at 29/12/2003.

Changes to legislation: Broadcasting Act 1996, Section 77 is up to date with all changes known to be in force on or before 31 July 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)

Practices Court under Part I of the 1976 Act in respect of the relevant agreement.

- (4) A relevant agreement falls within this subsection if—
 - (a) those provisions of the agreement by virtue of which the 1976 Act applies to the agreement do not have, and are not intended or likely to have, to any significant extent the effect of restricting, distorting or preventing competition, or
 - (b) all or any of those provisions have, or are intended or likely to have, that effect to a significant extent, but that the effect is not greater than is necessary—
 - (i) in the case of a relevant agreement falling within subsection (1)(a), for securing the appointment by holders of regional Channel 3 licences of a single body corporate to be the appointed news provider for the purposes of section 31(2), or
 - (ii) in the case of a relevant agreement falling within subsection (1)(b), for compliance by them with conditions included in their licences by virtue of section 31(1) and (2).
- (5) The Secretary of State may vary or revoke any direction given under subsection (3) above if he satisfied that there has been a material change of circumstances such that—
 - (a) the grounds for the direction have ceased to exist, or
 - (b) there are grounds for giving a different direction;
 and where the Secretary of State so varies or revokes any direction, he shall give notice of the variation or revocation to the Director.
- (6) In this section—
 - (a) “agreement” and “Director” have the same meaning as in the 1976 Act, and
 - (b) “regional Channel 3 licence” has the same meaning as in Part I.”

^{F1}(2)

Textual Amendments	
F1	S. 77(2) repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 21, Sch. 14 Pt. I (with s. 73); S.I. 2000/344, art. 2
Marginal Citations	
M1	1976 c. 34.

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