

1969 No. 1380

## TELEGRAPHS

**The Programme Distribution Systems (Exceptions) Order 1969***Made* - - - 24th September 1969*Laid before Parliament* 29th September 1969*Coming into Operation* 1st October 1969

I, The Right Honourable John Thomson Stonehouse, M.P., Her Majesty's Postmaster General, in exercise of the powers conferred upon the Minister of Posts and Telecommunications by section 89(1) of the Post Office Act 1969<sup>(a)</sup> and exercisable by me by virtue of the provisions of section 2(6) of the said Act and of all other powers enabling me in that behalf, hereby make the following Order:—

*Citation and commencement*

1. This Order may be cited as the Programme Distribution Systems (Exceptions) Order 1969, and shall come into operation on 1st October 1969.

*Interpretation*

2.—(1) In this Order, except so far as the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

“the Act” means the Post Office Act 1969;

“recognised educational institutions” means:

in relation to England and Wales, any school and any college of education or other institution of further education which is maintained or assisted by a local education authority or in respect of which grants are paid to the governing body by the Secretary of State for Education and Science or which is recognised by the Secretary of State for Education and Science as efficient; in relation to Scotland, educational institutions approved or recognised by the Secretary of State for Scotland including any educational establishment as defined in Section 145(17) of the Education (Scotland) Act 1962<sup>(b)</sup> and in relation to Northern Ireland educational institutions approved or recognised by the Ministry of Education for Northern Ireland including any educational establishment as defined in Section 72 of the Education Act (Northern Ireland), 1947<sup>(c)</sup>

and includes universities and university colleges, constituent colleges, schools and halls of universities;

“hospital” includes nursing home and old persons' home;

“hospital authority” means, in relation to England and Wales and to Northern Ireland, a hospital management committee and in the case of a

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(a) 1969 c. 48.

(b) 1962 c. 47.

(c) 1947 c. 3 (N.I.).

teaching hospital in England or Wales its board of governors and in relation to Scotland, a board of management appointed under the National Health Service (Scotland) Act 1947(a) ;

“television programme contractors” means programme contractors as described in section 1(5) of the Television Act 1964(b), any bodies or organisations of the kind referred to in section 11(6)(a) of that Act, and sub-contractors of any such contractors, bodies or organisations ;

“unsponsored” means, in relation to a programme, that the distributor of the programme has not received, and will not receive, any profit or inducement for the distribution of the programme otherwise than from his customers.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

#### *Private programme systems*

3. There is hereby excepted from the requirement of a written licence under section 89 of the Act the running of any system within the said section 89 for the distribution of programmes in the case of which the place where the programmes originate and all the places to which they are distributed are premises in the occupation of the person running the system, and the programmes are not presented for the purpose of being seen or heard by members of the public.

#### *Parts of certain programme systems*

4. There is hereby excepted from the requirement of a written licence under section 89 of the Act the running of that part of any system within the said section 89 for the distribution or conveyance of programmes in the case of which

- (i) that part is run by a customer of the person to whom has been granted a licence under the said section 89 to run that system ; and
- (ii) the running of that part is confined to a single set of premises in the occupation of the customer ; and
- (iii) the running of that part is in accordance with the terms of the licence so granted in so far as they are applicable to that part of the system.

#### *Other programme systems excepted*

5. There is hereby excepted from the requirement of a written licence under section 89 of the Act the running of any system within the said section 89 for the distribution or conveyance of programmes of the kinds described in the Schedule hereto.

Dated 24th September 1969.

*John Stonehouse,*  
Her Majesty's Postmaster General.

## SCHEDULE

*1. Programmes of music, in respect of which the following conditions are satisfied :*

- (a) They consist solely of recorded instrumental and vocal music, except as mentioned in (b).
- (b) Any spoken matter which they contain consists solely of brief announcements relating to the music and nothing else.
- (c) They contain no advertisements or propaganda.
- (d) They are unsponsored.
- (e) They are originated by the person running the system for their distribution.
- (f) They are distributed to the places of business of customers of that person for the entertainment of those customers, their employees, visitors, clients or guests, and no charge is made in respect of the programmes to persons other than those customers.

*2. Educational programmes, in respect of which the following conditions are satisfied :*

- (a) They consist solely of educational matter.
- (b) They are originated by or on behalf of local education authorities or recognised educational institutions.
- (c) They are distributed to premises occupied by such institutions.
- (d) They are presented to the staff and students of such institutions only and no profit accrues to any such institutions by reason of such presentation.

*3. Hospital Sound Programmes, in respect of which the following conditions are satisfied :*

- (a) They consist solely of sounds.
- (b) They are distributed, without profit or inducement to the distributor, to hospitals, by systems each of which is confined to the administrative area of a single hospital authority.
- (c) They are presented to the patients, inmates and staffs of hospitals for their entertainment and no charge is made to hospitals or such persons for the presentation.
- (d) They contain no advertisements or propaganda.
- (e) They are originated by the person running the system.

*4. Trade and business information programmes, in respect of which the following conditions are satisfied :*

- (a) They consist solely of current information relating to the trades and business of the distributor's customers.
- (b) They are distributed to the trade or business premises of such customers at such parts thereof that the programmes presented are not seen or heard by members of the public.

*5. News agency programmes, in respect of which the following conditions are satisfied :*

- (a) They consist solely of parliamentary, stock exchange, mercantile, shipping and general news.
- (b) They are distributed by the distributor to his customers' premises at such parts thereof that the programmes presented are not seen or heard by members of the public.

6. *Television programme contractors' programmes, in respect of which the following conditions are satisfied :*

- (a) They are distributed or conveyed by television programme contractors directly or indirectly to the Independent Television Authority or to one or more other television programme contractors.
- (b) Save in so far as the programmes are broadcast by the Independent Television Authority in the discharge of its functions under the Television Act 1964, they are not presented for the purpose of being seen or heard by members of the public.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order describes those programme distribution systems within the scope of Part IV of the Post Office Act 1969 (which Part relates to the control of systems disseminating programmes of information, education or entertainment otherwise than by wireless telegraphy) which may be run without the written licence of the Minister of Posts and Telecommunications (Article 5 and the Schedule).

There are included general exceptions in favour of the running of any system distributing programmes privately to various premises in the occupation of the originator of the programmes (Article 3) and parts of systems run by the customers of persons to whom the Minister has granted his written licence in compliance with the terms of that licence (Article 4).