

1990 No. 2389

BROADCASTING

The Broadcasting (Local Delivery Services) Order 1990

Made - - - - - *3rd December 1990*

Laid before Parliament *10th December 1990*

Coming into force - *1st January 1991*

In exercise of the powers conferred upon me by section 72(1)(b) and (3) of the Broadcasting Act 1990(a), I hereby make the following Order:

1.—(1) This Order may be cited as the Broadcasting (Local Delivery Services) Order 1990 and shall come into force on 1st January 1991.

(2) In this Order “the 1990 Act” means the Broadcasting Act 1990.

2.—(1) The class of services to which paragraph (2) below applies is hereby specified for the purpose of section 72(1)(b) of the 1990 Act.

(2) This paragraph applies to services provided in an area in which there are more than one thousand dwelling-houses, subject to the exceptions set out in the Schedule to this Order.

Home Office
3rd December 1990

Kenneth Baker
One of Her Majesty’s Principal Secretaries of State

SCHEDULE

Article 2

EXCEPTIONS TO THE CLASS OF SERVICES SPECIFIED IN ARTICLE 2

PART I

INTERPRETATION

1. In this Schedule—

“Channel 3” means the system of television broadcasting services established by the Commission under section 14 of the 1990 Act;

“Channel 4”, except where expressly provided otherwise, means the television broadcasting service referred to in section 24(1) of the 1990 Act;

“Channel 5” means the television broadcasting service referred to in section 28(1) of the 1990 Act;

“DBS service” has the meaning given to it by section 37(3) of the Cable and Broadcasting Act 1984(a);

“ITV” has the meaning given to it by section 10(2) of the Broadcasting Act 1981(b);

“the interim period” means the period referred to in paragraph 1(1) in Part II of Schedule 11 to the 1990 Act;

“local radio service” has the meaning given to “local service” by section 84(2) of the 1990 Act;

“national radio service” has the meaning given to “national service” by section 84(2) of the 1990 Act;

“the nominated company” means the company nominated for the purposes of section 127(1) of the 1990 Act;

“public telecommunications operator” has the meaning given to it by section 9(3) of the Telecommunications Act 1984(c);

“S4C” means the television broadcasting service referred to in section 57(1) of the 1990 Act;

“satellite” includes both domestic and non-domestic satellite services within the meaning of section 43(1) and (2) of the 1990 Act;

“television broadcasting service” has the meaning given by section 2(5) of the 1990 Act;

“the transfer date” means the day appointed under section 127(1) of the 1990 Act.

2. In this Schedule, any reference to the number of channels on which a DBS service is provided is a reference to the number of frequencies involved.

PART II

EXCEPTED SERVICES

1. A service provided for the purpose of the delivery of only the following services:

(a) during the interim period:

(i) BBC television broadcasting services;

(ii) ITV;

(iii) Channel 4, within the meaning of Schedule 11 to the 1990 Act, or S4C, subject to paragraph 6 of Part II of that Schedule, as the case may be; and

(iv) any teletext services provided within the spare capacity of the frequencies on which the services mentioned in paragraphs (i) to (iii) above are provided;

(b) after the interim period:

(i) BBC television broadcasting services;

(ii) Channel 3;

(iii) Channel 4 or S4C, as the case may be; and

(iv) any teletext services provided within the spare capacity of the frequencies on which the services mentioned in paragraphs (i) to (iii) above are provided;

(c) the services described in subparagraph (a) or (b) above, and the DBS service, provided that the number of channels on which that service is being provided on the transfer date is less than five; or

(d) the services described in subparagraph (a), (b) or (c) above, and any of the services referred to in section 72(2)(d) or (e) of the 1990 Act.

2. A service which consists in the transmission for general reception by any person for the purpose of the delivery of any of the following services:

(a) Channel 3;

(b) Channel 4;

(c) S4C;

(d) Channel 5;

(e) any local radio service; or

(f) any national local radio service.

3. A service which consists in the transmission by satellite of programme services for general reception.

(a) 1984 c.46.

(b) 1981 c.68.

(c) 1984 c.12.

4. A service which is provided by the BBC.

5. A service which is provided by a public telecommunications operator and consists only of the service referred to in section 72(2)(e) of the 1990 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order classifies services provided under section 72(1) of the Broadcasting Act 1990 which are to be defined as local delivery services for the purposes of Part II of that Act.

Such services consist in the use of a telecommunication system (whether run by the person who uses it or not) for the purpose of the delivery of television and sound programmes for simultaneous reception in an area of more than a thousand dwelling houses.

The exceptions to this classification are set out in Part II of the Schedule to the Order and include services which transmit television and sound broadcasts and services which only deliver BBC, ITV, Channel 4 and certain DBS broadcasts.