
STATUTORY INSTRUMENTS

1994 No. 2540

BROADCASTING

**The Broadcasting (Restrictive Trade Practices Act 1976)
(Exemption for Networking Arrangements) Order 1994**

Made - - - - 28th September 1994
Laid before Parliament 3rd October 1994
Coming into force - - 24th October 1994

The Secretary of State, in exercise of the powers conferred on him by section 194(1) of the Broadcasting Act 1990⁽¹⁾, after consultation with the Independent Television Commission and the Director General of Fair Trading in accordance with section 194(3) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Broadcasting (Restrictive Trade Practices Act 1976) (Exemption for Networking Arrangements) Order 1994 and shall come into force on 24th October 1994.

Interpretation

2. In this Order—

“the 1990 Act” means the Broadcasting Act 1990;

“ITVA” means the Independent Television Association Limited;

“holders of regional Channel 3 licences” means the persons specified in Schedule 1 to this Order.

Exemption from the Restrictive Trade Practices Act 1976

3. The arrangements made among the holders of regional Channel 3 licences and the ITVA specified in Schedule 2 to this Order (being relevant networking arrangements falling within section 194(2)(a) of the 1990 Act) are specified as arrangements to which, by virtue of section 194(1) of the 1990 Act, the Restrictive Trade Practices Act 1976⁽²⁾ does not apply and is deemed never to have applied.

(1) 1990 c. 42.
(2) 1976 c. 34.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

28th September 1994

Stephen Dorrell
Secretary of State for National Heritage

SCHEDULE 1

Article 2

HOLDERS OF REGIONAL CHANNEL 3 LICENCES

Anglia Television Limited
Border Television p.l.c.
Carlton Television Limited
Central Independent Television p.l.c.
Channel Television Limited
Grampian Television p.l.c.
Granada Television Limited
HTV Group p.l.c.
LWT (Holdings) p.l.c.
Meridian Broadcasting Limited
Scottish Television p.l.c.
Tyne Tees Television Limited
Ulster Television p.l.c.
Westcountry Television Limited
Yorkshire Television Limited

SCHEDULE 2

Article 3

ARRANGEMENTS, MADE AMONG THE HOLDERS OF REGIONAL CHANNEL 3 LICENCES AND THE ITVA, TO WHICH THE RESTRICTIVE TRADE PRACTICES ACT 1976 DOES NOT APPLY AND IS DEEMED NEVER TO HAVE APPLIED

1. The Network Supply Contract dated 11th May 1992, as modified by an agreement dated 30th June 1993, and as published by the ITVA Network Centre on 30th September 1993.
2. The Statement of Principles on Networking Arrangements for Central Scheduling annexed to the Network Supply Contract mentioned in paragraph 1 above, as modified by an agreement dated 30th June 1993, and as published by the ITVA Network Centre on 30th September 1993.
3. The model Network Programme Licence, and the model form of ITVA General Terms and Conditions applicable to an ITVA Network Programme Licence, annexed to the Network Supply Contract mentioned in paragraph 1 above, as modified by agreements dated 30th June 1993 and 24th September 1993, and as published by the ITVA Network Centre on 30th September 1993.
4. The ITV Productions Commissions Guidelines for 100% Funded Production issued on 11th May 1992, annexed to the Network Supply Contract mentioned in paragraph 1 above, and terminated on 1st March 1993, in so far as they relate to relevant networking arrangements falling within section 194(2)(a) of the 1990 Act.
5. The Code of Practice published by the ITVA Network Centre on 30th September 1993.
6. The document entitled “Draft Letter of Intent from Network Centre” published by the ITVA Network Centre on 30th September 1993.
7. The document entitled “Draft Deal Letter from Network Centre to the Producer” published by the ITVA Network Centre on 30th September 1993.

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8. The model form of Tripartite Production, Licence and Compliance Contract, and the model form of ITVA General Terms and Conditions applicable to Production, Licence and Compliance Contract, published by the ITVA Network Centre on 30th September 1993.

9. Any modification of the arrangements specified in paragraphs 1 to 8 above which has been approved by the Independent Television Commission under section 39(8) of the 1990 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that the Restrictive Trade Practices Act 1976 shall not apply and is deemed never to have applied to the arrangements specified in Schedule 2 made among holders of regional Channel 3 licences (specified in Schedule 1) and the Independent Television Association Limited. These arrangements are approved by the Independent Television Commission. They provide for programmes made, commissioned or acquired by or on behalf of one or more regional Channel 3 licence holders to be available for broadcasting in all regional Channel 3 services.

Copies of the documents referred to in Schedule 2 may be obtained from the ITVA Network Centre, 200 Gray's Inn Road, London WC1X 8HF.