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STATUTORY INSTRUMENTS

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**1998 No. 1240**

**BROADCASTING**

**The Broadcasting (Local Delivery Services) Order 1998**

<i>Made</i>	- - - -	<i>15th May 1998</i>
<i>Laid before Parliament</i>		<i>18th May 1998</i>
<i>Coming into force</i>	- -	<i>10th June 1998</i>

The Secretary of State, in exercise of the powers conferred on him by section 72(1)(b) and (3) of the Broadcasting Act 1990(1), hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Broadcasting (Local Delivery Services) Order 1998 and shall come into force on 10th June 1998.

(2) In this Order “the 1990 Act” means the Broadcasting Act 1990 and “the 1996 Act” means the Broadcasting Act 1996(2).

**Specification**

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.

**Revocation**

3. The Broadcasting (Local Delivery Services) Order 1990(3) and the Broadcasting (Local Delivery Services) (Amendment) Order 1991(4) are hereby revoked.

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(1) 1990 c. 42.  
(2) 1996 c. 55.  
(3) S.I.1990/2389.  
(4) S.I. 1991/2188.

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15th May 1998

*Chris Smith*  
Secretary of State for Culture, Media and Sport

## SCHEDULE

Article 2

### EXCEPTIONS TO THE CLASS OF SERVICES SPECIFIED IN ARTICLE 2

#### PART I

##### INTERPRETATION

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” 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;

“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;

“public telecommunications operator” has the meaning given to it by section 9(3) of the Telecommunications Act 1984<sup>(5)</sup>;

“qualifying service” has the meaning given to it by section 2(2) of the 1996 Act;

“qualifying teletext service” has the meaning given to it by section 39(1) of the 1996 Act;

“restricted service” has the meaning given to it by section 42A of the 1990 Act<sup>(6)</sup>;

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

“satellite television service” has the meaning given to it in section 43(1) of the 1990 Act<sup>(7)</sup>;

“S4C Digital” means the service referred to in section 57(1A) of the 1990 Act<sup>(8)</sup>;

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

“BBC” has the meaning given to it in section 202(1) of the 1990 Act.

#### PART II

##### EXCEPTED SERVICES

The following are excepted services for the purposes of Article 2(2) of this Order.

1. A service provided for the purpose of the delivery of only the following services:
  - (a) (i) the two television broadcasting services provided by the BBC on the passing of the Broadcasting Act 1996;
  - (ii) Channel 3;
  - (iii) Channel 4 or S4C, as the case may be;
  - (iv) Channel 5;

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<sup>(5)</sup> 1984 c. 12.

<sup>(6)</sup> Section 42A was inserted by section 85 of the 1996 Act.

<sup>(7)</sup> Section 43(1) of the 1990 Act was substituted by the Satellite Television Service Regulations 1997 (S.I. 1997/1682).

<sup>(8)</sup> Section 57(1A) was inserted by section 84 of the 1996 Act.

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- (v) any teletext services provided within the spare capacity of the frequencies on which the services mentioned in paragraphs (i) to (iv) above are provided;
  - (vi) any restricted service;
  - (vii) any qualifying service;
  - (viii) S4C Digital; and
  - (ix) the qualifying teletext service:
- (b) the services described in sub-paragraph (a) above, and any of the services referred to in section 72(2)(d), (e) or (f) of the 1990 Act(9).
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;
  - (f) any national radio service;
  - (g) any restricted service;
  - (h) any qualifying service;
  - (i) S4C Digital; or
  - (j) the qualifying teletext service.
3. A service which consists in the transmission by satellite of programme services for general reception.
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.

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## 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 which only deliver the services of

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(9) Paragraph (f) of section 72(2) of the 1990 Act was inserted by paragraph 4 in Part I of Schedule 10 to the 1996 Act.

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BBC1, BBC2, Channel 3, Channel 4, Channel 5 and S4C (whether in analogue or digital form), any restricted television service, and the terrestrial teletext services in both analogue and digital form.