

**1999 No. 1996**

**BROADCASTING**

**The Independent Analogue Broadcasters (Reservation of Digital Capacity) (Amendment) Order 1999**

<i>Made - - - -</i>	<i>15th July 1999</i>
<i>Laid before Parliament</i>	<i>16th July 1999</i>
<i>Coming into force</i>	<i>17th July 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 28(3) and (6) of the Broadcasting Act 1996(a) and section 200 of the Broadcasting Act 1990(b), hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Independent Analogue Broadcasters (Reservation of Digital Capacity) (Amendment) Order 1999 and shall come into force on 17th July 1999.

**Amendment to The Independent Analogue Broadcasters (Reservation of Digital Capacity) Order 1996**

2. For article 1(2)(i) in Part I of the Independent Analogue Broadcasters (Reservation of Digital Capacity) Order 1996(c) there shall be substituted—

“(i) in Part II, “qualifying company” has the same meaning as in section 24(6) of the 1990 Act and in Part III, “qualifying company” has the same meaning as in section 57(1B) of the 1990 Act.”.(d)

3. For article 9 in Part III of the Independent Analogue Broadcasters (Reservation of Digital Capacity) Order 1996 there shall be substituted—

“9.—(1) The C5/S4C multiplex licence shall include, in addition to the conditions referred to in section 12(1) of the 1996 Act, such conditions as appear to be appropriate to the Commission for securing that, in consideration of the making of such payments as are specified in paragraph (2) below, the holder of the C5/S4C multiplex licence will use the digital capacity specified in the direction of the Secretary of State referred to in article 8(1) for the broadcasting of services provided by the holder of the Channel 5 licence and by—

- (a) the Welsh Authority, or
- (b) the Welsh Authority and one or more qualifying companies which either is or are controlled by the Welsh Authority.

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(a) 1996 c. 55.

(b) 1990 c. 42.

(c) S.I. 1996/2760.

(d) Section 57(1B) of the Broadcasting Act 1990 was inserted by section 84(3) of the Broadcasting Act 1990.

- (2) The payments referred to in paragraph (1) above are–
- (a) payments made by the holder of the Channel 5 licence, and
  - (b) payments made by either–
    - (i) the Welsh Authority, or
    - (ii) the Welsh Authority and one or more qualifying companies which either is or are controlled by the Welsh Authority,

as are from time to time agreed between each of them respectively and the holder of the C5/S4C multiplex licence or (in default of agreement) determined by the Commission.”.

15th July 1999

*Janet Anderson*  
Parliamentary Under Secretary of State

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Independent Analogue Broadcasters (Reservation of Digital Capacity) Order 1996 by amending article 9 in Part III of that Order so as to provide that the holder of the C5/S4C multiplex licence will use the digital capacity specified in the direction of the Secretary of State (made under section 28(2) of the Broadcasting Act 1996), for the broadcasting of services provided by the holder of the Channel 5 licence and by the Welsh Authority or by the Welsh Authority and one or more qualifying companies controlled by the Welsh Authority, subject to the appropriate payments being agreed.

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