

2005 No. 220

BROADCASTING

The Foreign Satellite Service Proscription Order 2005

<i>Made</i>	- - - -	<i>7th February 2005</i>
<i>Laid before Parliament</i>		<i>7th February 2005</i>
<i>Coming into force</i>	-	<i>21st February 2005</i>

Whereas the Secretary of State has been notified by the Office of Communications in accordance with subsection (2) of section 177 of the Broadcasting Act 1990^(a) of details of the foreign satellite service known as “Extasi TV” (or “Exstasi TV”) together with their reasons why they consider that an order should be made under that section proscribing that service:

And whereas the Secretary of State, having been so notified, is satisfied that the making of such an order is in the public interest and is compatible with the international obligations of the United Kingdom:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 177 of the Broadcasting Act 1990, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Foreign Satellite Service Proscription Order 2005 and shall come into force on 21st February 2005.

Proscription of service known as “Extasi TV”

2. The foreign satellite service which at the date of the making of this Order is known as “Extasi TV” (or “Exstasi TV”) is hereby proscribed for the purposes of section 178 of the Broadcasting Act 1990.

7th February 2005

Andrew McIntosh
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) 1990 c.42. In section 177, subsections (2) and (3) were amended by paragraph 61 of Schedule 15 to the Communications Act 2003 (c.21). Subsection (6) of that section was substituted by paragraph 13 of the Schedule to S.I. 1997/1682; amended by paragraph 5 of the Schedule to S.I. 1998/3196; and repealed in part by paragraph 61 of Schedule 15, and Schedule 19, to the Communications Act 2003.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 177 of the Broadcasting Act 1990 gives the Secretary of State power to make orders proscribing foreign satellite services for the purposes of section 178 of that Act in any case where the Office of Communications consider the quality of such a service to be unacceptable and have notified to her details of that service and their reasons for considering that such an order should be made. They cannot consider the quality of a service to be unacceptable unless they are satisfied that it repeatedly includes in its programmes matter which offends against good taste or decency or is likely to encourage or incite crime or to lead to disorder or to be offensive to public feeling.

This Order proscribes the service known as “Extasi TV” (sometimes seen spelt “Exstasi TV”). Section 178 provides that it is a criminal offence to do certain acts in the United Kingdom that support a proscribed service. Those acts are—

- (a) supplying any equipment or other goods for use in connection with the operation or day-to-day running of a proscribed service;
- (b) supplying, or offering to supply, programme material to be included in any programme transmitted in the provision of a proscribed service;
- (c) arranging for, or inviting, any other person to supply programme material to be so included;
- (d) advertising, by means of programmes transmitted in the provision of a proscribed service, goods supplied by him or services provided by him;
- (e) publishing the times or other details of any programmes which are to be transmitted in the provision of a proscribed service or otherwise publishing an advertisement of matter calculated to promote a proscribed service (whether directly or indirectly);
- (f) supplying or offering to supply any decoding equipment which is designed or adapted to be used primarily for the purpose of enabling the reception of programmes transmitted in the provision of a proscribed service.

A person found guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum (£5,000), or both, and on conviction on indictment to imprisonment for a term not exceeding two years or to an unlimited fine, or both.

A full Regulatory Impact Assessment of the costs and benefits of this Order is available from the Broadcasting Policy Division, Department for Culture, Media and Sport, 2 to 4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6444, or can be accessed at www.culture.gov.uk.

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