



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART X

#### MISCELLANEOUS AND GENERAL

##### *Gaelic television programmes*

#### **183 Financing of programmes in Gaelic out of Gaelic Television Fund.**

[<sup>F1</sup>(1) The Scottish Ministers must, for each financial year, pay to OFCOM such amount as they may determine to be appropriate for the purposes of this section.]

(2) Any amount received by [<sup>F2</sup>OFCOM] under subsection (1) shall be carried by them to the credit of a fund established [<sup>F3</sup>by the Independent Television Commission under this section and] known as the [<sup>F4</sup>Gaelic Broadcasting Fund] (and any such amount shall accordingly not be regarded as forming part of the revenues of [<sup>F2</sup>OFCOM]).

(3) The Fund shall be under the management of a body established for the purposes of this section <sup>F5</sup>...

<sup>F6</sup>(3A) .....

[<sup>F7</sup>(3B) The functions of the Service shall be to secure that a wide and diverse range of high quality programmes in Gaelic are broadcast or otherwise transmitted so as to be available to persons in Scotland.

(4A) In carrying out their functions, the Service may finance, or engage in, any of the following—

- (a) the making of programmes in Gaelic with a view to those programmes being broadcast or otherwise transmitted so as to be available to persons in Scotland;
- (b) the provision of training for persons employed, or to be employed, in connection with the making of programmes in Gaelic to be so broadcast or otherwise transmitted;
- (c) research into the types of programmes in Gaelic that members of the Gaelic-speaking community would like to be broadcast or otherwise transmitted.

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: Gaelic television programmes. (See end of Document for details)*

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(4B) But the Service are not to be entitled, for the purpose of carrying out their functions, to provide—

- (a) a Channel 3 service;
- (b) Channel 4;
- (c) Channel 5;
- (d) a national sound broadcasting service;
- (e) a national digital sound programme service; or
- (f) a television multiplex service or a radio multiplex service.]

(5) When making any grant out of the Fund in pursuance of subsection (4) the Committee may impose such conditions as they think fit, including conditions requiring the grant to be repaid in specified circumstances.

<sup>F8</sup>(6) .....

<sup>F8</sup>(7) .....

<sup>F9</sup>(8) .....

[<sup>F10</sup>(9) In this section, section 183A and Schedule 19—

“Channel 3 service”, “Channel 4” and “Channel 5” each has the same meaning as in Part 1;

“national digital sound programme service” has the same meaning as in Part 2 of the Broadcasting Act 1996;

“national sound broadcasting service” means a sound broadcasting service within the meaning of Part 3 which, under subsection (4)(a) of section 245 of the Communications Act 2003, is a national service for the purposes of that section;

“Gaelic” means the Gaelic language as spoken in Scotland;

“programme” includes any item included in a programme service;

“radio multiplex service” has the same meaning as in Part 2 of the Broadcasting Act 1996;

“the Service” means the body established under subsection (3) and known as Seirbheis nam Meadhanan Gàidhlig (the Gaelic Media Service);

“television multiplex service” has the meaning given by section 241(1) of the Communications Act 2003 to a multiplex service within the meaning of Part 1 of the Broadcasting Act 1996;

and a reference to being available to persons in Scotland includes a reference to being available both to persons in Scotland and to others.]

#### Textual Amendments

**F1** S. 183(1) substituted (31.10.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 17(2)**, 44(5); S.I. 2012/2516, **art. 2(c)**

**F2** Words in s. 183 substituted (with effect in accordance with Sch. 15 para. 62(4)(a) of the amending Act) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 62(2)** (with Sch. 15 para. 62(4)(b), Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (with art. 11)

**F3** Words in s. 183(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 62(3)** (with Sch. 15 para. 62(4)(b), Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (with art. 11)

**F4** Words in s. 183(2) substituted (1.4.1997) by 1996 c. 55, **s. 95(2)**; S.I. 1997/1005, **art. 4**

**F5** Words in s. 183(3) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (with art. 11)

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- F6** S. 183(3A) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F7** S. 183(3B)-(4B) substituted for s. 183(4) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 208\(3\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F8** S. 183(6)(7) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F9** S. 183(8) omitted (31.10.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), [ss. 17\(3\)](#), 44(5); [S.I. 2012/2516](#), art. 2(c)
- F10** S. 183(9) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 208\(4\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**Modifications etc. (not altering text)**

- C1** S. 183: transfer of functions to the Scottish Ministers (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#); [S.I. 1998/3178](#)
- C2** S. 183: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 7](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**[<sup>F11</sup>183A Membership of the Gaelic Media Service**

- (1) The Service shall consist of not more than twelve members.
- (2) The members of the Service are to be appointed by OFCOM
- (3) OFCOM must appoint one of the members to be the chairman of the Service.
- (4) The approval of [<sup>F12</sup>the Scottish Ministers] is required for the appointment of a person as a member of the Service, and for the appointment of a member as their chairman.
- (5) The members of the Service must include—
  - (a) a member nominated by the BBC;
  - (b) a member nominated by Highlands and Islands Enterprise; and
  - (c) a member nominated by [<sup>F13</sup>Bòrd na Gàidhlig].
- (6) When appointing members of the Service, OFCOM must have regard to—
  - (a) the desirability of having members of the Service who are proficient in written and spoken Gaelic; and
  - (b) any guidance issued by [<sup>F14</sup>the Scottish Ministers] for the purposes of this section.
- (7) OFCOM must secure, so far as practicable, that the membership of the Service is such that the interests of each of the following are adequately represented—
  - <sup>F15</sup>(a) .....
  - <sup>F15</sup>(b) .....
  - (c) the independent television and radio production industries in Scotland;
  - (d) other persons and bodies concerned with the promotion and use of the Gaelic language, including those concerned with education in Gaelic and in Gaelic culture.
- (8) Schedule 19 to this Act shall have effect with respect to the Service.
- (9) In this section—

[<sup>F16</sup>“Bòrd na Gàidhlig” means the body of that name established by section 1 of the Gaelic Language (Scotland) Act 2005]

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: Gaelic television programmes. (See end of Document for details)*

“regional Channel 3 service” has the same meaning as in Part 1.

<sup>F17</sup>(10) .....

<sup>F17</sup>(11)] .....

#### Textual Amendments

- F11** S. 183A inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 209**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F12** Words in [s. 183A\(4\)](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 54(1)(a)**, 72(7)
- F13** Words in [s. 183A\(5\)\(c\)](#) substituted (31.3.2006) by [The Gaelic Language \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2006 \(S.I. 2006/241\)](#), [arts. 1](#), **2(2)**
- F14** Words in [s. 183A\(6\)\(b\)](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 54(1)(b)**, 72(7)
- F15** [S. 183A\(7\)\(a\)\(b\)](#) repealed (22.6.2011) by [Digital Economy Act 2010 \(c. 24\)](#), [ss. 29\(2\)](#), 47(3)(b), **Sch. 2**; [S.I. 2011/1170](#), [art. 2](#)
- F16** Words in [s. 183A\(9\)](#) substituted (31.3.2006) by [The Gaelic Language \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2006 \(S.I. 2006/241\)](#), [arts. 1](#), **2(3)**
- F17** [S. 183A\(10\)\(11\)](#) omitted (31.3.2006) by virtue of [The Gaelic Language \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2006 \(S.I. 2006/241\)](#), [arts. 1](#), **2(4)**

#### <sup>F18</sup>184 Broadcasting of programmes in Gaelic on Channel 3 in Scotland.

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#### Textual Amendments

- F18** [S. 184](#) repealed (22.6.2011) by [Digital Economy Act 2010 \(c. 24\)](#), [ss. 29\(1\)](#), 47(3)(b), **Sch. 2**; [S.I. 2011/1170](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: Gaelic television programmes.