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## SCHEDULES

### SCHEDULE 20

Section 203(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Parliamentary Papers Act 1840 (c. 9)*

- 1 Section 3 (protection in respect of proceedings for printing extracts from or abstracts of parliamentary papers) shall have effect as if the reference to printing included a reference to including in a programme service.

##### *Law of Libel Amendment Act 1888 (c. 64)*

- 2 Section 3 (contemporary reports of proceedings before courts exercising judicial authority) shall apply in relation to reports or matters included in a programme service, and in relation to any inclusion in such a service of any such report or matter, as it applies in relation to reports and matters published in a newspaper and to publication in a newspaper.

##### *Children and Young Persons Act 1933 (c. 12)*

- 3 (1) In section 28 (powers of entry)—  
(a) in subsection (2)(a), omit “a cable programme studio” and for “broadcast in a cable programme” substitute “programme service”; and  
(b) for subsection (4) substitute—

“(4) In this section—

“broadcasting studio” means a studio used in connection with the provision of a programme service;

“programme service” has the same meaning as in the Broadcasting Act 1990.”

- (2) Sections 39 and 49 (restriction on newspaper reports of court proceedings involving children and young persons) shall, with the necessary modifications, apply in relation to reports or matters included in a programme service, and in relation to including any such reports or matters in such a service, as they apply in relation to reports or matters published in newspapers and to publishing any matter in a newspaper.

##### *Children and Young Persons (Scotland) Act 1937 (c. 37)*

- 4 (1) In section 36 (power to enter studios)—  
(a) in subsection (2)(a), omit “a cable programme studio” and for “broadcast in a cable programme” substitute “programme service”; and

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(b) for subsection (4) substitute—

“(4) In this section—

“broadcasting studio” means a studio used in connection with the provision of a programme service;

“programme service” has the same meaning as in the Broadcasting Act 1990”.

(2) Section 46 (restriction on newspaper reports of court proceedings involving children and young persons) shall, with the necessary modifications, apply in relation to reports or matters included in a programme service, and in relation to including any such reports or matters in such a service, as it applies in relation to reports or matters published in newspapers and to publishing any matter in a newspaper.

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

5 In section 1(7) (admission of public to meetings of local authorities and other bodies), for the words from “or for” to “licensed” substitute “ or for programme services (within the meaning of the Broadcasting Act 1990) other than sound or television broadcasting services ”.

*Children and Young Persons Act 1963 (c. 37)*

6 In section 37(2) (restriction on persons under 16 taking part in certain performances), for paragraph (d) substitute—

“(d) any performance not falling within paragraph (c) above but included in a programme service (within the meaning of the Broadcasting Act 1990);”.

*Licensing Act 1964 (c. 26)*

7 In section 182(1) (relaxation, with respect to licensed premises, of law relating to music and dancing licences), for the words from “or by the” to “licensed” substitute “ or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service ”.

*Private Places of Entertainment (Licensing) Act 1967 (c. 19)*

8 In section 2(3) (certain private places of entertainment to require licences), for the words from “or of being” onwards substitute “ or of being included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service. ”

*Wireless Telegraphy Act 1967 (c. 72)*

9 In section 6(1) (interpretation of Part I of the Act), for the definition of “television programme” substitute—

““television programme” means a programme included in any television broadcasting or other television programme service (within the meaning of Part I of the Broadcasting Act 1990);”.

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*London Cab Act 1968 (c. 7)*

- 10 In section 4(5) (restrictions on advertising in connection with private hire-cars), in the definition of “advertisement”, for “or by inclusion in a cable programme service” substitute “or by inclusion in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service”.

*Trade Descriptions Act 1968 (c. 29)*

- 11 In section 39(2) (interpretation), for “or in a programme included in a cable programme service” substitute “ or in any programme included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service ”.

*Social Work (Scotland) Act 1968 (c. 49)*

- 12 In section 58(1) (prohibition of publication of proceedings in a children’s hearing), for the words “broadcast or a programme included in cable programme service”—
- (a) in the first place where they occur, substitute “ programme included in a programme service (within the meaning of the Broadcasting Act 1990) ”;
  - and
  - (b) in the second place where they occur, substitute “ programme included in such a programme service ”.

*Theatres Act 1968 (c. 54)*

- 13 In section 7(2)(b) (exceptions for performance given in certain circumstances), for sub-paragraph (iii) substitute—
- “(iii) the performance to be included in a programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;”.

*Gaming Act 1968 (c. 65)*

<sup>F1</sup>14 .....

**Textual Amendments**

**F1** Sch. 20 para. 14 repealed (6.5.1992) by [Bingo Act 1992 \(c. 10\)](#), ss. 1(9), 2(2)

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))*

- 15 (1) In section 40(2) (restriction on persons under 16 taking part in certain performances), for paragraph (d) substitute—
- “(d) any performance not falling within paragraph (c) but included in a programme service (within the meaning of the Broadcasting Act 1990);”.
- (2) In section 45 (powers of entry)—

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- (a) in subsection (2)(a), omit “a cable programme studio” and for “broadcast in a cable programme” substitute “programme service”; and
- (b) for subsection (5) substitute—

“(5) In this section—

“broadcasting studio” means a studio used in connection with the provision of a programme service;

“programme service” has the same meaning as in the Broadcasting Act 1990.”

- (3) In section 59 (power to prohibit publication of certain matter in newspapers and broadcasts)—

- (a) in subsection (1)—

- (i) in paragraph (a), for “in any newspaper or in any broadcast” substitute “which is published in any newspaper or included in any programme service (within the meaning of the Broadcasting Act 1990)”; and

- (ii) in paragraph (b), for “in any television broadcast” substitute “included in any such service”; and

- (b) in subsection (2), after “publishes” insert “or includes in a programme service”.

- (4) In section 68 (restrictions on newspaper and broadcast reports of proceedings in juvenile courts)—

- (a) in subsection (1)—

- (i) in paragraph (a), for the words from “in any newspaper” to “court” substitute “of any proceedings in a juvenile court which is published in any newspaper or included in any programme service (within the meaning of the Broadcasting Act 1990)”; and

- (ii) in paragraph (b), for “in any television broadcast” substitute “included in any such service”; and

- (b) in subsection (3), after “publishes” insert “or includes in a programme service”.

*Local Government Act 1972 (c. 70)*

- 16 In section 100K (interpretation and application of Part VA of the Act), in paragraph (b) of the definition of “newspaper”, for sub-paragraph (ii) substitute—

“(ii) for inclusion in programmes to be included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;”.

*Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))*

- 17 In section 148(1) (interpretation), in the definition of “newspaper”, for the words from “or for” onwards substitute “or for programmes to be included in a programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;”.

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*Employment Agencies Act 1973 (c. 35)*

- 18 In section 13(4) (interpretation), for paragraphs (c) and (d) substitute “or (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).”

*Northern Ireland Constitution Act 1973 (c. 36)*

- 19 In Schedule 3 (minimum reserved matters), in paragraph 14, for the words from “, (including” onwards substitute “and the provision of programme services (within the meaning of the Broadcasting Act 1990).”

*Fair Trading Act 1973 (c. 41)*

- 20 In section 133(2)(a) (exceptions to restriction on disclosure of information), after “the Electricity Act 1989,” insert “or the Broadcasting Act 1990.”

*Criminal Procedure (Scotland) Act 1975 (c. 21)*

- 21 In subsection (2) of sections 169 and 374 (restrictions on report of proceedings involving person under 16), for the words from “broadcasts” to “service” substitute “ programmes included in a programme service (within the meaning of the Broadcasting Act 1990) ”.

*Industry Act 1975 (c. 68)*

- 22 <sup>F2</sup> .....

**Textual Amendments**

**F2** Sch. 20 para. 22 repealed (06.01.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I; S.I. 1991/2721, art.2](#).

*Scottish Development Agency Act 1975 (c. 69)*

- 23 In section 17 (the Scottish Development Agency and the media), for “Cable and Broadcasting Act 1984” substitute “ Broadcasting Act 1990 ”.

*Welsh Development Agency Act 1975 (c. 70)*

- 24 In section 19 (the Welsh Development Agency and the media)—
- (a) in subsection (1), for paragraphs (b) and (c) substitute—  
“(b) shall become the holder of a relevant licence.”;
  - (b) in subsection (3), for paragraphs (ii) and (iii) substitute—  
“(ii) activities connected with the provision of a service under a relevant licence.”;
  - (c) in subsection (9)—
    - (i) for “a programme contractor, they shall consult the Independent Broadcasting Authority” substitute “ the holder of a relevant licence, they shall consult the appropriate authority ”; and

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- (ii) for “that Authority” substitute “ the appropriate authority ”;
- (d) omit subsection (9A);
- (e) in subsection (10), for “programme contractor” substitute “ holder of a relevant licence ”; and
- (f) for subsection (11) substitute—

“(11) In this section—

“appropriate authority” means—

- (a) in relation to a licence granted under Part I of the Broadcasting Act 1990, the Independent Television Commission; and
- (b) in relation to a licence granted under Part III of that Act, the Radio Authority;

“relevant licence” means a licence granted by the Independent Television Commission or the Radio Authority under Part I or (as the case may be) Part III of that Act.”

*Restrictive Trade Practices Act 1976 (c. 34)*

- 25 In section 41(1)(a) (exceptions to restriction on disclosure of information), after “the Electricity Act 1989” insert “ or the Broadcasting Act 1990 ”.

*Sexual Offences (Amendment) Act 1976 (c. 82)*

- 26 (1) In section 4 (anonymity of complainants in rape etc. cases)—
- (a) in subsection (1), for “broadcast or included in a cable programme”, in each place where those words occur, substitute “included in a relevant programme for reception” and for “broadcasting or inclusion in a cable programme” substitute “inclusion in a relevant programme”;
  - (b) in subsection (5), for “broadcast or included in a cable programme” substitute “or included in a relevant programme” and for paragraphs (c) and (d) substitute “and
    - (c) in the case of matter included in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,”;
  - (c) in subsection (5A), for “or broadcast of any matter or the inclusion of any matter in a cable programme,” substitute “of any matter or the inclusion of any matter in a relevant programme,” and for “ , broadcast or cable programme” substitute “or programme”;
  - (d) in subsection (6), omit the definitions of “a broadcast” and “cable programme” and after the definition of “complainant” insert—
 

““relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);”;
  - (e) in subsection (7), for “broadcast or inclusion in a cable programme” substitute “or upon matter included in a relevant programme”.

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- (2) In section 5(5) (supplementary provisions), for “broadcast or cable programme in question was of” substitute “or programme in question was of, or (as the case may be) included.”.
- (3) In section 7(6) (extent to Northern Ireland), for “broadcast or inclusion in a cable programme” substitute “in, or such an inclusion of matter in a relevant programme for reception in.”.

*Sexual Offences (Northern Ireland) Order 1978 (S.I. 1978/460 (N.I.5))*

- 27 (1) In Article 6 (anonymity of complainants in rape offence cases)—
- (a) in paragraph (1), for “broadcast or included in a cable programme” substitute “included in a relevant programme for reception”;
  - (b) in paragraph (5), for “broadcast or included in a cable programme” substitute “or included in a relevant programme” and for sub-paragraphs (c) and (d) substitute “and
    - (c) in the case of matter included in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.”;
  - (c) in paragraph (6), omit the definitions of “a broadcast” and “cable programme” and after the definition of “complainant” insert—
    - ““relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);”;and
  - (d) in paragraph (7), for “broadcasting or inclusion in a cable programme” substitute “or inclusion in a relevant programme” and for “broadcast or inclusion in a cable programme” substitute “or upon matter included in a relevant programme”.
- (2) In Article 7(3) (supplementary provisions), for “broadcast or cable programme in question was of” substitute “or programme in question was of, or (as the case may be) included.”.
- (3) In Article 8(1) (anonymity of defendants in rape offence cases), for “broadcast or included in a cable programme” substitute “included in a relevant programme (as defined in Article 6(6)) for reception”.

*Competition Act 1980 (c. 21)*

- 28 In section 19(3) (exceptions to restriction on disclosure of information), after paragraph (m) insert—
- “(n) the Broadcasting Act 1990.”

*Magistrates’ Courts Act 1980 (c. 43)*

- 29 (1) In section 8 (restrictions on reports of committal proceedings)—
- (a) in subsection (1), for “broadcast or include in a cable programme” substitute “include in a relevant programme for reception”;

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- (b) in subsections (2B), (4), (5) and (8), for “broadcast or included in a cable programme”, in each place where those words occur, substitute “ or included in a relevant programme ”;
- (c) in subsection (3), for “broadcast or include in a cable programme”, in each place where those words occur, substitute “ or include in a relevant programme ”;
- (d) in subsection (5), for paragraphs (c) and (d) substitute—
  - “(c) in the case of the inclusion of a report in a relevant programme, any body corporate which provides the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.”;
- (e) in subsection (10), omit the definitions of “broadcast” and “cable programme” and after the definition of “publish” insert—

““relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990).”

- (2) In section 71 (reports of domestic proceedings), for subsection (1) substitute—

“(1) In the case of domestic proceedings in a magistrates’ court (other than proceedings under the Adoption Act 1976) it shall not be lawful for a person to whom this subsection applies—

- (a) to print or publish, or cause or procure to be printed or published, in a newspaper or periodical, or
- (b) to include, or cause or procure to be included, in a programme included in a programme service (within the meaning of the Broadcasting Act 1990) for reception in Great Britain,

any particulars of the proceedings other than such particulars as are mentioned in subsection (1A) below.

- (1A) The particulars referred to in subsection (1) above are—

- (a) the names, addresses and occupations of the parties and witnesses;
- (b) the grounds of the application, and a concise statement of the charges, defences and counter-charges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings and the decision of the court on the submissions;
- (d) the decision of the court, and any observations made by the court in giving it.

- (1B) Subsection (1) above applies—

- (a) in relation to paragraph (a) of that subsection, to the proprietor, editor or publisher of the newspaper or periodical, and
- (b) in relation to paragraph (b) of that subsection, to any body corporate which provides the service in which the programme is included and to any person having functions in relation to the programme corresponding to those of an editor of a newspaper.”;

and in subsection (2), for “subsection (1)” substitute “ subsection (1A) ”.



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*Indecent Displays (Control) Act 1981 (c. 42)*

- 30 In section 1(4) (provisions relating to indecent displays disapplied in relation to broadcasting etc.), for paragraph (a) substitute—
- “(a) included by any person in a television broadcasting service or other television programme service (within the meaning of Part I of the Broadcasting Act 1990);”.

*Contempt of Court Act 1981 (c. 49)*

- 31 (1) In section 2 (limitation of scope of strict liability)—
- (a) in subsection (1), for “broadcast cable programme” substitute “ programme included in a programme service ”; and
- (b) after subsection (4) insert—
- “(5) In this section “programme service” has the same meaning as in the Broadcasting Act 1990.”
- (2) In section 19 (interpretation), omit the definition of “cable programme”.

*Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (S.I. 1981/839 (N.I.20))*

- 32 In Article 11(4) (interpretation), for sub-paragraphs (c) and (d) substitute “or
- (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).”

*Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26))*

- 33 (1) In Article 44 (reports of preliminary proceedings)—
- (a) in paragraphs (1) and (2), for “or published”, in each place where those words occur, substitute “ , published or included in a relevant programme ”; and
- (b) after paragraph (5) insert—
- “(6) In this Article “relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990) for reception in Northern Ireland.”
- (2) In Article 90 (reports of domestic proceedings), for paragraph (1) substitute—
- “(1) A person to whom this paragraph applies shall not—
- (a) print or publish, or cause or procure to be printed or published, in a newspaper or periodical, or
- (b) include, or cause or procure to be included, in a programme included in a programme service (within the meaning of the Broadcasting Act 1990) for reception in Northern Ireland,
- any particulars of any domestic proceedings other than such particulars as are mentioned in paragraph (1A) below.
- (1A) The particulars referred to in paragraph (1) above are—
- (a) the names, addresses and occupations of the parties and witnesses;

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- (b) the grounds of the application, and a concise statement of the charges, defences and counter-charges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings, and decisions of the court on the submissions; and
- (d) the decisions of the court, and any observations made by the court in giving its decision.

(1B) Paragraph (1) above applies—

- (a) in relation to sub-paragraph (a) of that paragraph, to the proprietor, editor or publisher of the newspaper or periodical, and
- (b) in relation to sub-paragraph (b) of that paragraph, to any body corporate which provides the service in which the programme is included and to any person having functions in relation to the programme corresponding to those of an editor of a newspaper.”

*Insurance Companies Act 1982 (c. 50)*

- 34 In section 72(6) (meaning of “advertisement” for the purposes of insurance advertisements), for “or by inclusion in a cable programme service” substitute “ or by inclusion in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service ”.

*Representation of the People Act 1983 (c. 2)*

- 35 (1) Part II shall be amended as follows.
- (2) In section 75(1)(i) (election expenses in relation to publications or broadcasts), for the words from “the Independent” onwards substitute “ or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990; ”.
- (3) In section 92 (broadcasting from outside United Kingdom), for subsection (1) substitute—
- “(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary or local government election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programme service (within the meaning of the Broadcasting Act 1990) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with—
- (a) the British Broadcasting Corporation;
  - (b) Sianel Pedwar Cymru; or
  - (c) the holder of any licence granted by the Independent Television Commission or the Radio Authority,
- for the reception and re-transmission of that matter by that body or the holder of that licence.”
- (4) In section 93 (broadcasting during elections)—
- (a) in subsection (1)(a), for “broadcast from a television or other wireless transmitting station in the United Kingdom” substitute—
    - “(a) broadcast by the British Broadcasting Corporation or Sianel Pedwar Cymru; or

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(b) included in any service licensed under Part I or III of the Broadcasting Act 1990”;

and

(b) omit subsection (3).

(5) Without prejudice to the generality of section 20(2) of the <sup>M1</sup>Interpretation Act 1978, any reference in this paragraph to a provision of the Representation of the <sup>M2</sup>People Act 1983 includes a reference to that provision as applied by any regulations made under paragraph 2 of Schedule 1 to the <sup>M3</sup>European Parliamentary Elections Act 1978.

#### Marginal Citations

**M1** 1978 c. 30.

**M2** 1983 c. 2.

**M3** 1978 c. 10.

#### *National Audit Act 1983 (c. 44)*

36 In Part II of Schedule 4 (nationalised industries and other public authorities liable to examination by Comptroller and Auditor General), for the entries relating to the Independent Broadcasting Authority and the Welsh Fourth Channel Authority substitute—

“Sianel Pedwar Cymru.”

#### *Value Added Tax Act 1983 (c. 55)*

VALID FROM 01/01/1993

37 In section 20 (refund of value added tax in certain cases)—

(a) in subsection (3), for paragraph (j) substitute—

“(j) a nominated news provider, as defined by section 31(3) of the Broadcasting Act 1990;”;

(b) after subsection (4) insert—

“(4A) No tax shall be refunded under this section to a nominated news provider which in the opinion of the Commissioners is attributable to activities other than the provision of news programmes for broadcasting by holders of regional Channel 3 licences (within the meaning of Part I of the Broadcasting Act 1990).”

#### *Telecommunications Act 1984 (c. 12)*

38 (1) In section 6 (exceptions to prohibition on the running of unlicensed telecommunication systems)—

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- (a) omit subsection (1) (exception for the running of a telecommunication system by a broadcasting authority);
  - (b) in subsection (2), for “such a system as is mentioned in subsection (1) above” substitute “ a telecommunication system to which subsection (2A) below applies ”; and
  - (c) after subsection (2) insert the following subsection—
    - “(2A) This subsection applies to a telecommunication system in the case of which every conveyance made by it is either—
      - (a) a transmission, by wireless telegraphy, from a transmitting station for general reception of sounds, visual images or such signals as are mentioned in paragraph (c) of section 4(1) above; or
      - (b) a conveyance within a single set of premises of sounds, visual images or such signals which are to be or have been so transmitted.”
- (2) In section 7 (power to license telecommunication systems)—
- (a) in subsection (10A), for “Cable Authority” substitute “ Independent Television Commission ”; and
  - (b) in subsection (10B), for “licensable cable programme service” substitute “ local delivery service (within the meaning of Part II of the Broadcasting Act 1990) ”.
- (3) In section 42(2) (fraudulent use of telecommunication system), for “to which section 53 of the Cable and Broadcasting Act 1984 applies)” substitute “ such as is mentioned in section 297(1) of the Copyright, Designs and Patents Act 1988) ”.
- (4) In section 43(2) (improper use of public telecommunication system), for “cable programme service” substitute “ programme service (within the meaning of the Broadcasting Act 1990) ”.
- (5) In section 49 (investigation of complaints by the Director General of Telecommunications) omit subsection (2).

*Video Recordings Act 1984 (c. 39)*

- 39 In section 3(8) (exempted supplies), for paragraphs (a) and (b) substitute “ a programme service (within the meaning of the Broadcasting Act 1990) ”.

*Cinemas Act 1985 (c. 13)*

- 40 In section 21(1) (interpretation), in the definition of “film exhibition”, for paragraphs (a) and (b) substitute “ programmes included in a programme service (within the meaning of the Broadcasting Act 1990); ”.

*Bankruptcy (Scotland) Act 1985 (c. 66)*

- 41 In subsection (5) of section 70 (supplies by utilities), for the words from “services”, where it second occurs, onwards substitute “ local delivery services within the meaning of Part II of the Broadcasting Act 1990 ”.

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*Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I.11))*

- 42 In Article 130(8) (definition of “advertisement” for the purposes of restrictions on advertisements relating to gaming), after “television,” insert “ or by inclusion in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, ”.

*Insolvency Act 1986 (c. 45)*

- 43 In sections 233(5)(d) and 372(5)(c) (supplies of gas, water, electricity and telecommunication services), for the words “services consisting” onwards, in each place where they occur, substitute “ local delivery services within the meaning of Part II of the Broadcasting Act 1990. ”

*Building Societies Act 1986 (c. 53)*

- 44 In section 50(10) (powers to control advertising), in the definition of “advertisement”, for the words from “whether” to “and references” substitute “whether—
- (a) documentary,
  - (b) by way of sound broadcasting or television or by inclusion in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or
  - (c) by any pictorial means not falling within paragraph (a) or (b) above;
- and references ”.

*Financial Services Act 1986 (c. 60)*

- 45 (1) In section 207 (interpretation)—
- (a) in subsection (2), after “television” insert “ or by inclusion in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service ”; and
  - (b) omit subsection (4).
- (2) In paragraph 25A in Part III of Schedule 1 (advice given in sound, television or cable programmes excluded from activities constituting investment business)—
- (a) in sub-paragraph (1), for the words from “or teletext” onwards substitute “ included, or made for inclusion, in a programme service. ”; and
  - (b) for sub-paragraph (2) substitute—
- “(2) In this paragraph—
- (a) “programme”, in relation to a programme service, includes an advertisement and any other item included in that service; and
  - (b) “programme service” has the same meaning as in the Broadcasting Act 1990.”

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*Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I.3))*

- 46 In Article 2(2) (interpretation), in the definition of “newspaper”, for the words from “cable programme” onwards substitute “programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;”.

*Criminal Justice Act 1987 (c. 38)*

- 47 In section 11 (restrictions on reporting applications for dismissal and preparatory hearings)—

- (a) in subsection (1), for “broadcast or include in a cable programme” substitute “include in a relevant programme for reception”;
- (b) in subsections (4), (8) and (12), for “, broadcast or included in a cable programme” substitute “or included in a relevant programme”;
- (c) in subsections (5) and (7), for “, broadcast or include in a cable programme” substitute “or include in a relevant programme”;
- (d) in subsection (10), for “broadcast or included in a cable programme” substitute “included in a relevant programme” and for “, broadcast or inclusion in a cable programme” substitute “or inclusion in a relevant programme”;
- (e) in subsection (12), for paragraphs (c) and (d) substitute—
  - “(c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,”; and
- (f) in subsection (15), omit the definitions of “broadcast” and “cable programme” and after the definition of “publish” insert—

““relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990).”

*Consumer Protection Act 1987 (c. 43)*

- 48 In section 24 (defences to offence of giving misleading price indication)—
- (a) in subsection (2), for the words from “, film” to “service,” substitute “or film or in a programme included in a programme service (within the meaning of the Broadcasting Act 1990), ”; and
  - (b) in subsection (6), omit the definition of “cable programme service”.

*Consumer Protection (Northern Ireland) Order 1987 (S.I.1987/2049 (N.I.20))*

- 49 In Article 17 (defences to offence of giving misleading price indication)—
- (a) in paragraph (2), for “film or radio or television broadcast or in a programme included in a cable programme service,” substitute “or film or in a programme included in a programme service (within the meaning of the Broadcasting Act 1990), ”; and
  - (b) in paragraph (6), omit the definition of “cable programme service”.

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*Copyright, Designs and Patents Act 1988 (c. 48)*

- 50 (1) In section 69 (recording for purposes of supervision and control of broadcasts etc.), for subsections (2) and (3) substitute—

“(2) Copyright is not infringed by anything done in pursuance of—

- (a) section 11(1), 95(1), 145(4), (5) or (7), 155(3) or 167(1) of the Broadcasting Act 1990;
- (b) a condition which, by virtue of section 11(2) or 95(2) of that Act, is included in a licence granted under Part I or III of that Act; or
- (c) a direction given under section 109(2) of that Act (power of Radio Authority to require production of recordings etc.).

(3) Copyright is not infringed by—

- (a) the use by the Independent Television Commission or the Radio Authority, in connection with the performance of any of their functions under the Broadcasting Act 1990, of any recording, script or transcript which is provided to them under or by virtue of any provision of that Act; or
- (b) the use by the Broadcasting Complaints Commission or the Broadcasting Standards Council, in connection with any complaint made to them under that Act, of any recording or transcript requested or required to be provided to them, and so provided, under section 145(4) or (7) or section 155(3) of that Act.”

- (2) In paragraph 17 of Schedule 2 (rights in performances: recordings for purposes of supervision and control of broadcasts etc.), for sub-paragraphs (2) to (4) substitute—

“(2) The rights conferred by Part II are not infringed by anything done in pursuance of—

- (a) section 11(1), 95(1), 145(4), (5) or (7), 155(3) or 167(1) of the Broadcasting Act 1990;
- (b) a condition which, by virtue of section 11(2) or 95(2) of that Act, is included in a licence granted under Part I or III of that Act; or
- (c) a direction given under section 109(2) of that Act (power of Radio Authority to require production of recordings etc.).

(3) The rights conferred by Part II are not infringed by—

- (a) the use by the Independent Television Commission or the Radio Authority, in connection with the performance of any of their functions under the Broadcasting Act 1990, of any recording, script or transcript which is provided to them under or by virtue of any provision of that Act; or
- (b) the use by the Broadcasting Complaints Commission or the Broadcasting Standards Council, in connection with any complaint made to them under that Act, of any recording or transcript requested or required to be provided to them, and so provided, under section 145(4) or (7) or section 155(3) of that Act.”

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*Control of Misleading Advertisements Regulations 1988 (S.I. 1988/915)*

- 51 (1) In regulation 2(1) (interpretation)—
- (a) omit the definitions of “broadcast advertisement”, “Cable Authority”, “IBA” and “licensable service”;
  - (b) before the definition of “court” insert—
 

““the Commission” means the Independent Television Commission”;
  - (c) for the definition of “licensed service” insert—
 

““licensed service” means—

    - (a) in relation to a complaint made to the Commission, a service in respect of which the Commission have granted a licence under Part I or II of the Broadcasting Act 1990; and
    - (b) in relation to a complaint made to the Radio Authority, a service in respect of which the Radio Authority have granted a licence under Part III of that Act;

and “licensed local delivery service” means a service in respect of which the Commission have granted a licence under Part II of that Act; ”; and
  - (d) after the definition of “publication” insert—
 

““relevant body” means the Commission or the Radio Authority;

“on S4C” has the same meaning as in Part I of the Broadcasting Act 1990;

“the Welsh Authority” has the same meaning as in that Act;”.
- (2) In regulation 4(2) (exceptions to complaints to be considered by Director General of Fair Trading), for “the IBA or the Cable Authority” substitute “ the Commission, the Radio Authority or the Welsh Authority ”.
- (3) For regulations 8 to 11 substitute—

**“COMPLAINTS TO THE COMMISSION AND THE RADIO AUTHORITY**

- 8 (1) Subject to paragraph (2) below, it shall be the duty of a relevant body to consider any complaint made to it that any advertisement included or proposed to be included in a licensed service is misleading, unless the complaint appears to the body to be frivolous or vexatious.
- (2) The Commission shall not consider any complaint about an advertisement included or proposed to be included in a licensed local delivery service by the reception and immediate re-transmission of broadcasts made by the British Broadcasting Corporation.
- (3) A relevant body shall give reasons for its decisions.
- (4) In exercising the powers conferred on it by these Regulations a relevant body shall have regard to all the interests involved and in particular the public interest.



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#### **CONTROL BY THE COMMISSION AND THE RADIO AUTHORITY OF MISLEADING ADVERTISEMENTS**

- 9 (1) If, having considered a complaint about an advertisement pursuant to regulation 8(1) above, it considers that the advertisement is misleading, a relevant body may, if it thinks it appropriate to do so, exercise in relation to the advertisement the power conferred on it—
- (a) where the relevant body is the Commission, by section 9(6) of the Broadcasting Act 1990 (power of Commission to give directions about advertisements), or
  - (b) where the relevant body is the Radio Authority, by section 93(6) of that Act (power of Radio Authority to give directions about advertisements).
- (2) A relevant body may require any person appearing to it to be responsible for an advertisement which the body believes may be misleading to furnish it with evidence as to the accuracy of any factual claim made in the advertisement. In deciding whether or not to make such a requirement the body shall have regard to the legitimate interests of any person who would be the subject of or affected by the requirement.
- (3) If such evidence is not furnished to it following a requirement made by it under paragraph (2) above or if it considers such evidence inadequate, a relevant body may consider the factual claim inaccurate.

#### **COMPLAINTS TO THE WELSH AUTHORITY**

- 10 (1) Subject to paragraph (2) below, it shall be the duty of the Welsh Authority to consider any complaint made to them that any advertisement broadcast or proposed to be broadcast on S4C is misleading, unless the complaint appears to the Authority to be frivolous or vexatious.
- (2) The Welsh Authority shall not consider any complaint about an advertisement broadcast or proposed to be broadcast on S4C by the reception and immediate re-transmission of broadcasts made by the British Broadcasting Corporation.
- (3) The Welsh Authority shall give reasons for their decisions.
- (4) In exercising the powers conferred on them by these Regulations the Welsh Authority shall have regard to all the interests involved and in particular the public interest.

#### **CONTROL BY THE WELSH AUTHORITY OF MISLEADING ADVERTISEMENTS**

- 11 (1) If, having considered a complaint about an advertisement pursuant to regulation 10(1) above, they consider that the advertisement is misleading, the Welsh Authority may, if they think it appropriate to do so, refuse to broadcast the advertisement.

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- (2) The Welsh Authority may require any person appearing to them to be responsible for an advertisement which the Authority believe may be misleading to furnish them with evidence as to the accuracy of any factual claim made in the advertisement. In deciding whether or not to make such a requirement the Authority shall have regard to the legitimate interests of any person who would be the subject of or affected by the requirement.
- (3) If such evidence is not furnished to them following a requirement made by them under paragraph (2) above or if they consider such evidence inadequate, the Welsh Authority may consider the factual claim inaccurate.”

*Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I.1988/1846 (N.I.16))*

52 In Article 10 (restrictions on reporting applications for dismissal and preparatory hearings)—

- (a) in paragraph (1), for “broadcast or include in a cable programme” substitute “include in a relevant programme for reception”;
- (b) in paragraphs (5), (9) and (13), for “, broadcast or included in a cable programme” substitute “or included in a relevant programme”;
- (c) in paragraphs (6) and (8), for “, broadcast or include in a cable programme” substitute “or include in a relevant programme”;
- (d) in paragraph (12), for “broadcast or included in a cable programme” substitute “included in a relevant programme” and for “, broadcast or inclusion in a cable programme” substitute “or inclusion in a relevant programme”;
- (e) in paragraph (13), for sub-paragraphs (c) and (d) substitute—
  - “(c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper;” and
- (f) in paragraph (16), omit the definitions of “broadcast” and “cable programme” and after the definition of “publish” insert—

““relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990).”

*Children Act 1989 (c. 41)*

53 In section 97(5) (privacy for children involved in certain proceedings), for paragraph (a) of the definition of “publish” substitute—

- “(a) include in a programme service (within the meaning of the Broadcasting Act 1990);”.

*Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I.19))*

54 In Articles 197(3) and 343(4) (supplies of water, electricity and telecommunication services), for the words from “services consisting” onwards, in each place where

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they occur, substitute “ local delivery services within the meaning of Part II of the Broadcasting Act 1990. ”

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