

Changes to legislation: Broadcasting Act 1990, SCHEDULE 20 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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)

^{F1}2

Textual Amendments

- F1** Sch. 20 para. 2 repealed (4.9.1996 for specified purposes, 1.4.1999 for specified purposes, 28.2.2000 for E.W. insofar as not already in force, 31.3.2001 for S., 6.1.2010 for N.I. in so far as not already in force) by Defamation Act 1996 (c. 31), ss. 16, 19(2), [Sch. 2](#); S.I. 1999/817, [art. 2\(b\)](#); S.I. 2000/222, [art. 3\(b\)](#); S.S.I. 2001/98, [art. 3](#); S.I. 2009/2858, [art. 3\(d\)](#)

Children and Young Persons Act 1933 (c. 12)

- 3 [^{F2}(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 ^{F3}. . . (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.]

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Textual Amendments

- F2** Sch. 20 para. 3 repealed (4.9.1996 for specified purposes, 31.3.2001 for S., 6.1.2010 for N.I. in so far as not already in force) by [Defamation Act 1996 \(c. 31\)](#), ss. 16, 19(2), [Sch. 2](#); [S.S.I. 2001/98](#), [art. 3](#); [S.I. 2009/2858](#), [art. 3\(d\)](#)
- F3** Words in Sch. 20 para. 3(2) repealed (3.2.1995) by [1994 c. 33](#), s. 168(3), [Sch. 11](#); [S.I. 1995/127](#), [art. 2\(1\)](#), [Sch. 1](#) Appendix C

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
 - (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)

F47

Textual Amendments

- F4** [Sch. 20 para. 7](#) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 7](#) (with ss. 2(3), 15(2), 195); [S.I. 2005/3056](#), [art. 2\(2\)](#) (with [art. 4](#))

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

F⁵8

Textual Amendments

- F5** Sch. 20 para. 8 repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

Wireless Telegraphy Act 1967 (c. 72)

F⁶9

Textual Amendments

- F6** Sch. 20 para. 9 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)

London Cab Act 1968 (c. 7)

F⁷10

Textual Amendments

- F7** Sch. 20 para. 10 repealed (1.6.2003) by Private Hire Vehicles (London) Act 1998 (c. 34), s. 40(2), Sch. 2 (with s. 29); S.I. 2003/580, arts. 1(2), 2(2)(b)

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—

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“(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)

^{F8}14

Textual Amendments

F8 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 ^{F9}(1)
 ^{F9}(2)
 ^{F10}(3)
 ^{F10}(4)

Textual Amendments

F9 Sch. 20 para. 15(1)(2) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), Sch. 10 (with Sch. 8 para. 23(4)); S.R. 1996/297, art. 2(2)
F10 Sch. 20 para. 15(3)(4) repealed (31.1.1999) by S.I. 1998/1504 (N.I. 9), art. 65(2), Sch. 6; S.R. 1999/25, art. 2

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;”.

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).”

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Northern Ireland Constitution Act 1973 (c. 36)

^{F11}19

Textual Amendments

F11 Sch. 20 para. 19 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15 (with s. 95); S.I. 1999/3209, art. 2, Sch.

Fair Trading Act 1973 (c. 41)

^{F12}20

Textual Amendments

F12 Sch. 20 para. 20 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

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 ^{F13}

Textual Amendments

F13 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)—

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- (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
- ^{F14}(ii)
- (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.”

Textual Amendments

F14 Sch. 20 para. 24(c)(ii) 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)

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”;

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- (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”.
- (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)—
- ^{F15}(a)
 - (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);”;
 - (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,”.

^{F15}(3)

Textual Amendments

F15 Sch. 20 para. 27(1)(a)(3) repealed (9.1.1995) by S.I. 1994/2795 (NI 15), art. 26(3), Sch. 3; S.R. 1994/446, art. 2

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Competition Act 1980 (c. 21)

^{F16}28

Textual Amendments

F16 Sch. 20 para. 28 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

Magistrates' Courts Act 1980 (c. 43)

- 29 (1) [^{F17}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”;
 - (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).”]

^{F18}(2)

Textual Amendments

F17 Sch. 20 para. 29(1) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d) (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

F18 Sch. 20 para. 29(2) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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

- 30 In section 1(4) (provisions relating to indecent displays disappplied in relation to broadcasting etc.), for paragraph (a) substitute—

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- “(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;
 - (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

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- (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
 - (b) included in any service licensed under Part I or III of the Broadcasting Act 1990”;
- and
- (b) omit subsection (3).

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F19(5)

Textual Amendments

F19 Sch. 20 para. 35(5) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

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)

F2037

Textual Amendments

F20 Sch. 20 para. 37 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

Telecommunications Act 1984 (c. 12)

F2138

Textual Amendments

F21 Sch. 20 para. 38 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)

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)

F2241

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Textual Amendments

F22 Sch. 20 para. 41 repealed (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, [Sch. 2 Pt. 1](#)

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

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

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)

F23 47

Textual Amendments

F23 Sch. 20 para. 47 repealed (4.7.1996 with effect in accordance with ss. 44, 72, Sch. 3 of the amending Act) by 1996 c. 25, s. 80, Sch. 5 para. 12 (with s. 78(1))

Consumer Protection Act 1987 (c. 43)

F24 48

Textual Amendments

F24 Sch. 20 para. 48 repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, Sch. 4 Pt. 1 (with reg. 28(2)(3))

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

F25 49

Textual Amendments

F25 Sch. 20 para. 49 repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, Sch. 4 Pt. 1 (with reg. 28(2)(3))

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

F26 50

Textual Amendments

F26 Sch. 20 para. 50 repealed (1.10.1996) by 1996 c. 55, s. 148, Sch. 11 Pt. I (with s. 43(1)(6)); S.I. 1996/2120, art. 4, Sch. 1

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

51 (1) In regulation 2(1) (interpretation)—

Changes to legislation: Broadcasting Act 1990, SCHEDULE 20 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.

Changes to legislation: Broadcasting Act 1990, SCHEDULE 20 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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.

Changes to legislation: Broadcasting Act 1990, SCHEDULE 20 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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))

F27 54

Changes to legislation: Broadcasting Act 1990, SCHEDULE 20 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

- F27** [Sch. 20 para. 54](#) 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)

Changes to legislation:

Broadcasting Act 1990, SCHEDULE 20 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Sch. 20 para. 26 repealed by [1999 c. 23 Sch. 6](#)
- Sch. 20 para. 27 repealed by [1999 c. 23 Sch. 6](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 193(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3A(2)(b) (as inserted) by [S.I. 2019/1245 reg. 20](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)