



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART VII

#### PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

##### *Racially inflammatory material etc.*

#### **164 Inclusion in programme services in Great Britain of racially inflammatory material**

- (1) Part III of the Public Order Act 1986 (racial hatred) shall be amended as follows.
- (2) In each of the following provisions, namely—
  - (a) section 18(6) (exemption from prohibition applying to use of threatening words etc.),
  - (b) section 20(3)(c) (exemption from prohibition applying to public performances of plays), and
  - (c) section 21(4) (exemption from prohibition applying to distribution etc. of recordings),for “broadcast or included in a cable programme service” there shall be substituted “included in a programme service”.
- (3) In section 22 (broadcasting or including programme in cable programme service)—
  - (a) in subsections (1), (3)(b), (4)(a) and (5)(a), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “included in a programme service”; and
  - (b) the following provisions shall be omitted, namely—
    - (i) in subsection (2), the words “broadcasting or cable”,
    - (ii) in subsections (4)(b) and (5)(b), the words “broadcast or”, wherever occurring,
    - (iii) subsection (7) (exemption for programmes broadcast by BBC or Independent Broadcasting Authority), and

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*Status: This is the original version (as it was originally enacted).*

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- (iv) subsection (8) (application of certain provisions of the Cable and Broadcasting Act 1984).
- (4) In section 23 (possession of racially inflammatory material)—
- (a) in subsection (1), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “or included in a programme service”;
  - (b) in subsection (2), for “broadcasting or inclusion in a cable programme service” there shall be substituted “or inclusion in a programme service”; and
  - (c) subsection (4) (exemption for material kept by BBC or Independent Broadcasting Authority) shall be omitted.
- (5) In section 29 (interpretation)—
- (a) the definitions of “broadcast” and “cable programme service” shall be omitted;
  - (b) in the definition of “programme”, for “broadcast or included in a cable programme service” there shall be substituted “included in a programme service”; and
  - (c) the following definition shall be inserted after that definition—

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