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Broadcasting Act 1996

CHAPTER 55

BROADCASTING ACT 1996

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DIGITAL TERRESTRIAL TELEVISION BROADCASTING

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- 1 Multiplex services and digital programme services.
- 2 Meaning of “independent analogue broadcaster” and “qualifying service”.

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- 3 Licences under Part I.
- 4 General licence conditions.
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- 6 Assignment of frequencies by Secretary of State.
- 7 Multiplex licences.
- 8 Award of multiplex licences.
- 9 Power to require two or more multiplex licences to be granted to one person.
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- 12 Conditions attached to multiplex licence.
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- 14 Multiplex revenue.
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- 24 Digital additional services.
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- 42 Licences under Part II.
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- 45 Assignment of frequencies by Secretary of State.

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- 54 Conditions attached to national or local radio multiplex licence.
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- 61 Duration and conditions of digital sound programme licence.
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- 63 Digital additional services.
- 64 Licensing of digital additional services.
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- 66 Enforcement of digital additional services licences.

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- 67 Review of digital radio broadcasting.
- 68 Promotion of equal opportunities and fair treatment.
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- 70 Computation of multiplex revenue.
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- 72 Interpretation of Part II.

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- 73 Restrictions on holding of licences.

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- 82 Multiplex revenue to be taken into account in connection with funding of Channel Four Television Corporation.
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- 92 Renewal of licences to provide national radio services.
- 93 Variation of local radio licence following change of control.
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- 95 Financing of Gaelic sound programmes.
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106 The Broadcasting Standards Commission.

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109 Monitoring by BSC of broadcasting standards.

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112 Committee to consider fairness complaints.

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114 Supplementary provisions as to making of complaints of either kind.

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116 Consideration of standards complaints.

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122 Power of BSC to commission research.

123 International representation by BSC of Government interests.

124 Duty to publicise BSC.

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126 Reports to Secretary of State.

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- SCHEDULE 1 — Multiplex revenue: supplementary provisions
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Computation of multiplex revenue

- 1 (1) It shall be the duty of the Commission to...

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Disputes

- 2 (1) For the purposes of any provision of Part I...
Part II — MULTIPLEX REVENUE FOR PURPOSES OF PART II OF THIS ACT

Computation of multiplex revenue

- 3 (1) It shall be the duty of the Authority to...

Disputes

- 4 (1) For the purposes of any provision of Part II...

SCHEDULE 2 — Amendments of Broadcasting Act 1990 relating to restrictions on holding of licences

Part I — AMENDMENTS OF PART I OF SCHEDULE 2

- 1 (1) In Part I of Schedule 2, paragraph 1 (which...
2 (1) Paragraph 2 of Part I of Schedule 2 is...
3 For paragraph 3 of Part I of Schedule 2 there...
4 After paragraph 3 of Part I of Schedule 2 there...
5 In paragraph 4 of Part I of Schedule 2 (affirmative...

Part II — AMENDMENTS OF PART II OF SCHEDULE 2

- 6 (1) In Part II of Schedule 2, paragraph 1 (general...
7 In paragraph 3 of Part II of Schedule 2 (disqualification...
8 In paragraph 5 of Part II of Schedule 2 (general...
9 After paragraph 5 of Part II of Schedule 2 there...

Part III — PROVISIONS SUBSTITUTED FOR PART III OF SCHEDULE 2

- 10 For Part III of Schedule 2 there is substituted— Part...

Part IV — PROVISIONS SUBSTITUTED FOR PART IV OF SCHEDULE 2

- 11 For Part IV of Schedule 2 there is substituted— Part...

Part V — AMENDMENTS OF OTHER PROVISIONS OF 1990 ACT

- 12 (1) Section 5 of the 1990 Act (restrictions on the...
13 (1) Section 88 of the 1990 Act (restrictions on the...

SCHEDULE 3 — Broadcasting Standards Commission: supplementary provisions

Interpretation

- 1 In this Schedule— (a) “pension scheme” means a scheme for...

Status and capacity

- 2 (1) The BSC shall be a body corporate.

Appointment of members

- 3 (1) A person shall be disqualified for being a member...

Tenure of office

- 4 (1) Subject to the following provisions of this paragraph, each...

Remuneration and pensions of members

- 5 (1) The BSC may pay to each member such remuneration...

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Disqualification of members of BSC for House of Commons and Northern Ireland Assembly

6 In Part II of Schedule 1 to the House of...

Proceedings

- 7 (1) Subject to paragraph 8 and to the provisions of...
8 (1) A member who is in any way directly or...
9 The validity of any proceedings of the BSC shall not...

Employees of the BSC

10 (1) The BSC may appoint such number of employees as...

Financial provisions

11 (1) The Secretary of State shall pay to the BSC—...

Authentication of seal of BSC

12 (1) The application of the seal of the BSC shall...

Presumption of authenticity of documents issued by BSC

13 Any document purporting to be an instrument issued by the...

Accounts and audit

14 (1) The BSC shall keep proper accounts and proper records...

SCHEDULE 4 — Supplementary provisions relating to dissolution of Broadcasting Complaints Commission and Broadcasting Standards Council

Meaning of “the existing boards”

1 In this Schedule “the existing boards” has the same meaning...

Provisions as to vesting of property etc. of existing boards

- 2 (1) Sub-paragraph (2) shall have effect for the purposes of,...
3 (1) Where immediately before the transfer date there is in...

Pensions

4 (1) It is hereby declared for the avoidance of doubt...

Final accounts and annual report of existing bodies

- 5 (1) The Broadcasting Complaints Commission shall, as soon as possible...
6 (1) The Broadcasting Standards Council shall, as soon as possible...
7 (1) The Secretary of State shall lay copies of any...

Final contributions towards cost of Broadcasting Complaints Commission

8 (1) For the period referred to in paragraph 5(1), the...

SCHEDULE 5 — Transfer schemes relating to BBC transmission network: supplementary provisions

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Contents and effect of scheme

1 (1) A transfer scheme may define the property, rights and...

Division of BBC's undertaking by scheme

2 (1) For the purposes of making any such division as...

Property to which a scheme may relate

3 (1) The property, rights and liabilities that shall be capable...

Supplemental provisions of schemes

4 (1) A transfer scheme may contain supplemental, incidental, consequential and...

Certificate of Secretary of State as to vesting of property etc.

5 A certificate issued by the Secretary of State to the...

Duties in relation to foreign property etc.

6 (1) It shall be the duty of the BBC and...

Modification of scheme by agreement

7 (1) This paragraph applies where any person to whom anything...

Compensation

8 (1) Where, in consequence of any provisions included in a...

Notice to persons affected by scheme

9 (1) It shall be the duty of the BBC, where...

Consideration for transfer etc.

10 (1) A transfer in accordance with a transfer scheme may...

SCHEDULE 6 — Transfer schemes relating to BBC transmission network:
successor companies

Interpretation

1 (1) In this Schedule— “the Charter” means the Royal Charter...

Statutory accounts

2 (1) The following provisions of this paragraph shall have effect...

Distributable reserves

3 (1) Where statutory accounts of a successor company prepared as...

Dividends

4 (1) Where a distribution is proposed to be declared during...

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Application of the Trustee Investments Act 1961

5 (1) For the purpose of applying paragraph 3(b) of Part...

SCHEDULE 7 — Transfer schemes relating to BBC transmission network: taxation provisions

Interpretation

1 (1) In this Schedule, unless the context otherwise requires— “the...

Chargeable gains: preparatory transfers etc to be without gain or loss

2 (1) For the purposes of corporation tax on chargeable gains,...

Chargeable gains: amendment of section 35(3)(d) of the Gains Act

3 In section 35(3)(d) of the Gains Act (list of provisions...

Chargeable gains: section 41 of the Gains Act

4 Subsection (1) of section 174 of the Gains Act (which...

Chargeable gains: assets held before 6th April 1965

5 Schedule 2 to the Gains Act (assets held on 6th...

Chargeable gains: sale of successor company : group transactions

6 (1) For the purposes of section 179 of the Gains...

Chargeable gains: sale or exchange of shares or securities of successor company

7 (1) Where a company issues shares or debentures to the...

No chargeable gain or allowable loss to arise on any disposal constituted by a direct disposal transfer

8 (1) For the purposes of corporation tax on chargeable gains,...

Chargeable gains: value shifting

9 (1) Nothing in Part VI of this Act, and no...

Chargeable gains: receipt of compensation or insurance money

10 (1) Subsection (4) of section 23 of the Gains Act...

Loan relationships: disposal of securities by BBC

11 (1) This paragraph applies in any case where—

Transfer of trade: loss relief and capital allowances

12 (1) This paragraph applies in any case where, as a...

Capital allowances: industrial buildings and structures

13 (1) This paragraph applies in any case where there is...

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Capital allowances: machinery and plant

14 (1) For the purposes of Part II of the Allowances...

Capital allowances: leased fixtures

15 (1) This paragraph applies to any lease which is granted...

Capital allowances: connected persons

16 In Part II of the Allowances Act (machinery and plant)...

Capital allowances: agricultural buildings

17 (1) This paragraph applies in any case where there is...

Corporation tax: BBC and successor company to be treated as one for certain purposes

18 (1) If any property, rights or liabilities are transferred to...

Corporation tax: no profit or loss under Case I of Schedule D by reason of a direct disposal transfer

19 In determining for the purposes of Case I of Schedule...

Corporation tax: group relief

20 (1) None of the following, namely— (a) the existence of...

Corporation tax: leases at an undervalue

21 (1) Section 35 of the Taxes Act 1988 (charge on...

Corporation tax: sale and lease-back

22 (1) Section 779 of the Taxes Act 1988 (sale and...

Corporation tax: sale of lease of land

23 (1) Section 780 of the Taxes Act 1988 (sale and...

Corporation tax: leased assets

24 (1) For the purposes of section 781 of the Taxes...

Stamp duty

25 (1) Stamp duty shall not be chargeable on any agreement...

Stamp duty reserve tax

26 (1) An agreement to transfer chargeable securities, as defined in...

Modifications of transfer schemes

27 (1) If the effect of any transfer scheme is modified...

Orders

28 (1) The Secretary of State shall not make an order...

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SCHEDULE 8 — Amendments of Broadcasting Act 1990 relating to services provided by BBC companies

Television services

- 1 In section 3 of the 1990 Act (licences under Part...
- 2 (1) Section 5 of that Act (restrictions on the holding...
- 3 After section 66 of that Act there is inserted— Enforcement...
- 4 In section 81 of that Act (enforcement of local delivery...

Radio services

- 5 In section 86 of that Act (licences under Part III)...
- 6 (1) Section 88 of that Act (restrictions on the holding...
- 7 After section 111 of that Act there is inserted— Enforcement...

Meaning of “BBC company” for purposes of Broadcasting Act 1990

- 8 In section 202 of that Act (interpretation), after the definition...

SCHEDULE 9 — Amendments of Copyright, Designs and Patents Act 1988 relating to cable programme services

- 1 For section 73 of the Copyright, Designs and Patents Act...
- 2 (1) Section 134 of that Act (licences in respect of...
- 3 In section 149 of that Act (jurisdiction of Copyright Tribunal),...
- 4 In section 205B of that Act (jurisdiction of Copyright Tribunal)...
- 5 For paragraph 19 of Schedule 2 to that Act there...
- 6 After paragraph 19 of Schedule 2 to that Act there...

SCHEDULE 10 — Minor and consequential amendments

Part I — AMENDMENTS OF BROADCASTING ACT 1990 RELATING TO DIGITAL TERRESTRIAL BROADCASTING

- 1 (1) Section 2 of the 1990 Act (regulation by Commission...
- 2 In section 13 of the 1990 Act (prohibition on providing...
- 3 In section 69 of the 1990 Act (frequency planning and...
- 4 In section 72 of the 1990 Act (local delivery services),...
- 5 In section 84 of the 1990 Act (regulation by Authority...
- 6 In section 85 of the 1990 Act (licensing functions of...
- 7 In section 97 of the 1990 Act (prohibition on providing...
- 8 In section 112 of the 1990 Act (licensable sound programme...
- 9 In section 126 of the 1990 Act (interpretation of Part...
- 10 In section 176 of the 1990 Act (duty to provide...
- 11 In section 201 of the 1990 Act (meaning of “programme...

Part II — OTHER AMENDMENTS OF BROADCASTING ACT 1990

- 12 In section 2 of the 1990 Act (regulation by Commission...
- 13 In section 6 of the 1990 Act (general requirements as...
- 14 In section 33 of the 1990 Act (conditions requiring holder...
- 15 (1) Section 43 of the 1990 Act (domestic and non-domestic...
- 16 In section 46 of the 1990 Act (licensable programme services),...
- 17 In section 71 of the 1990 Act (interpretation of Part...
- 18 In section 72 of the 1990 Act (local delivery services),...
- 19 (1) Section 84 of the 1990 Act (regulation by Radio...
- 20 In section 188 of the 1990 Act (power to give...
- 21 In section 202(1) of the 1990 Act (interpretation)—

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- 22 In paragraph 2(1) of Schedule 1 to the 1990 Act...
- 23 In paragraph 2(1) of Schedule 3 to the 1990 Act...
- 24 In paragraph 2(1) of Schedule 6 to the 1990 Act...
- 25 In paragraph 2(1) of Schedule 8 to the 1990 Act...
- 26 In Schedule 19 to the 1990 Act (the Gaelic Broadcasting...
Part III — AMENDMENTS OF OTHER ENACTMENTS

The Welsh Development Agency Act 1975 (c. 70)

- 27 In section 19 of the Welsh Development Agency Act 1975...

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

- 28 In section 75 of the Representation of the People Act...
- 29 In section 93 of the Representation of the People Act...
- 30 Without prejudice to the generality of section 20(2) of the...

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

- 31 In section 69 of the Copyright, Designs and Patents Act...
- 32 In Schedule 2 to the Copyright, Designs and Patents Act...

SCHEDULE 11 — Repeals and revocations

Part I — ENACTMENTS REPEALED

Part II — SUBORDINATE LEGISLATION REVOKED

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