

SCHEDULES

SCHEDULE 10

Section 148(1).

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 of provision of television services) is amended as follows.
- (2) In subsection (1)—
 - (a) after “this Part” there is inserted “and Part I of the Broadcasting Act 1996”, and
 - (b) after paragraph (b) there is inserted—
 - “(c) multiplex services (as defined by section 1(1) of the Broadcasting Act 1996) which are provided from places in the United Kingdom by persons other than the BBC, and
 - (d) digital additional services (as defined by section 24(1) of the Broadcasting Act 1996) which are provided from places in the United Kingdom by persons other than the BBC”.
- (3) In subsection (2)—
 - (a) in paragraph (a) after “Part II” there is inserted “and under Part I of the Broadcasting Act 1996”, and
 - (b) in paragraph (b)—
 - (i) after “this Part” there is inserted “and Part I of the Broadcasting Act 1996”,
 - (ii) after “television programme services” there is inserted “and multiplex services (as defined by section 1(1) of that Act)”, and
 - (iii) for “such services” there is substituted “television programme services.”
- (4) In subsection (4), in the definition of “television programme service”, after paragraph (c) there is inserted—

“or

 - (d) a digital programme service (as defined by section 1(4) of the Broadcasting Act 1996).”
- (5) At the end of subsection (5) there is inserted “but not including a restricted service (as defined by section 42A) or a multiplex service (as defined by section 1(1) of the Broadcasting Act 1996)”.

Status: This is the original version (as it was originally enacted).

- 2 In section 13 of the 1990 Act (prohibition on providing television services without a licence), in subsection (1)—
- (a) for “or (b)” there is substituted “,(b), (c) or (d)”, and
 - (b) after “this Part” there is inserted “or Part I of the Broadcasting Act 1996”.
- 3 In section 69 of the 1990 Act (frequency planning and development), in subsection (4), after “Part II” there is inserted “or Part I of the Broadcasting Act 1996”.
- 4 In section 72 of the 1990 Act (local delivery services), in subsection (2)—
- (a) after paragraph (c) there is inserted—
 - “(cc) any digital programme service (as defined by section 1(4) of the Broadcasting Act 1996);”, and
 - (b) at the end there is inserted “and
 - (f) any digital sound programme service (as defined by section 40(5) of the Broadcasting Act 1996).”
- 5 In section 84 of the 1990 Act (regulation by Authority of independent radio services), in subsection (1)—
- (a) after “this Part” there is inserted “and Part II of the Broadcasting Act 1996”, and
 - (b) after paragraph (c) there is inserted—
 - “(d) radio multiplex services (as defined by section 40(1) of the Broadcasting Act 1996) which are provided from places in the United Kingdom by persons other than the BBC;
 - (e) digital sound programme services (as defined by section 40(5) of that Act) which are provided from places in the United Kingdom by persons other than the BBC; and
 - (f) digital additional services (as defined by section 63(1) of that Act) which are provided from places in the United Kingdom by persons other than the BBC;”.
- 6 In section 85 of the 1990 Act (licensing functions of Authority), in subsection (3)—
- (a) after “independent radio services” there is inserted “and services falling within section 84(1)(d), (e) and (f)”, and
 - (b) in paragraph (a) after “licensed services” there is inserted “(including digital sound programme services licensed under Part II of the Broadcasting Act 1996)”.
- 7 In section 97 of the 1990 Act (prohibition on providing independent radio services without a licence), in subsection (1)—
- (a) after “independent radio service” there is inserted “or any service falling within section 84(1)(d), (e) or (f)”, and
 - (b) after “this Part” there is inserted “or Part II of the Broadcasting Act 1996”.
- 8 In section 112 of the 1990 Act (licensable sound programme services), in subsection (2)(a), after “sound broadcasting service” there is inserted “or a radio multiplex service (as defined by section 40(1) of the Broadcasting Act 1996)”.
- 9 In section 126 of the 1990 Act (interpretation of Part III), at the end of the definition of “sound broadcasting service” there is inserted “but does not include a radio multiplex service (as defined by section 40(1) of the Broadcasting Act 1996)”.

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

- 10 In section 176 of the 1990 Act (duty to provide advance information about programmes), in subsection (7), in the first column of the table—
- (a) after “Welsh Authority” there is inserted “and the service referred to in section 57(1A)(a)”, and
 - (b) after “Radio Authority” there is inserted “, any simulcast radio service (within the meaning of Part II of the Broadcasting Act 1996), and any national digital sound programme service (within the meaning of that Part of that Act) subject to regulation by the Radio Authority”.
- 11 In section 201 of the 1990 Act (meaning of “programme service”), after paragraph (b) there is inserted—
- “(bb) any digital sound programme service (within the meaning of Part II of the Broadcasting Act 1996)”.

PART II

OTHER AMENDMENTS OF BROADCASTING ACT 1990

- 12 In section 2 of the 1990 Act (regulation by Commission of provision of television services), in subsection (4), in the definition of “television programme service”, after paragraph (a) there is inserted—
- “(aa) a restricted service (as defined by section 42A);”.
- 13 In section 6 of the 1990 Act (general requirements as to licensed services), in subsection (8), for “the teletext service referred to in section 49(2)” there is substituted “a teletext service”.
- 14 In section 33 of the 1990 Act (conditions requiring holder of Channel 3 or Channel 5 licence to deliver licensed service), in subsection (3), after “subsection (1)” there is inserted “or section 21A(3) or (4)”.
- 15 (1) Section 43 of the 1990 Act (domestic and non-domestic satellite services) is amended as follows.
- (2) In subsection (3), after “shall”, where first occurring, there is inserted “subject to subsection (3A)”.
 - (3) After that subsection there is inserted—
 - “(3A) For the purposes of this Part, any non-domestic satellite service which is composed by, and transmitted for, a BBC company, a Channel 4 company or an S4C company—
 - (a) shall be regarded as provided by that company and not by the relevant broadcasting body (even if the relevant broadcasting body is in a position to determine what is to be included in the service), and
 - (b) shall be regarded as provided from a place in the United Kingdom.”
 - (4) At the end of subsection (4) there is inserted—
 - ““relevant broadcasting body” means—
 - (a) in relation to a BBC company, the BBC,
 - (b) in relation to a Channel 4 company, the Channel Four Television Corporation, and

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- (c) in relation to an S4C company, the Welsh Authority.”
- 16 In section 46 of the 1990 Act (licensable programme services), in subsection (2) (a), after “television broadcasting service” there is inserted “a multiplex service (as defined by section 1(1) of the Broadcasting Act 1996), a restricted service”.
- 17 In section 71 of the 1990 Act (interpretation of Part I), after the definition of “regional Channel 3 service” there is inserted—
- ““restricted service” has the meaning given by section 42A;”.
- 18 In section 72 of the 1990 Act (local delivery services), in subsection (2) after paragraph (a) there is inserted—
- “(aa) any restricted service (within the meaning of that Part);”.
- 19 (1) Section 84 of the 1990 Act (regulation by Radio Authority of independent radio services) is amended as follows.
- (2) In subsection (3), after “shall”, where first occurring, there is inserted “subject to subsection (3A)”.
- (3) After that subsection there is inserted—
- “(3A) For the purposes of this Part, any satellite service which is composed by, and transmitted for, a BBC company, a Channel 4 company or an S4C company—
- (a) shall be regarded as provided by that company and not by the relevant broadcasting body (even if the relevant broadcasting body is in a position to determine what is to be included in the service), and
- (b) shall be regarded as provided from a place in the United Kingdom.
- (3B) In subsection (3A) “relevant broadcasting body” means—
- (a) in relation to a BBC company, the BBC,
- (b) in relation to a Channel 4 company, the Channel Four Television Corporation, and
- (c) in relation to an S4C company, the Welsh Authority.”
- 20 In section 188 of the 1990 Act (power to give broadcasting bodies etc. directions relating to international obligations), in subsection (2)(e), for “Broadcasting Standards Council” there is substituted “Broadcasting Standards Commission”.
- 21 In section 202(1) of the 1990 Act (interpretation)—
- (a) after the definition of “broadcast” there is inserted—
- ““a Channel 4 company” means—
- (a) any body corporate which is controlled by the Channel Four Television Corporation, or
- (b) any body corporate in which the Corporation or any body corporate falling within paragraph (a) above is (to any extent) a participant (as defined in paragraph 1(1) of Part I of Schedule 2);”
- (b) in the definition of “connected”, for “licence” there is substituted “person”, and
- (c) after the definition of “programme” there is inserted—

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““an S4C company” means—

- (a) any body corporate which is controlled by the Welsh Authority, or
- (b) any body corporate in which the Welsh Authority or any body corporate falling within paragraph (a) above is (to any extent) a participant (as defined in paragraph 1(1) of Part I of Schedule 2);”.

22 In paragraph 2(1) of Schedule 1 to the 1990 Act (persons disqualified for membership of the Independent Television Commission), for paragraphs (c) and (d) there is substituted—

“or

- (c) a member or employee of the Broadcasting Standards Commission.”

23 In paragraph 2(1) of Schedule 3 to the 1990 Act (persons disqualified for membership of the Channel Four Television Corporation), for paragraphs (d) and (e) there is substituted—

“or

- (d) a member or employee of the Broadcasting Standards Commission.”

24 In paragraph 2(1) of Schedule 6 to the 1990 Act (persons disqualified for membership of the Welsh Authority), for paragraphs (b) and (c) there is substituted—

“or

- (b) a member or employee of the Broadcasting Standards Commission.”

25 In paragraph 2(1) of Schedule 8 to the 1990 Act (persons disqualified for membership of the Radio Authority), for paragraphs (d) and (e) there is substituted—

“or

- (d) a member or employee of the Broadcasting Standards Commission.”

26 In Schedule 19 to the 1990 Act (the Gaelic Broadcasting Committee: supplementary provisions)—

(a) in paragraph 8—

- (i) for “Gaelic Television Fund” there is substituted “Gaelic Broadcasting Fund”; and
- (ii) in sub-paragraph (c), after “Commission” there is inserted “and (where the expenses relate to the Commission’s functions in connection with sound programmes) the Radio Authority”; and

(b) in paragraph 11(4)—

- (i) after “Commission” there is inserted “or the Radio Authority”; and
- (ii) for “them”, where it first occurs, there is substituted “the Commission or, as the case may be, the Authority”.

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

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 Agency and the media), in subsection (11)—
- (a) in the definition of “the appropriate authority”—
 - (i) in paragraph (a), after “Act 1990” there is inserted “or Part I of the Broadcasting Act 1996”, and
 - (ii) in paragraph (b), for “that Act” there is substituted “the Broadcasting Act 1990 or Part II of the Broadcasting Act 1996”, and
 - (b) in the definition of “relevant licence” for “(as the case may be) Part III of that Act” there is substituted “III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996.”

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

- 28 In section 75 of the Representation of the People Act 1983 (prohibition of expenses not authorised by election agent), in subsection (1)(i), after “Broadcasting Act 1990” there is inserted “or Part I or II of the Broadcasting Act 1996”.
- 29 In section 93 of the Representation of the People Act 1983 (broadcasting during elections), in subsection (1), for the paragraphs (a) and (b) inserted by paragraph 35(4)(a) of Schedule 20 to the 1990 Act there is substituted—
- “(i) broadcast by the British Broadcasting Corporation or Sianel Pedwar Cymru, or
 - (ii) included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996”.
- 30 Without prejudice to the generality of section 20(2) of the Interpretation Act 1978, any reference in paragraph 28 or 29 to a provision of the Representation of the People Act 1983 includes a reference to that provision as applied by any regulations made under paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978.

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

- 31 In section 69 of the Copyright, Designs and Patents Act 1988 (recording for purposes of supervision and control of broadcasts and cable programmes), for subsections (2) and (3) there is substituted—
- “(2) Copyright is not infringed by anything done in pursuance of—
- (a) section 11(1), 95(1) or 167(1) of the Broadcasting Act 1990 or section 115(4) or (6), 116(5) or 117 of the Broadcasting Act 1996;
 - (b) a condition which, by virtue of section 11(2) or 95(2) of the Broadcasting Act 1990, is included in a licence granted under Part I or III of that Act or Part I or II of the Broadcasting Act 1996; or
 - (c) a direction given under section 109(2) of the Broadcasting Act 1990 (power of Radio Authority to require production of recordings etc).

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

- (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 or the Broadcasting Act 1996, of any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts; or
 - (b) the use by the Broadcasting Standards Commission, in connection with any complaint made to them under the Broadcasting Act 1996, of any recording or transcript requested or required to be provided to them, and so provided, under section 115(4) or (6) or 116(5) of that Act.”

32 In Schedule 2 to the Copyright, Designs and Patents Act 1988 (rights in performances: permitted acts), in paragraph 17, for sub-paragraphs (2) and (3) there is substituted—

- “(2) The rights conferred by Part II are not infringed by anything done in pursuance of—
- (a) section 11(1), 95(1) or 167(1) of the Broadcasting Act 1990 or section 115(4) or (6), 116(5) or 117 of the Broadcasting Act 1996;
 - (b) a condition which, by virtue of section 11(2) or 95(2) of the Broadcasting Act 1990, is included in a licence granted under Part I or III of that Act or Part I or II of the Broadcasting Act 1996; or
 - (c) a direction given under section 109(2) of the Broadcasting Act 1990 (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 or the Broadcasting Act 1996, of any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts; or
 - (b) the use by the Broadcasting Standards Commission, in connection with any complaint made to them under the Broadcasting Act 1996, of any recording or transcript requested or required to be provided to them, and so provided, under section 115(4) or (6) or 116(5) of that Act.”