

SCHEDULES

SCHEDULE 1

Section 2

FUNCTIONS TRANSFERRED TO OFCOM

Wireless telegraphy functions

- 1 (1) Subject to sub-paragraphs (2) and (3), the functions of the Secretary of State under the following enactments are transferred to OFCOM—
 - (a) the Wireless Telegraphy Act 1949 (c. 54);
 - (b) section 7 of the Wireless Telegraphy Act 1967 (c. 72) (restriction on dealings in, and custody of, certain apparatus);
 - (c) Part 6 of the Telecommunications Act 1984 (c. 12) (provisions relating to wireless telegraphy);
 - (d) the Wireless Telegraphy Act 1998 (c. 6).
- (2) The following functions remain functions of the Secretary of State—
 - (a) his functions under section 5 of the Wireless Telegraphy Act 1949 (misleading messages and interception and disclosure of wireless telegraphy messages);
 - (b) his functions under section 6 of that Act (regulations about apparatus on board ships etc.);
 - (c) his functions under section 7 of that Act (powers as to wireless personnel).
- (3) The functions of the Secretary of State under section 84 of the Telecommunications Act 1984 (approval of wireless telegraphy apparatus)—
 - (a) if an order made by the Secretary of State under subsection (8A) of that section is in force, shall be exercisable by him and by OFCOM in accordance with that order; and
 - (b) if there is no such order, shall be exercisable by OFCOM.
- 2 (1) The functions of the Secretary of State under section 7A of the Marine, &c., Broadcasting (Offences) Act 1967 (c. 41) (powers of enforcement of marine offences under that Act) shall (with the following exception) be exercisable concurrently by the Secretary of State and OFCOM.
- (2) The exception is the functions of the Secretary of State under that section so far as they relate to powers exercisable by virtue of subsection (7) of that section.

Functions in relation to the licensing etc. of television services

- 3 The following functions of the Independent Television Commission are transferred to OFCOM—
 - (a) the function of granting or awarding licences under Part 1 of the 1990 Act (independent television services) and Part 1 of the 1996 Act (digital television broadcasting);

Status: This is the original version (as it was originally enacted).

- (b) the Commission's functions under those Parts in relation to, and to applications for, licences under either of those Parts;
- (c) the function of securing the provision of a nationwide system of television broadcasting services known as Channel 3;
- (d) the function of securing the provision of the television broadcasting service known as Channel 5.

Functions in relation to C4C

- 4 The functions conferred on the Independent Television Commission by or under section 23 of the 1990 Act and under Schedule 3 to that Act (appointment of members of C4C and related administrative functions) are transferred to OFCOM.

Functions in relation to the licensing of radio services

- 5 The following functions of the Radio Authority are transferred to OFCOM—
- (a) the function of granting or awarding licences under Part 3 of the 1990 Act (independent radio services) and Part 2 of the 1996 Act (digital sound broadcasting); and
 - (b) the Authority's functions under those Parts in relation to licences granted or awarded under those Parts.

Functions in relation to the proscription of foreign satellite services

- 6 The functions of the Independent Television Commission and of the Radio Authority under section 177 of the 1990 Act (proscription of foreign satellite services) are transferred to OFCOM.

Functions in relation to Gaelic broadcasting

- 7 The functions of the Independent Television Commission under sections 183 and 184 of the 1990 Act and the functions of that Commission and of the Radio Authority under Schedule 19 to that Act (Gaelic broadcasting) are transferred to OFCOM.

Functions in relation to the national television archive

- 8 The functions of the Independent Television Commission under section 185 of the 1990 Act (maintenance of the national television archive) are transferred to OFCOM.

Warrants to enter and search premises to enforce broadcasting licences provisions

- 9 The functions of the Independent Television Commission and of the Radio Authority under section 196(1) of the 1990 Act (entry and search for the purposes of enforcing licensing provisions of the 1990 and 1996 Acts) are transferred to OFCOM.

Variation of existing Channel 3 and Channel 5 licences

- 10 Any power to vary licences which is conferred on the Independent Television Commission by an order under section 28 of the 1996 Act is transferred to OFCOM.

Reports for the purposes of the review of digital broadcasting

- 11 The functions of the Independent Television Commission and of the Radio Authority under sections 33 and 67 of the 1996 Act (reports to the Secretary of State for the purposes of his review of digital broadcasting) are transferred to OFCOM.

Functions in relation to reservation of digital capacity to the BBC

- 12 The function of the Secretary of State under section 49(4) of the 1996 Act (reserving digital capacity on a local radio multiplex service for the BBC) is transferred to OFCOM.

Functions in relation to listed events

- 13 The functions of the Independent Television Commission under Part 4 of the 1996 Act (functions in connection with listed events) are transferred to OFCOM.

Functions relating to fairness and privacy in broadcasting

- 14 The following functions of the Broadcasting Standards Commission under Part 5 of the 1996 Act are transferred to OFCOM—
- (a) the Commission's function of drawing up and from time to time revising a code of practice under section 107 of that Act (codes of practice relation to fairness and privacy); and
 - (b) their functions in relation to fairness complaints under that Part.