

1984 No. 1993

CABLE PROGRAMME SERVICES

The Cable (Excepted Programmes) Order 1984

Made - - - - - *19th December 1984*

Coming into Operation *1st January 1985*

In exercise of the powers conferred upon me by section 13(1) of the Cable and Broadcasting Act 1984(a), and after consultation with the Cable Authority, the British Broadcasting Corporation and the Independent Broadcasting Authority, I hereby make the following Order:—

1. This Order may be cited as the Cable (Excepted Programmes) Order 1984 and shall come into operation on 1st January 1985.

2. The duty imposed on the Cable Authority by section 13 of the Cable and Broadcasting Act 1984 to do all that they can to secure that every licensed diffusion service includes, by the reception and immediate re-transmission of the broadcasts, the programmes included in the broadcasting services mentioned in that section is subject to the exceptions specified in the Schedule to this Order.

Home Office.

19th December 1984.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

(a) 1984 c. 46.

SCHEDULE

Article 2.

Exceptions to the duty imposed on the Cable Authority by section 13

1.—(1) The exceptions for programmes included in television broadcasting services are—

(a) in the case of a diffusion service in respect of which there was, immediately prior to 1st January 1985, a licence granted **(a)**, or having effect as if granted **(b)**, by the Secretary of State under section 58 of the Telecommunications Act 1984 **(c)**, the programmes included in any television broadcasting service which the licensee was not licensed to include in his service;

(b) in the case of any other diffusion service provided over a restricted capacity telecommunication system and in respect of which there is a licence granted by the Cable Authority, if the licensee—

(i) was, prior to the date on which the licence takes effect, providing by means of that system, cable programme services consisting of the reception and immediate re-transmission of programmes included in television broadcasting services; and

(ii) has made available to the persons to whom such services were provided facilities for the reception, otherwise than by means of the system, of the programmes included in those services,

the programmes included in those services.

(2) In paragraph (b) above, “restricted capacity telecommunication system” means a system which—

(a) prior to 1st January 1985 was run wholly or mainly for the purpose of relaying at High Frequency television broadcasting services; and

(b) is not capable of conveying visual images on more than six channels of 8 MHz simultaneously.

2. The exceptions for programmes included in sound broadcasting are—

(a) in the case of a prescribed diffusion service, where—

(i) a sound broadcasting service consists of two or more programme schedules broadcast from time to time on different frequencies; and

(ii) the licensee includes in his service the programmes contained in one of those schedules,

the programmes contained in any other programme schedule forming part of that sound broadcasting service;

(b) in the case of any other diffusion service, the programmes included in all sound broadcasting services, but—

(i) if the licensee includes in his service, at a time when he is also including services in sounds and visual images, a service in sound only provided otherwise than by a broadcasting authority, he should include the programmes included in at least one sound broadcasting service provided by a broadcasting authority, in which case paragraph (a) above shall apply as it applies in the case of a prescribed diffusion service;

(a) By virtue of section 58(2) of the Cable and Broadcasting Act 1984, such a licence has effect as if granted by the Cable Authority.

(b) Paragraph 8(2) of Schedule 5 to the Telecommunications Act 1984 (c. 12).

(c) 1984 c. 12.

(ii) if the licensee includes in his service, at a time when he is also including services in sounds and visual images, two or more services in sound only provided otherwise than by a broadcasting authority, the exception in this paragraph shall not apply, but paragraph (a) above shall apply as it applies in the case of a prescribed diffusion service.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under section 13 of the Cable and Broadcasting Act 1984 the Cable Authority are required to do all that they can to secure that every licensed diffusion service provided in any area includes, by the reception and immediate re-transmission of the broadcasts, the programmes included in each television and radio service intended for reception in that area, subject to such exceptions as the Secretary of State may by Order specify. The Schedule to this Order specifies those exceptions.

By virtue of paragraph 1 of the Schedule the Authority are not required to secure the inclusion of programmes included in any BBC or IBA television broadcasts in services in respect of which there was before 1st January 1985 a licence granted by the Secretary of State to provide only programmes other than those included in such broadcasts. In relation to services provided over restricted capacity telecommunication systems and licensed by the Cable Authority after that date, the obligation is to secure the inclusion of only those programmes included in television broadcasts which have not been made available off-air to subscribers, who were previously provided with such programmes by means of the system.

Paragraph 2 of the Schedule provides that the Authority is not required to secure the inclusion of any BBC or IBA sound broadcasting service in more than one form, where it is broadcast in more than one form from separate transmitters. In addition, diffusion services do not have to include BBC or IBA radio broadcasts at all unless they include (at a time when they are also including television services) a sound service provided otherwise than by the BBC or IBA, in which case they must include at least one BBC or IBA service, but only in one form. If they include two or more such services provided otherwise than by the BBC or IBA, they must include, at least in one form, all appropriate BBC and IBA radio broadcasts.

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