

1990 No. 2347 (C.61)

BROADCASTING

**The Broadcasting Act 1990 (Commencement No. 1 and
Transitional Provisions) Order 1990**

Made - - - -

27th November 1990

In exercise of the powers conferred upon me by sections 200 and 204(2) of the Broadcasting Act 1990(a), I hereby make the following Order:

1.—(1) This Order may be cited as the Broadcasting Act 1990 (Commencement No. 1 and Transitional Provisions) Order 1990.

(2) In this Order “the 1990 Act” means the Broadcasting Act 1990.

2. The provisions of the 1990 Act which are specified in Schedule 1 to this Order shall come into force on 1st December 1990.

3.—(1) Subject to paragraphs (2) and (3) below, the provisions of the 1990 Act which are specified in Schedule 2 to this Order shall come into force on 1st January 1991.

(2) Paragraph (1) above and Schedule 2 to this Order shall not apply so as to bring into force the replacement of the reference to the Independent Broadcasting Authority by the amendment made by paragraph 36 of Schedule 20 to the 1990 Act until such time as that Authority is dissolved by order under section 127(3) of the 1990 Act.

(3) Paragraph (1) above and Schedule 2 to this Order shall not apply so as to bring into force the repeal by Schedule 21 to the 1990 Act of those provisions of the Broadcasting Act 1981(b) and the Cable and Broadcasting Act 1984(c), together with the entries in the said Schedule 21 in respect of paragraph 81 of Schedule 4 to and paragraphs 8(1) and (3) and 30 of Schedule 5 to the Telecommunications Act 1984(d), the Companies Consolidation (Consequential Provisions) Act 1985(e), the Finance Act 1986(f), the Broadcasting Act 1987(g), the Education Reform Act 1988(h), sections 73 and 134(4) of, paragraph 19 of Schedule 2 to, and paragraph 29 of Schedule 7 to the Copyright, Designs and Patents Act 1988(i) and the Finance Act 1989(j), which continue to have effect under or by virtue of sections 127 to 129 and 134 of, and Schedules 9 to 12 to, the 1990 Act.

4. Section 175 of the 1990 Act shall come into force on 1st February 1991.

5. Section 176 of, and Schedule 17 to, the 1990 Act shall come into force on 1st March 1991 except that for the purpose of enabling publication of information about programmes to be included in a programme service on or after that date, those provisions shall come into force on 1st January 1991.

6. The following provisions shall come into force on 1st April 1991; those provisions are:

- (a) section 180 of, and Schedule 18 to, the 1990 Act; and
- (b) the entries in Schedule 21 to the 1990 Act relating to the repeal of –
 - (i) the Wireless Telegraphy (Blind Persons) Act 1955(a); and
 - (ii) the Wireless Telegraphy Act 1967(b).

7.—(1) Subject to paragraph (2) below, the provisions of the 1990 Act which are specified in Schedule 3 to this Order shall come into force on 1st January 1993.

(2) For the purposes of enabling conditions of the type specified in sections 34(2), 35(1) and 185(3) of the 1990 Act to be included in a Channel 3 or Channel 5 licence or licence to provide Channel 4, sections 34, 35 and 185 of that Act shall come into force on 1st January 1991.

Home Office
27th November 1990

David Waddington
One of Her Majesty's Principal Secretaries of State

SCHEDULE 1

Article 2

PROVISIONS OF THE 1990 ACT COMING INTO FORCE ON 1ST DECEMBER 1990

Section 1

Section 2, except subsection (1)

Sections 3 to 9

Section 11

Section 43

Sections 45 to 47

Section 71

Section 83

Sections 126 and 127

Sections 130 to 133

Section 141

Sections 198 to 202

In section 203, subsections (3) and (4)

Section 204

Schedules 1 and 2

Schedules 8 and 9

In Schedule 21, the entry relating to the repeal of the Cable and Broadcasting Act 1984(c) to the extent that the repeal concerns paragraphs (a) and (b) of section 8(1) of that Act.

Paragraphs 1 to 3 of Schedule 22

(a) 1955 c.7. (b) 1967 c.72. (c) 1984 c.46.

SCHEDULE 2

Article 3

PROVISIONS OF THE 1990 ACT COMING INTO FORCE ON 1ST JANUARY 1991, SUBJECT TO THE PROVISIONS OF ARTICLE 3 OF THIS ORDER

Section 2(1)
Section 10
Sections 12 to 22
Section 26
Sections 28 to 33
Sections 36 to 42
Section 44
Sections 48 to 70
Sections 72 to 82
Sections 84 to 125
Sections 128 and 129
Sections 134 to 140
Sections 142 to 174
Sections 177 to 179
Sections 181 to 184
Section 186
Sections 188 to 197
In section 203, subsections (1) and (2)

Schedules 4 to 7, 10 to 16 and 19

In Schedule 20, paragraphs 1 to 36 and 38 to 54

In Schedule 21, all of the entries except those relating to:

- (a) the Wireless Telegraphy (Blind Persons) Act 1955(a);
- (b) the Wireless Telegraphy Act 1967(b);
- (c) the entries in Part II of Schedule 1 to the House of Commons Disqualification Act 1975(c) relating to the Cable Authority and the Independent Broadcasting Authority; and
- (d) the Northern Ireland Assembly Disqualification Act 1975(d);

In Schedule 22, paragraphs 4 to 7

SCHEDULE 3

Article 7

PROVISIONS OF THE 1990 ACT COMING INTO FORCE ON 1ST JANUARY 1993, SUBJECT TO THE PROVISIONS OF ARTICLE 7 OF THIS ORDER

Sections 23 to 25
Section 27
Sections 34 and 35
Section 185
Section 187

Schedule 3
In Schedule 20, paragraph 37

(a) 1955 c.7. (b) 1967 c.72. (c) 1975 c.24. (d) 1975 c.25.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st December 1990 the provisions of the Broadcasting Act 1990 which are specified in Schedule 1 to this Order. The provisions specified in Schedules 2 and 3 come into force on 1st January 1991 and 1st January 1993 respectively, subject to the transitional provisions in articles 3 and 7. The provisions specified in articles 4, 5 and 6 come into force on 1st February 1991, 1st March 1991 and 1st April 1991 respectively, subject to the transitional provisions in those articles.

This Order does not bring into force the repeals listed in paragraphs (c) and (d) of the exceptions to the commencement of Schedule 21 to the 1990 Act by Schedule 2 to this Order.

The commencement of the repeal by Schedule 21 to the 1990 Act of those entries in that Schedule which are specified in article 3(3) of this Order is also delayed to the extent that the enactments referred to in those entries continue to have effect under or by virtue of those provisions in the 1990 Act which are referred to in article 3(3). Those provisions in the 1990 Act make transitional arrangements in connection with which certain provisions in the Broadcasting Act 1981 and the Cable and Broadcasting Act 1984 are applied: see, for example, paragraph 11 of Schedule 9 to the 1990 Act; paragraph 4 of Schedule 10; paragraphs 1 to 4 of Part II of Schedule 11 and paragraph 4 of Part III of Schedule 12. The other repealed enactments which are referred to in article 3(3) either amend such provisions of the 1981 and 1984 Acts or are necessary (together with certain provisions in those Acts which are not expressly applied) in connection with the provisions which are specifically applied.

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