

SCHEDULE

Regulation 2

Amendments to the Broadcasting Act 1990 and the Broadcasting Act 1996

1.—(1) Section 2 of the Broadcasting Act 1990 (regulation by the Commission of provision of television services) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for “(other than satellite television services)” there is substituted “(other than satellite television services and digital programme services)”;

(b) before the word “and” at the end of paragraph (c) there is inserted—

“(cc) digital programme services (as defined by section 1(4) of the Broadcasting Act 1996) provided by persons who for the purposes of Council Directive [89/552/EEC](#) are under the jurisdiction of the United Kingdom, other than the BBC and the Welsh Authority;; and”

(c) for paragraph (d) there is substituted—

“(d) digital additional services (as defined by section 24(1) of the Broadcasting Act 1996) provided by persons who for the purposes of Council Directive [89/552/EEC](#) are under the jurisdiction of the United Kingdom, other than the BBC.”

2. For section 43 of the Broadcasting Act 1990 (satellite television services) there is substituted—

“43 Satellite television services.

(1) In this Part “satellite television service” means a service which—

(a) consists in the transmission for general reception of television programmes by satellite; and

(b) is provided by a person who for the purposes of Council Directive [89/552/EEC](#) is under the jurisdiction of the United Kingdom.

(2) For the purposes of this Act any satellite television service which is composed by, and transmitted for, a BBC company, a Channel 4 company or an S4C company 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).

(3) In this section “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.”

3. In section 46 of the Broadcasting Act 1990 (licensable programme services), for subsection (6) (b) there is substituted—

“(b) is provided by a person who for the purposes of Council Directive [89/552/EEC](#) is under the jurisdiction of an EEA State other than the United Kingdom.”

4. In section 79 of the Broadcasting Act 1990 (regulation of delivery of programmes provided by licence holder and foreign satellite programmes) for subsection (5)(a)(ii) there is substituted—

“(ii) a service provided by a person who for the purposes of Council Directive [89/552/EEC](#) is under the jurisdiction of an EEA State other than the United Kingdom, or”

5. In section 177 of the Broadcasting Act 1990 (orders proscribing unacceptable foreign satellite services), for the definition of “foreign satellite service” in subsection (6) there is substituted—

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““foreign satellite service” means—

- (a) a service which is provided by a person who is not for the purposes of Council Directive [89/552/EEC](#) under the jurisdiction of the United Kingdom and which consists wholly or mainly in the transmission by satellite of television programmes which are capable of being received in the United Kingdom, or
- (b) a service which consists wholly or mainly in the transmission by satellite from a place outside the United Kingdom of sound programmes which are capable of being received in the United Kingdom;”

6.—(1) Section 202 of the Broadcasting Act 1990 (general interpretation) is amended as follows.

(2) After subsection (4) there is inserted—

“(4A) Any reference in this Act to Council Directive [89/552/EEC](#) is a reference to that Directive as amended by Directive [97/36/EC](#) of the European Parliament and the Council.”

(3) Subsection (5A) is omitted.

7.—(1) Part III of Schedule 2 to the Broadcasting Act 1990 (restrictions to prevent accumulation of interests in licensed services) is amended as follows.

(2) In paragraph 2 (general limit on the holding of licences to provide television services or interests in bodies corporate holding such licences)—

(a) in sub-paragraph (2)(a) and (b), for “1(2)(a), (d), (e) or (h)” there is substituted “1(2)(a), (d) or (e)”;

(b) after sub-paragraph (2)(a) there is inserted—

“(aa) the audience time attributable in respect of that period to any relevant service falling within paragraph 1(2)(h) which is provided by him by means of a television multiplex service licensed under Part I of the Broadcasting Act 1996; and”

(c) before the word “and” at the end of sub-paragraph (2)(b) there is inserted—

“(bb) one half of the audience time attributable in respect of that period to any relevant service falling within paragraph 1(2)(h) which is provided—

(i) by means of a television multiplex service licensed under Part I of the Broadcasting Act 1996, and

(ii) by a body corporate which he does not control, but in which he is at any relevant time a participant with a qualifying interest.”.

(3) Paragraph 7 (limit in relation to provision of digital programme services) is amended as follows—

(a) in sub-paragraph (5) for “by any one holder of a licence to provide digital programme services” there is substituted “by any one person by means of television multiplex services licensed under Part I of the Broadcasting Act 1996”;

(b) in sub-paragraph (7) for “by the holders of licences to provide such services” there is substituted “by means of television multiplex services licensed under Part I of the Broadcasting Act 1996”; and

(c) for sub-paragraph (8) there is substituted—

“(8) For the purposes of this paragraph a person who holds a licence to provide digital programme services and is a participant with more than a 20 per cent. interest in—

(a) a body corporate which also holds such a licence, or

(b) a body corporate which—

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- (i) for the purposes of Council Directive [89/552/EEC](#) is under the jurisdiction of an EEA State other than the United Kingdom, and
 - (ii) provides digital programme services by means of a television multiplex service licensed under Part I of the Broadcasting Act 1996,
- but who does not control that body, shall be taken to provide any digital programme services provided by that body.”

8.—(1) Section 1 of the Broadcasting Act 1996 (multiplex services and digital programme services) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) In subsection (1) “for general reception” means for general reception in, or in any area in, the United Kingdom.”

(3) After subsection (4) there is inserted—

“(4A) In subsection (4) “for general reception” means for general reception in, or in any area in, the United Kingdom or any other EEA State.”

(4) In subsection (7) the definition of “for general reception” and the word “and” immediately preceding it are omitted.

9.—(1) Section 12 of the Broadcasting Act 1996 (conditions attached to multiplex licence) is amended as follows.

(2) In subsection (1)(c), after “section 18” there is inserted “or by an EEA broadcaster”.

(3) In subsection (1)(d), after “section 25” there is inserted “or by an EEA broadcaster”.

(4) After subsection (3) there is inserted—

“(3A) In subsection (1)(c) and (d) “EEA broadcaster” means a person who for the purposes of Council Directive [89/552/EEC](#) is under the jurisdiction of an EEA State other than the United Kingdom.”

10. In section 24 of the Broadcasting Act 1996 (digital additional services) for subsection (1)(a) there is substituted—

“(a) is provided by any person with a view to its being broadcast in digital form (whether by him or by some other person)—

(i) by means of a multiplex service; or

(ii) for general reception in, or in any area in, an EEA State other than the United Kingdom, but”

11. In section 25 of the Broadcasting Act 1996 (licensing of digital additional services), in subsection (5) after “United Kingdom” there is inserted “or any other EEA State”.