

**2009 No. 1968**

**ELECTRONIC COMMUNICATIONS**

**BROADCASTING**

**The Welsh Authority (Digital Switchover) Order 2009**

<i>Made</i> - - - -	<i>19th July 2009</i>
<i>Laid before Parliament</i>	<i>20th July 2009</i>
<i>Coming into force</i> - -	12th August 2009

The Secretary of State makes the following Order in exercise of the powers conferred by sections 204(8) and 402(3) of the Communications Act 2003(a):

**Citation and commencement**

1. This Order may be cited as the Welsh Authority (Digital Switchover) Order 2009 and comes into force on 12 August 2009.

**Amendment of the Communications Act 2003**

2.—(1) Section 204 of the Communications Act 2003 (Welsh Authority’s function of providing S4C and S4C Digital) is amended as follows.

(2) For subsection (3) substitute—

“(3) The carrying out of that function—

(a) must include the continuing provision of the service provided in digital form and known as S4C Digital; and

(b) may include the continuing provision of the television broadcasting service known as Sianel Pedwar Cymru (“S4C”).”.

(3) For subsection (4) substitute—

“(4) The duty of the Welsh Authority to provide S4C Digital includes a duty to secure that arrangements are made and remain in force for it to be broadcast in digital form.”.

**Amendment of the Broadcasting Act 1996**

3. In section 29 of the Broadcasting Act 1996(b) (the S4C digital service) omit subsections (1), (3) and (4).

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(a) 2003 c. 21.

(b) 1996 c. 55. There are amendments to section 29, but they are not relevant to this Order.

## **Amendment of the Broadcasting Act 1990**

4.—(1) The Broadcasting Act 1990(a) is amended as follows.

(2) In section 58 (sources of programmes for S4C) for subsection (1) substitute—

“(1) For the purpose mentioned in subsection (1A) the BBC shall—

- (a) provide to the Welsh Authority (free of charge) sufficient television programmes in Welsh to occupy not less than ten hours’ transmission time per week; and
- (b) do so in a way which meets the reasonable requirements of the Authority.

(1A) The purpose is to enable the Welsh Authority to fulfil—

- (a) so much of the public service remit for S4C as is contained in paragraph 3(2)(a) and (b) of Schedule 12 to the Communications Act 2003; and
- (b) so much of the public service remit for S4C Digital as is contained in paragraph 3(3) of that Schedule.”.

(3) In section 71(1) (interpretation of Part 1), in the definition of “S4C”, after ““S4C”” insert “and “S4C Digital” each”.

19th July 2009

*Ben Bradshaw*  
Secretary of State  
Department for Culture, Media and Sport

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Communications Act 2003 to provide that the Welsh Authority will, from the first date scheduled for switchover to a digital service in Wales (12 August 2009), no longer have an obligation to provide the analogue service, S4C. The Welsh Authority will have an obligation to provide S4C Digital in digital form, but will have the ability also to provide the analogue service, S4C. This Order also makes amendments to the Broadcasting Act 1996 and the Broadcasting Act 1990 consequent upon the changes made to the Communications Act 2003.

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(a) Section 58 was amended by paragraph 28 of Part 1 of Schedule 15 to the Communications Act 2003.

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