



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART X

#### MISCELLANEOUS AND GENERAL

##### *Television licensing*

#### **180 Transfer to BBC of functions connected with television licences**

- (1) The Wireless Telegraphy Act 1949 (“the 1949 Act”) shall have effect subject to the amendments specified in Part I of Schedule 18 to this Act (by virtue of which functions of the Secretary of State as respects the issue and renewal of television licences are transferred to the BBC).
- (2) Section 3(3) of the Post Office Act 1969 (refunds in respect of wireless telegraphy licences) shall not apply to sums which, by virtue of subsection (1) above, are paid to the BBC under section 2(1) of the 1949 Act (fees and charges for licences); but refunds of sums so paid may be made by the BBC, out of sums received by them under section 2(1) of the 1949 Act, in such cases or classes of cases as they may determine.
- (3) Except so far as required for the making of refunds under subsection (2) above, sums received by the BBC under section 2(1) of the 1949 Act shall be paid into the Consolidated Fund.
- (4) Part I of the Wireless Telegraphy Act 1967 (obtaining of information as to sale and hire of television sets) shall have effect subject to the amendments specified in Part II of Schedule 18 to this Act (by virtue of which all of the functions of the Secretary of State under that Part of that Act, apart from his power to make regulations under section 2(7) or 6(1), are transferred to the BBC).

#### **181 Certain apparatus to be deemed to be apparatus for wireless telegraphy**

- (1) Any apparatus which—

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*Status: This is the original version (as it was originally enacted).*

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- (a) is connected to the telecommunication system by means of which a relevant cable service is provided, and
  - (b) is so connected for the purpose of enabling any person to receive any programmes included in that service by means of the reception and immediate re-transmission of programmes included in a television broadcasting service,
- shall be deemed for the purposes of the 1949 Act to be apparatus for wireless telegraphy.
- (2) Any such apparatus shall, in addition, be deemed for the purposes of—
- (a) section 1(7) of the 1949 Act (as amended by Part I of Schedule 18 to this Act), and
  - (b) any regulations made by the Secretary of State for the purposes of that provision under section 2 of that Act,
- to be television receiving apparatus.
- (3) In this section “relevant cable service” means a service provided by any person to the extent that it consists in the use of a telecommunication system (whether run by him or by any other person) for the purpose of the delivery, otherwise than by wireless telegraphy, of programmes included in one or more television broadcasting services, where such programmes are so delivered—
- (a) for simultaneous reception at two or more places in the United Kingdom, or
  - (b) for reception at any place in the United Kingdom for the purpose of being presented there either to members of the public or to any group of persons.
- (4) In this section—
- “the 1949 Act” means the Wireless Telegraphy Act 1949;
  - “connected” has the same meaning as in the Telecommunications Act 1984;
  - “television broadcasting service” means a television broadcasting service within the meaning of Part I of this Act, whether provided by the holder of a licence under that Part or by the BBC or the Welsh Authority or in accordance with Part II of Schedule 11 to this Act.