



Telecommunications Act 1984

1984 CHAPTER 12

PART IV

PROVISION OF CABLE PROGRAMME SERVICES

56 Cable programme services

- (1) In this Part " cable programme service " means a service consisting in the sending by any person, by means of a telecommunication system (whether run by him or by any other person), of sounds or visual images or both either—
 - (a) for reception, otherwise than by wireless telegraphy, simultaneously in two or more dwelling-houses in the United Kingdom; or
 - (b) for reception, by whatever means, at a place in the United Kingdom for the purpose of their being presented there either to members of the public or to a group of persons some or all of whom do not have a business interest in hearing or seeing them.
- (2) Subsection (1) above does not apply in relation to a service consisting in the sending of sounds or visual images or both by any person if, while they are being conveyed, it is possible to send from each place of reception, by means of the telecommunication system or (as the case may be) the part of it by means of which they are conveyed, sounds or visual images or both for reception by that person.
- (3) References in subsections (1) and (2) above to sounds are references to speech or music or both except that they do not include, in relation to any telecommunication system, speech providing information for the purposes of facilitating the use of a telecommunication service provided by means of that system.
- (4) References in subsections (1) and (2) above to visual images are references to visual images which are such that sequences of them may be seen as moving pictures.
- (5) References in this section to a telecommunication system do not include references to a telecommunication system the running of which does not require to be licensed under Part II of this Act.

Status: This is the original version (as it was originally enacted).

- (6) For the purposes of this section a person has a business interest in hearing or seeing sounds or visual images if he has an interest in hearing or seeing them for the purposes of his business, trade, profession or employment.

57 Prohibition on unlicensed cable programme services

- (1) Subject to any exceptions for which provision is made by order of the Secretary of State, a person who provides a cable programme service shall be guilty of an offence unless he is authorised to provide the service by a licence granted under section 58 below.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (3) No proceedings in respect of an offence under this section shall be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions ;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (4) Without prejudice to subsection (2) above, compliance with this section shall be enforceable by civil proceedings by the Crown for an injunction or interdict or for any other appropriate relief.

58 Power to license cable programme services

- (1) A licence may be granted by the Secretary of State, subject to such terms, provisions and limitations as he may think fit, for the provision of such cable programme services as are specified in the licence or are of a description so specified.
- (2) A licence granted under this section shall be in writing and, unless previously revoked by the Secretary of State, shall continue in force for such period as may be specified in the licence.
- (3) A licence granted under this section may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the Secretary of State served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence.
- (4) At such times and in such circumstances as may be prescribed by or determined under regulations made by the Secretary of State with the consent of the Treasury, such sums as may be so prescribed or determined shall be paid to the Secretary of State by the person to whom a licence under this section is granted.
- (5) Different provision may be made by regulations under subsection (4) above in relation to different licences, according to the nature, terms, provisions, limitations and duration thereof.
- (6) The Secretary of State shall have power to make, in such cases or classes of cases as the Treasury may determine, refunds of sums received by him under subsection (4) above.

- (7) A payment made in exercise of the power conferred by subsection (6) above shall be defrayed out of sums received by the Secretary of State under subsection (4) above.
- (8) The surplus of sums received under subsection (4) above over sums paid in exercise of the power conferred by subsection (6) above shall from time to time be paid into the Consolidated Fund.
- (9) Regulations under subsection (4) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

59 Entry and search of premises

- (1) If a justice of the peace is satisfied by information on oath—
 - (a) that there is reasonable ground for suspecting that an offence under section 57 above has been, or is being, committed; and
 - (b) that evidence of the commission of the offence is to be found on any premises specified in the information,he may grant a search warrant conferring power on any person or persons authorised in that behalf by the Secretary of State and named in the warrant to enter and search the premises specified in the information at any time within one month from the date of the warrant.
- (2) A person who intentionally obstructs a person in the exercise of powers conferred on him under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) A person who discloses, otherwise than for the purposes of this Part or of a report of proceedings under it, any information obtained by means of an exercise of powers conferred by this section, being information relating to a manufacturing process or trade secret, shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) In the application of this section to Scotland, for the reference to a justice of the peace there shall be substituted a reference to the sheriff and for any reference to information on oath there shall be substituted a reference to evidence on oath.
- (5) In the application of this section to Northern Ireland, for the reference to a justice of the peace there shall be substituted a reference to a resident magistrate and for any reference to information on oath there shall be substituted a reference to complaint on oath.