



Broadcasting Act 1990

1990 CHAPTER 42

PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER II

TELEVISION BROADCASTING ON CHANNELS 3, 4 AND 5

Provision of news programmes

31 Provision of news on Channels 3 and 5

- (1) A Channel 3 or Channel 5 licence shall include conditions requiring the licence holder—
 - (a) to broadcast in the licensed service news programmes of high quality dealing with national and international matters; and
 - (b) to broadcast such programmes in that service at intervals throughout the period for which the service is provided, and in particular (except in the case of a national Channel 3 licence) at peak viewing times.
- (2) A regional Channel 3 licence shall, in addition, include conditions requiring the news programmes broadcast by the licence holder in compliance with conditions imposed in pursuance of subsection (1) to be programmes provided by a nominated news provider which are—
 - (a) presented live, and
 - (b) broadcast simultaneously with the broadcasts of news programmes provided by the same nominated news provider which are made by other holders of regional Channel 3 licences in compliance with conditions so imposed.
- (3) In subsection (2) “nominated news provider” means a body corporate for the time being nominated for the purposes of that subsection under section 32.

32 Nomination of bodies to provide news for regional Channel 3 services

- (1) With a view to enabling them to nominate bodies corporate as nominated news providers for the purposes of section 31(2), the Commission shall invite bodies corporate appearing to them to be qualified for nomination to make applications to be so nominated; and any such invitations shall be issued at a time that is, in their opinion, appropriate for securing that at least one such body is so nominated by the time the first notice is published by them under section 15(1).
- (2) Where a body corporate—
 - (a) applies to the Commission (whether in pursuance of any such invitation or not) to be nominated under this section as a nominated news provider, and
 - (b) appears to the Commission to be qualified for nomination,the Commission shall so nominate that body unless they are satisfied that to do so would be likely, in view of the number of bodies already so nominated, to be prejudicial to the provision of high quality news programmes for broadcasting in regional Channel 3 services (taken as a whole).
- (3) Subject to subsections (4) and (5), any nomination made by the Commission under this section shall remain in force for a period of ten years, and at the end of that period may be renewed by the Commission for a further period of ten years.
- (4) Where the Commission have refused to nominate a body corporate under this section on the ground that they are satisfied as mentioned in subsection (2), the Commission shall from time to time thereafter, at such intervals as they may determine, review the performance as nominated news providers of all of the bodies for the time being nominated under this section; and if on any such review they are satisfied, in the case of such body so nominated as they may determine, that another body corporate which—
 - (a) is not a nominated news provider, but
 - (b) appears to them to be qualified for nomination,would offer a better service than the first-mentioned body as respects the provision of high quality news programmes for broadcasting in regional Channel 3 services, they shall (subject to subsection (6)) by notice terminate that body's nomination, and shall nominate the other body under this section in its place.
- (5) If at any time the Commission—
 - (a) are for any reason dissatisfied in the case of any nominated news provider with the performance of that body as a nominated news provider, and
 - (b) are satisfied that to terminate that body's nomination would not be prejudicial to the provision of high quality news programmes for broadcasting in regional Channel 3 services (taken as a whole),they shall (subject to subsection (6)) by notice terminate that body's nomination.
- (6) The Commission shall not terminate a body's nomination under subsection (4) unless they have given the body a reasonable opportunity of making representations to them about the proposed termination of its nomination; and they shall not terminate a body's nomination under subsection (5) unless they have given the body a reasonable opportunity of making representations to them about the matters complained of.
- (7) Before nominating, or terminating the nomination of, any body under this section the Commission shall consult every person who is the holder of a licence to provide a regional Channel 3 service.

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

- (8) Any instrument by which a body is nominated under this section shall include conditions—
- (a) imposing limits on the extent to which persons of any specified class or description may be participants in the nominated news provider;
 - (b) requiring that body to provide the Commission with such information as they may reasonably require for the purpose of determining whether any of those limits has been exceeded; and
 - (c) enabling the Commission to terminate that body's nomination if satisfied that any of those limits has been exceeded;
- and any such instrument may provide for any of those limits to apply only after the expiry of a specified period.
- (9) The limits imposed in pursuance of subsection (8) shall secure—
- (a) that no person is a participant with more than a 20 per cent. interest in the nominated news provider; and
 - (b) that any participants in the nominated news provider who are holders of licences to provide regional Channel 3 services, when taken together—
 - (i) hold or are beneficially entitled to less than 50 per cent. of the shares in that body; and
 - (ii) possess less than 50 per cent. of the voting power in it.
- (10) Any limit imposed in accordance with subsection (9)(a) shall have effect in relation to a particular participant as if he and every person connected with him were one person; and for this purpose the following persons shall be treated as connected with a particular participant, namely—
- (a) a person who controls the participant;
 - (b) an associate of the participant or of a person falling within paragraph (a); and
 - (c) a body which is controlled by the participant or by any associate of the participant.
- (11) Subject to the provisions of subsections (9) and (10), the limits imposed in pursuance of subsection (8) shall be such as the Commission may determine.
- (12) A body corporate shall be disqualified for being nominated under this section if, by virtue of any provision in Part II of Schedule 2 to this Act, it would be a disqualified person in relation to any description of licence granted by the Commission; and any reference in this section to a body corporate appearing to the Commission to be qualified for nomination is a reference to a body corporate appearing to them to be both—
- (a) effectively equipped and adequately financed to provide high quality news programmes for broadcasting in regional Channel 3 services; and
 - (b) not disqualified for being nominated under this section by virtue of this subsection.
- (13) In this section—
- (a) references to a nominated news provider are references to a body corporate for the time being nominated under this section; and
 - (b) references to nomination under this section are references to nomination under this section for the purposes of section 31(2);
- and subsections (8) to (10) shall be construed in accordance with Part I of Schedule 2 to this Act.