



Broadcasting Act 1990

1990 CHAPTER 42

PART VII

PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

Racially inflammatory material etc.

164 Inclusion in programme services in Great Britain of racially inflammatory material.

- (1) Part III of the ^{M1}Public Order Act 1986 (racial hatred) shall be amended as follows.
- (2) In each of the following provisions, namely—
 - (a) section 18(6) (exemption from prohibition applying to use of threatening words etc.),
 - (b) section 20(3)(c) (exemption from prohibition applying to public performances of plays), and
 - (c) section 21(4) (exemption from prohibition applying to distribution etc. of recordings),for “broadcast or included in a cable programme service” there shall be substituted “included in a programme service”.
- (3) In section 22 (broadcasting or including programme in cable programme service)—
 - (a) in subsections (1), (3)(b), (4)(a) and (5)(a), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “included in a programme service”; and
 - (b) the following provisions shall be omitted, namely—
 - (i) in subsection (2), the words “broadcasting or cable”,
 - (ii) in subsections (4)(b) and (5)(b), the words “broadcast or”, wherever occurring,
 - (iii) subsection (7) (exemption for programmes broadcast by BBC or Independent Broadcasting Authority), and

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- (iv) subsection (8) (application of certain provisions of the ^{M2}Cable and Broadcasting Act 1984).
- (4) In section 23 (possession of racially inflammatory material)—
 - (a) in subsection (1), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “ or included in a programme service ”;
 - (b) in subsection (2), for “broadcasting or inclusion in a cable programme service” there shall be substituted “ or inclusion in a programme service ”; and
 - (c) subsection (4) (exemption for material kept by BBC or Independent Broadcasting Authority) shall be omitted.
- (5) In section 29 (interpretation)—
 - (a) the definitions of “broadcast” and “cable programme service” shall be omitted;
 - (b) in the definition of “programme”, for “broadcast or included in a cable programme service” there shall be substituted “ included in a programme service ”; and
 - (c) the following definition shall be inserted after that definition—

““programme service” has the same meaning as in the Broadcasting Act 1990;”.

Marginal Citations

- M1** 1986 c. 64.
M2 1984 c. 46.

165 Inclusion in programme services in Northern Ireland of material likely to stir up hatred etc.

- (1) Part III of the ^{M3}Public Order (Northern Ireland) Order 1987 (stirring up hatred or arousing fear) shall be amended as follows.
- (2) In each of the following provisions, namely—
 - (a) Article 9(5) (exemption from prohibition applying to use of threatening words etc.), and
 - (b) Article 11(4) (exemption from prohibition applying to distribution etc. of recordings),
 for “broadcast or included in a cable programme service” there shall be substituted “ included in a programme service ”.
- (3) In Article 12 (broadcasting or including programme in cable programme service)—
 - (a) in paragraphs (1), (3)(b), (4)(a) and (5)(a), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “ included in a programme service ”; and
 - (b) the following provisions shall be omitted—
 - (i) in paragraph (2)(a), the words “broadcasting or cable”,
 - (ii) in paragraphs (4)(b) and (5)(b), the words “broadcast or”, wherever occurring,

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- (iii) paragraph (7) (exemption for programmes broadcast by BBC or Independent Broadcasting Authority), and
 - (iv) paragraph (8) (application of certain provisions of ^{M4}Cable and Broadcasting Act 1984).
- (4) In Article 13 (possession of matter intended or likely to stir up hatred or arouse fear)—
- (a) in paragraph (1), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “ or included in a programme service ”
 - (b) in paragraph (2), for “broadcasting or inclusion in a cable programme service” there shall be substituted “ or inclusion in a programme service ” and
 - (c) paragraph (4) (exemption for material kept by BBC or Independent Broadcasting Authority) shall be omitted.
- (5) In Article 17 (interpretation)—
- (a) the definitions of “broadcast” and “cable programme service” shall be omitted;
 - (b) in the definition of “programme”, for “broadcast or included in a cable programme service” there shall be substituted “ included in a programme service ”; and
 - (c) the following definition shall be inserted after that definition—
- “ “programme service” has the same meaning as in the Broadcasting Act 1990;”.

Marginal Citations**M3** S.I.1987/463 (N.I.7).**M4** 1984 c. 46.

Changes to legislation:

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