
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 50.

SPECIAL PROVISIONS RELATING TO PUBLIC TELETEXT SERVICE

The relevant service

- 1 In this Schedule “the relevant service” means the teletext service referred to in section 49(2) of this Act.

Applications for licence to provide the relevant service

- 2 (1) Where any such application as is mentioned in section 50(3) of this Act is made in respect of a licence to provide the relevant service—
- (a) the application shall be accompanied by the applicant’s proposals for providing a service that would comply with the requirements specified in paragraph 3(2) below, and
 - (b) section 50(4) shall have effect as if the reference to section 50(3)(b) or (d) included a reference to paragraph (a) above.
- (2) The Commission shall, when publishing a notice under section 50(1) in respect of the grant of a licence to provide the relevant service, publish with the notice general guidance to applicants for the licence which contains examples of the kinds of material whose inclusion in the service proposed by any such applicant under sub-paragraph (1)(a) above would be likely to result in a finding by the Commission that the service would comply with the requirements specified in paragraph 3(2) below.
- (3) The notice to be published by the Commission under section 50(6) in respect of the applications made in pursuance of such a notice as is mentioned in sub-paragraph (2) above shall include the proposals submitted by each of the applicants under sub-paragraph (1)(a) above.
- (4) The Commission shall also publish in such manner as they consider appropriate a notice—
- (a) inviting representations to be made to them with respect to any matters published by them in accordance with section 50(6)(c) or sub-paragraph (3) above, and
 - (b) specifying the manner in which, and the time by which, any such representations are to be so made.
- (5) The notice referred to in sub-paragraph (4) above shall be published as soon as reasonably practicable after the date specified in the notice under section 50(1) as the closing date for applications for the licence.

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Consideration of applications and award of licence

- 3 (1) Where a person has, in accordance with section 50 of this Act and paragraph 2 above, made an application for a licence to provide the relevant service, the Commission shall not proceed to consider whether to award him the licence on the basis of his cash bid in accordance with section 51(3) and (4) of this Act unless it appears to them that his proposed service would comply with the requirements specified in sub-paragraph (2).
- (2) Those requirements are—
- (a) that the service includes a sufficient amount of news items which are of high quality and deal with both national and international matters;
 - (b) that the service includes a sufficient amount of information which is of particular interest to persons living within different areas for which the service is provided; and
 - (c) that (taken as a whole) the service includes a sufficient amount of information (other than news) which is calculated to appeal to a wide variety of tastes and interests.
- (3) Section 51(1) shall accordingly have effect in relation to a licence to provide the relevant service as if the reference to the requirements of section 51(1)(a) and (b) included a reference to the requirements specified in sub-paragraph (2) above.
- (4) In deciding whether an applicant's proposed service would comply with those requirements, the Commission shall take into account any representations made to them in pursuance of paragraph 2(4)(b) above.
- (5) Where the Commission have awarded a licence to provide the relevant service to any person in accordance with section 51(3) and (4), the matters to be published by them in accordance with section 17(11)(a) and (12) of this Act (as they have effect in accordance with section 51(3) and (4)) shall include the name of every other applicant in whose case it appeared to them that his proposed service would comply with the requirements specified in sub-paragraph (2) above.

Conditions requiring licence holder to deliver promised service

- 4 (1) A licence to provide the relevant service shall include such conditions as appear to the Commission to be appropriate for securing that the service provided under the licence accords with the proposals submitted by the licence holder under paragraph 2(1)(a) above.
- (2) Any conditions imposed in pursuance of sub-paragraph (1) above may be varied by the Commission with the consent of the licence holder (and section 3(4)(b) shall accordingly not apply to any such variation).

Failure to begin providing licensed service and financial penalties on revocation of licence

- 5 (1) Subject to sub-paragraph (2), section 18 of this Act shall apply in relation to a licence to provide the relevant service as it applies in relation to a licence to provide a Channel 3 service.
- (2) In the application of that section in relation to a licence to provide the relevant service—
- (a) the reference in section 18(1) to section 17 shall be construed as a reference to that section as applied by section 51(3) of this Act; and

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- (b) the reference in section 18(4) to section 19(2) to (6) shall be construed as a reference to section 52(2) of this Act.

Renewal of licence to provide relevant service

- 6 Section 53(5) of this Act shall have effect in relation to an application for the renewal of a licence to provide the relevant service as if, in addition to the grounds for refusing an application which are specified in paragraphs (a) to (c) of that provision, there were specified the following ground, namely that the Commission are not satisfied that the applicant would, if his licence were renewed, provide a service which complied—
- (a) with the conditions included in the licence in pursuance of paragraph 4 above (whether as originally imposed or as varied under sub-paragraph (2) of that paragraph), or
- (b) with the requirements specified in paragraph 3(2) above.

Additional methods of enforcement of licence to provide relevant service

- 7 (1) Subject to sub-paragraph (2), sections 40 and 41 of this Act shall apply in relation to a licence to provide the relevant service as they apply in relation to a licence to provide a Channel 3 service.
- (2) In the application of those sections in relation to a licence to provide the relevant service—
- (a) any reference in section 40(4) to a programme shall be construed as a reference to an item; and
- (b) section 41 shall have effect with the omission of subsections (1)(a) and (2).

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