



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART X

#### MISCELLANEOUS AND GENERAL

##### *Application of competition legislation*

#### **192 Application of provisions of Fair Trading Act 1973 to broadcasting and telecommunication services**

- (1) In section 137(3) of the Fair Trading Act 1973 (definition of “supply of services”), there shall be inserted after paragraph (e) “and
  - (f) includes the making of arrangements, by means of such an agreement as is mentioned in section 189(2) of the Broadcasting Act 1990, for the sharing of the use of any telecommunication apparatus (within the meaning of Schedule 2 to the Telecommunications Act 1984).”
- (2) It is hereby declared for the avoidance of doubt that the provision of a broadcasting service is not a service falling within paragraph 7 of Schedule 5 to the Fair Trading Act 1973 (restriction on making references under section 14, 50 or 51 of the Act in connection with telecommunication services) by reason of the fact that the broadcasting service is provided by means of the running of any such system as is mentioned in that paragraph.
- (3) In subsection (2) “broadcasting service” means—
  - (a) a programme service; or
  - (b) a local delivery service (within the meaning of Part II of this Act).
- (4) In Part I of Schedule 7 to the Fair Trading Act 1973, paragraphs 8 and 9 (provision of programmes for transmission by Independent Broadcasting Authority, or of licensed cable programme services, wholly excluded from references under section 50 or 51 of the Act) shall cease to have effect.