

1990 No. 1309

CABLE PROGRAMME SERVICES

The Cable (Prescribed Diffusion Service) Order 1990

Made - - - - - *26th June 1990*
Coming into force *9th July 1990*

In exercise of the powers conferred upon me by section 2(3) of the Cable and Broadcasting Act 1984(a), and after consultation with the Cable Authority, I hereby make the following Order:

1.—(1) This Order may be cited as the Cable (Prescribed Diffusion Service) Order 1990 and shall come into force on 9th July 1990.

(2) The Cable (Prescribed Diffusion Service) Order 1986(b) is hereby revoked.

2.—(1) For the purposes of Part I of the Cable and Broadcasting Act 1984 “prescribed diffusion service” means—

(a) where a diffusion service is provided by means of a system which has been used for the provision of a service in respect of which the Cable Authority granted a licence before 1st July 1986, or there was a licence having effect as if so granted(c), a diffusion service consisting of sounds and visual images sent by means of a telecommunications system which—

- (i) is connected to apparatus by means of which the service is received, and
- (ii) is capable of conveying simultaneously visual images on at least 16 channels of 8 MHz from the place from which it is run;

(b) where a diffusion service is provided by means of a system which has not been used for the provision of a service in respect of which the Cable Authority granted a licence before 1st July 1986, a diffusion service consisting of sounds and visual images sent for simultaneous reception in 10,000 or more dwelling houses.

(2) For the purposes of paragraph (1)(a)(i) above, a system shall not be regarded as connected to apparatus unless it would be so regarded for the purposes of section 4 of the Telecommunications Act 1984(d).

Home Office

26th June 1990

David Waddington

One of Her Majesty's Principal Secretaries of State

(a) 1984 c.46.
(b) S.I. 1986/900.
(c) See section 58(2) of the Cable and Broadcasting Act 1984.
(d) 1984 c.12.

EXPLANATORY NOTE

(This note is not part of the Order)

Under the Cable and Broadcasting Act 1984 the Cable Authority are charged with a number of duties in relation to "prescribed diffusion services". These include the duty, under section 4(9), to exercise their licensing powers in the manner they consider best calculated to promote the provision of such services, and the duty, under section 5, to select licensees to provide such services following advertisement and public consultation. By virtue of section 2(3) a "prescribed diffusion service" means a diffusion service of such description as the Secretary of State, after consultation with the Cable Authority, may by order prescribe.

This Order, which revokes the Cable (Prescribed Diffusion Service) Order 1986, describes "prescribed diffusion service" for the purpose of services provided over systems first licensed after 1st July 1986 as a diffusion service in which sound and television programmes are provided to 10,000 or more dwelling houses. For the purpose of services provided over systems first licensed before that date a prescribed diffusion service is a diffusion service in which sound and television programmes are relayed direct to the home by means of a wide band cable system capable of carrying at least 16 video channels simultaneously.

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