

**1990 No. 2537**

**BROADCASTING**

**The Broadcasting Act 1990 (Independent Television  
Services: Exceptions) Order 1990**

<i>Made - - - -</i>	<i>12th December 1990</i>
<i>Laid before Parliament</i>	<i>18th December 1990</i>
<i>Coming into force</i>	<i>1st January 1991</i>

In exercise of the powers conferred upon me by sections 13(2) and 200 of the Broadcasting Act 1990(a), and after consultation with the Independent Television Commission, I hereby make the following Order:

1.—(1) This Order may be cited as the Broadcasting Act 1990 (Independent Television Services: Exceptions) Order 1990 and shall come into force on 1st January 1991.

(2) In this Order “the 1990 Act” means the Broadcasting Act 1990.

2.—(1) Section 13(1) of the 1990 Act (by which any person who provides any service falling within section 2(1)(a) or (b) of that Act without being authorised to do so by or under a licence under Part I of that Act is guilty of an offence) shall not apply to the services or descriptions of services which are specified in paragraph (2) below.

(2) The services and descriptions of services referred to in paragraph (1) above are:

- (a) any television programme service, as defined by section 2(4) of the 1990 Act, provided under and in accordance with the provisions of Schedule 11 to the 1990 Act; and
- (b) any television programme service, as so defined,—
  - (i) which is provided for reception at a place or places in the United Kingdom provided that no such place is a dwelling-house (within the meaning of section 202(1) of the 1990 Act),
  - (ii) which is so provided for the purposes of its being presented there either to members of the public or to a group of persons some or all of whom do not have a business interest in hearing or seeing it,
  - (iii) which does not include any advertisement, and
  - (iv) in respect of which no payment is made either directly or indirectly for its provision by the persons to whom it is presented.

Home Office  
12th December 1990

*Kenneth Baker*  
One of Her Majesty's Principal Secretaries of State

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Under section 13(1) of the Broadcasting Act 1990, it is an offence for a person to provide the services listed below without being authorised to do so by or under a licence under Part I of that Act. However, the offence in section 13(1) does not apply to such services or descriptions of services as are specified in an order made by the Secretary of State under section 13(2). This Order exercises that power and specifies exceptions.

Section 13(1) applies to television programme services (as defined by section 2(4)) which are provided from the United Kingdom by persons other than the British Broadcasting Corporation and the Welsh Authority (which is defined by section 202(1) as the authority renamed Sianel Pedwar Cymru by section 56(1)). It also applies to additional services (as defined by section 48(1)) which are provided from places in the United Kingdom.

Article 2(2) of this Order specifies certain television programme services or descriptions of services to which section 13(1) of the 1990 Act does not apply. No exceptions are made in respect of additional services. Schedule 11 to the 1990 Act, to which article 2(2)(a) of this Order refers, makes transitional provisions relating to the broadcasting services of the Independent Broadcasting Authority.

Under article 3(1) of, and Schedule 2 to, the Broadcasting Act 1990 (Commencement No. 1 and Transitional Provisions) Order 1990 (S.I. 1990/2347), section 13 of the 1990 Act comes into force on 1st January 1991 when this Order also comes into force.

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