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STATUTORY INSTRUMENTS

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**1991 No. 1246**

**BROADCASTING**

**The Cable (Excepted Programmes) Order 1991**

*Made* - - - - *22nd May 1991*

*Coming into force* - - *1st June 1991*

In exercise of the powers conferred upon me by section 13(1) of the Cable and Broadcasting Act 1984(1), and after consultation with the Independent Television Commission, the British Broadcasting Corporation and Sianel Pedwar Cymru, I hereby make the following Order:

1.—(1) This Order may be cited as the Cable (Excepted Programmes) Order 1991 and shall come into force on 1st June 1991.

(2) The Cable (Excepted Programmes) Order 1990(2) is hereby revoked.

2.—(1) Paragraph (2) below sets out the exceptions to the duty imposed by section 13 of the Cable and Broadcasting Act 1984 (under which the Independent Television Commission are required to do all that they can to secure that, subject to the exceptions in this Order, every licensed diffusion service provided by any person in any area includes, by the reception and immediate re-transmission of the broadcasts, the programmes included in each television broadcasting service provided by a broadcasting authority(3) for reception in that area).

(2) The exceptions for programmes included in television broadcasting services are:

- (a) in the case of all diffusion services, the programmes provided pursuant to paragraph 1(1) (d) of Part II of Schedule 11 to the Broadcasting Act 1990;(4)
- (b) in the case of a diffusion service licensed by the Cable Authority before 23rd March 1990 which is not capable of conveying visual images on more than nine channels of 8 MHz simultaneously, the programmes included in all television broadcasting services:

Provided that where the system to which the licence relates was, prior to the date on which the licence took effect, used wholly or mainly for the purpose of relaying television broadcasting services by the reception and immediate re-transmission of the programmes, this exception shall not apply unless the licensee has made available to the persons to whom the services referred in this proviso were provided facilities for the

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(1) 1984 c. 46; under paragraph 4(1) of Part III of Schedule 12 to the Broadcasting Act 1990 (c. 42), section 13 is continued in force with modifications during the “interim period” (as to which, see paragraph 4(4) and S.I. 1990/2540); see also article 3(3) of S.I. 1990/2347.  
(2) S.I. 1990/676.  
(3) As to the meaning of “broadcasting authority” see paragraph 4(1) of Part III of Schedule 12 to the Broadcasting Act 1990.  
(4) 1990 c. 42.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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reception, otherwise than by means of that system, of the programmes included in those services;

- (c) in the case of a diffusion service licensed by the Cable Authority on or after 23rd March 1990 which is not capable of conveying visual images on more than six channels of 8 MHz simultaneously, the programmes included in all television broadcasting services; and
- (d) in the case of a diffusion service in respect of which there was, immediately prior to 1st January 1985, a licence granted **(5)** or having effect as if granted **(6)** by the Secretary of State under section 58 of the Telecommunications Act 1984 **(7)** and which was not subsequently licensed by the Cable Authority as a prescribed diffusion service, the programmes included in all television broadcasting services.

(3) In this article “television broadcasting service” has the same meaning as in section 2(5) of the Broadcasting Act 1990.

Home Office  
22nd May 1991

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

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**(5)** By virtue of section 58(2) of the Cable and Broadcasting Act 1984 such a licence has effect as if granted by the Cable Authority.  
**(6)** See paragraph 8 of Schedule 5 to the Telecommunications Act 1984.  
**(7)** 1984 c. 12.

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## EXPLANATORY NOTE

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

Under section 13(1) of the Cable and Broadcasting Act 1984 (as it has effect, with modifications, under paragraph 4(1) of Part III of Schedule 12 to the Broadcasting Act 1990) the Independent Television Commission (“the Commission”) are required to do all that they can to secure that every licensed diffusion service provided by any person in any area includes, by their reception and immediate re-transmission of the broadcasts, the programmes included in each television broadcasting service provided by a broadcasting authority for reception in that area, subject to such exceptions as the Secretary of State may specify. This Order, which revokes the previous Order under section 13(1), sets out those exceptions.

Consequent on the amendment made by paragraph 4(1)(c) of Part III of Schedule 12 to the Broadcasting Act 1990 (“the 1990 Act”), this Order differs from the Order it revokes in that no provision is made in respect of sound broadcasting. The exception in article 2(2)(a) of this Order in respect of DBS services (direct broadcasting by satellite) has been amended so as to refer to transitional provisions in Schedule 11 to the 1990 Act. It has also been widened so that the Commission are not required to secure the inclusion in any diffusion service of any DBS services and not merely (as under the previous Order) those DBS services devoted to sport or popular music. Paragraphs (b) to (d) of article 2(2) repeat the substance of the exceptions set out in paragraph 1(b) to (d) of the Schedule to the Order revoked by this Order.