
STATUTORY INSTRUMENTS

1997 No. 1682

The Satellite Television Service Regulations 1997

Citation and commencement

- 1.—(1) These Regulations may be cited as the Satellite Television Service Regulations 1997.
- (2) These Regulations shall come into force on the day after the day on which they are made.

Amendments of Broadcasting Act 1990

2. The Broadcasting Act 1990(1) is amended in accordance with the Schedule to these Regulations.

Modification of licence conditions

3. Any licence to provide a non-domestic satellite service (within the meaning of Part I of the Broadcasting Act 1990 as originally enacted) granted before the commencement of these Regulations shall, as from that commencement, for the remainder of the term of the licence—

- (a) be taken to be a licence to provide a satellite television service (within the meaning of that Part), and
- (b) be taken to include a condition requiring that either—
 - (i) the holder of the licence is established in the United Kingdom, or
 - (ii) the holder of the licence is not established in any EEA State and the service is provided in circumstances falling within section 43(2) of that Act.

Transitional saving for any satellite service becoming licensable on commencement of Regulations

- 4.—(1) In this Regulation—

“the 1990 Act” means the Broadcasting Act 1990;

“commencement” means the commencement of these Regulations.
- (2) Paragraph (3) applies in relation to any service which—
 - (a) was provided before commencement,
 - (b) immediately before commencement, was not required by Part I of the 1990 Act to be licensed as a domestic satellite service or a non-domestic satellite service, and
 - (c) on commencement, is a satellite television service for the purposes of section 43 of the 1990 Act (as amended by these Regulations).

(1) 1990 c. 42; section 2 of that Act was amended by Schedule 10, paragraphs 1 and 12, to the Broadcasting Act 1996 (c. 55) (“the 1996 Act”); section 43 was amended by Schedule 10, paragraph 15, to the 1996 Act; section 45 was amended by section 88 of the 1996 Act; section 45A was inserted by section 89 of the 1996 Act; section 46 was amended by Schedule 10, paragraph 16, to the 1996 Act; section 72 was amended by Schedule 10, paragraphs 4 and 18, to the 1996 Act; Schedule 2, Part II was amended by Schedule 2, Part II, to the 1996 Act; Schedule 2, Part III was substituted by Schedule 2, Part III, to the 1996 Act.

(3) During the period of three months beginning with the day on which these Regulations come into force, section 13 of the 1990 Act (prohibition on providing television services without a licence) shall not apply in relation to any service to which this paragraph applies.

Saving for existing order under section 79(5) of Broadcasting Act 1990

5. Until the commencement of the first order made under subsection (5) of section 79 of the Broadcasting Act 1990 after the commencement of these Regulations—

- (a) the Broadcasting (Foreign Satellite Programmes) (Specified Countries) Order 1994⁽²⁾ shall have effect as if made for the purposes of paragraph (b) of that subsection (which relates to radio), and
- (b) the specified countries for the purposes of paragraph (a)(iii) of that subsection (which relates to television) shall be taken to be such of the countries listed in the Schedule to that Order as are not EEA States (within the meaning of the 1990 Act).

Consequential repeal and revocation

- 6.—(1) Paragraph 15 of Schedule 10 to the Broadcasting Act 1996⁽³⁾ is hereby repealed.
- (2) The Broadcasting (Prescribed Countries) Order 1996⁽⁴⁾ is hereby revoked.

10th July 1997

Chris Smith
Secretary of State for National Heritage

(2) S.I. 1994/453.
(3) 1996 c. 55.
(4) S.I. 1996/904.