

---

STATUTORY INSTRUMENTS

---

**2009 No. 2979**

**The Audiovisual Media Services Regulations 2009**

**Amendments of the Wireless Telegraphy Act 2006**

**13.**—(1) The Wireless Telegraphy Act 2006 <sup>M1</sup> is amended as follows.

(2) In section 9(4) (terms, provision and limitations in wireless telegraphy licences), after paragraph (c) insert—

“(d) terms, provisions or limitations requiring a satellite uplinker to suspend or cease uplinking, by means of satellite uplink apparatus, a service named by OFCOM in a notice given to the satellite uplinker under section 9A;

(e) terms or provisions requiring a satellite uplinker to provide OFCOM with such information necessary for the purpose of determining whether section 9A applies in relation to a service uplinked by the satellite uplinker or for any purpose connected with the giving of a notice under section 9A as OFCOM may request by a notice in writing.”

(3) After section 9 insert—

**“9A Notice to satellite uplinkers**

(1) This section applies where a relevant regulated television service or an on-demand programme service is provided by a person who is deemed to be under the jurisdiction of the United Kingdom for the purpose of the Audiovisual Media Services Directive by reason only of the person providing such a service by means of satellite uplink apparatus situated within the United Kingdom.

(2) OFCOM may give a notice in writing under this section to a satellite uplinker in relation to a relevant regulated television service if OFCOM are satisfied that the service is provided—

- (a) in contravention of a licence under Part 1 of the Broadcasting Act 1990 or Part 1 of the Broadcasting Act 1996 <sup>M2</sup>; or
- (b) otherwise than pursuant to such a licence.

(3) OFCOM may give a notice in writing under this section to a satellite uplinker in relation to an on-demand programme service if OFCOM are satisfied that the service is provided in contravention of a requirement of Part 4A of the Communications Act 2003.

(4) Where a notice is given to a satellite uplinker under subsection (2)(a) or (3) the notice must—

- (a) name the service;
- (b) specify the reasons why OFCOM consider that subsection (2)(a) or (3) is satisfied; and
- (c) specify—
  - (i) the date by which the satellite uplinker must cease the uplinking of the service; or
  - (ii) a period during which the satellite uplinker must suspend the uplinking of the service.

- (5) Where a notice is given to a satellite uplinker under subsection (2)(b) the notice must—
  - (a) name the service; and
  - (b) specify—
    - (i) the date by which the satellite uplinker must cease the uplinking of the service; or
    - (ii) a period during which the satellite uplinker must suspend the uplinking of the service.
- (6) In this section—
  - “relevant regulated television service” has the same meaning as in section 13 of the Broadcasting Act 1990;
  - “on-demand programme service” has the same meaning as in the Communications Act 2003 (see section 368A of that Act).”
- (4) In section 39 (contravention of terms, etc)—
  - (a) in subsection (4) for “(7)” substitute “(8)”, and
  - (b) after subsection (7) insert—
    - “(8) The person notified also has a shorter period if—
      - (a) OFCOM have reasonable grounds for believing that that person is contravening, or has contravened, a notice given under section 9A or a term or provision as mentioned in section 9(4)(e);
      - (b) OFCOM have determined, taking into account all relevant circumstances, that a shorter period would be appropriate; and
      - (c) the shorter period has been specified in the notification.”
- (5) Section 115 (general interpretation) is amended as follows.
- <sup>F1</sup>(6) .....
- (7) After the definition of “receiving apparatus” insert—
  - ““satellite uplink apparatus” means wireless telegraphy apparatus, the purpose of which is to emit, to one or more satellites, energy to which section 116(2) applies;
  - “satellite uplinker” means a person who operates satellite uplink apparatus, but where a person is employed or engaged to operate satellite uplink apparatus under the direction or control of another person, references to a satellite uplinker are references only to that other person;”.

<b>Textual Amendments</b>	
<b>F1</b>	<a href="#">Reg. 13(6)</a> omitted (1.10.2013) by virtue of <a href="#">The Broadcasting and Communications (Amendment) Regulations 2013 (S.I. 2013/2217)</a> , regs. 1, <b>2(3)</b>
<b>Marginal Citations</b>	
<b>M1</b>	<a href="#">2006 c.36</a>
<b>M2</b>	<a href="#">1996 c. 55.</a>

**Changes to legislation:**

There are currently no known outstanding effects for the The Audiovisual Media Services Regulations 2009, Section 13.