

SCHEDULE 1

Amendments of primary legislation

PART 2

Amendments of Broadcasting Act 1996

2. The Broadcasting Act 1996(1) is amended as follows.
3. In section 1 (multiplex services and digital programme services), in subsection (4A)(2), for “EEA State” substitute “CTT State”.
- 4.—(1) Section 12 (conditions attached to multiplex licence) is amended as follows.
 - (2) In subsection (1)(3)—
 - (a) in paragraph (c), for “an EEA broadcaster” substitute “a CTT broadcaster or are exempt Irish services”, and
 - (b) in paragraph (d), for “an EEA broadcaster” substitute “a CTT broadcaster or are exempt Irish services”.
 - (3) For subsection (3A)(4) substitute—

“(3A) In subsection (1)(c) and (d)—

“CTT broadcaster” means a person who for the purposes of the European Convention on Transfrontier Television is within the jurisdiction of a CTT State other than the United Kingdom;

“exempt Irish service” means a service specified in section 211B(1)(b) of the Communications Act 2003.”.
5. In section 24 (digital additional services), in subsection (1)(b)(ii), for “an EEA State” substitute “a CTT State”.
6. In section 26 (duration and conditions of digital additional services licence), at the end insert—

“(3) A digital additional services licence which authorises the provision of an electronic programme guide (“the guide”) shall also include such conditions as appear to OFCOM to be appropriate for ensuring that, at any time when the guide is a regulated electronic programme guide as defined by section 211A of the Communications Act 2003, the only digital programme services that are listed or promoted by, or which can be accessed through, the guide are digital programme services that—

 - (a) are provided by or under a licence under this Part, or
 - (b) do not fall, in pursuance of section 211(1) of the Communications Act 2003, to be regulated by OFCOM.”.
7. In section 39 (interpretation of Part 1), in subsection (1)—
 - (a) omit the definition of “the Audiovisual Media Services Directive”(5);
 - (b) after the definition beginning “Channel 4” insert—

(1) 1996 c. 55.

(2) Subsection (4A) was inserted by S.I. 1998/3196 and substituted by paragraph 74(4) of Schedule 15 to the Communications Act 2003.

(3) Subsection (1)(c) and (d) was amended by section 242(1) of the Communications Act 2003 and by S.I. 1998/3196.

(4) Subsection (3A) was inserted by S.I. 1998/3196 and amended by S.I. 2013/2217.

(5) The definition of “the Audiovisual Media Services Directive” was inserted by S.I. 2013/2217.

““CTT State” means a State which is for the time being a party to the European Convention on Transfrontier Television;”;

(c) after the definition of “digital sound programme service” insert—

““the European Convention on Transfrontier Television” means the Council of Europe Convention on Transfrontier Television which was opened for signature at Strasbourg on 5th May 1989, as amended by the Protocol which was opened for signature at Strasbourg on 1st October 1998;”;

(d) omit the definition of “EEA State”(6).

8. In section 54 (conditions attached to national or local radio multiplex licence), in subsection (1) (ca)(7), for “an EEA broadcaster” substitute “a CTT broadcaster”.

9.—(1) Section 98 (categories of service)(8) is amended as follows.

(2) In subsection (1), omit “and EEA satellite services” in each place where it occurs.

(3) In subsection (5), omit “and EEA satellite services”.

(4) Omit subsection (6).

10.—(1) Section 99 (contract for exclusive right to televise listed event to be void) is amended as follows.

(2) In subsection (3)(a)(9), for the words from “nor to any” to “United Kingdom” substitute “, to any CTT broadcaster or on an exempt Irish service”.

(3) After that subsection insert—

“(4) In subsection (3)—

“CTT broadcaster” means a person who for the purposes of the European Convention on Transfrontier Television is within the jurisdiction of a State, other than the United Kingdom, which is for the time being a party to the Convention”;

“exempt Irish service” means a service specified in section 211B(1)(b) of the Communications Act 2003.”.

11.—(1) Section 101A (designated events in relation to other EEA States)(10) is amended as follows.

(2) Renumber the existing text as subsection (1) and in that subsection omit “other than the United Kingdom”.

(3) After that subsection insert—

“(2) For the purposes of this Part, a sporting or other event is a designated event, in relation to a qualifying CTT State, if—

(a) that State has designated the event in accordance with Article 9bis of the European Convention on Transfrontier Television as being of major importance for society,

(b) the designation forms part of measures which have been notified by that State under that Article to the Standing Committee set up under Article 20 of the Convention, and

(6) The definition of “EEA State” was inserted by [S.I. 2013/2217](#).

(7) Subsection (1)(ca) was inserted by [S.I. 2006/2131](#).

(8) Section 98 was substituted by [S.I. 2000/54](#).

(9) Subsection (3)(a) was substituted by [S.I. 2000/54](#) and amended by [S.I. 2013/2217](#).

(10) Section 101A was inserted by [S.I. 2000/54](#).

(c) the event and measures are included in a consolidated list published by the Standing Committee under Article 9bis of the Convention.

(3) In this Part “qualifying CTT State” means a State, other than the United Kingdom, which is for the time being a party to the European Convention on Transfrontier Television but is not an EEA State.”.

(4) In the heading, for “other EEA States” substitute “EEA States or other CTT States”.

12.—(1) Section 101B (restriction on televising of an event designated by other EEA State)(**11**) is amended as follows.

(2) In subsection (1), omit “other than the United Kingdom”.

(3) After subsection (1) insert—

“(1A) A television programme provider must not, without the previous consent of OFCOM, exercise rights to televise the whole or part of an event which is a designated event, in relation to a qualifying CTT State, for reception in that State or any area of that State, where a substantial proportion of the public in that State is deprived of the possibility of following that event by live or deferred coverage on free television as determined by that State in accordance with Article 9bis of the European Convention on Transfrontier Television.”.

(4) In subsections (2) and (3), after “subsection (1)” insert “or (1A)”.

(5) In the heading, for “other EEA State” substitute “EEA State or other CTT State”.

13.—(1) Section 102 (power of OFCOM to impose penalty) is amended as follows.

(2) In subsections (1) and (2)(**12**), for “subsection (1) of section 101B” substitute “subsection (1) or (1A) of section 101B”.

(3) In subsection (2A)(**13**)—

(a) for “subsection (1) of section 101B” substitute “subsection (1) or (1A) of section 101B”;

(b) for “other EEA States)” substitute “EEA States or qualifying CTT States)”.

14.—(1) Section 103 (report to Secretary of State) is amended as follows.

(2) In subsections (1) and (2)(**14**), for “subsection (1) of section 101B” substitute “subsection (1) or (1A) of section 101B”.

(3) In subsection (2A)(**15**)—

(a) after “subsection (1)” insert “or (1A)”;

(b) for “other EEA States)” substitute “EEA States or qualifying CTT States)”.

15. In section 104 (code of guidance), in subsection (1)(a) and (b)(**16**), after “section 101B(1)” insert “or (1A)”.

16. In section 104A (provision of information)(**17**), in subsections (1) and (2), for “other than the United Kingdom” substitute “or a qualifying CTT State”.

17. In section 105 (interpretation of Part 4 and supplementary provisions), in subsection (1)—

(11) Section 101B was inserted by [S.I. 2000/54](#) and amended by [S.I. 2013/2217](#).

(12) Subsections (1) and (2) were amended by [S.I. 2000/54](#).

(13) Subsection (2A) was inserted by [S.I. 2000/54](#).

(14) Subsections (1) and (2) were amended by [S.I. 2000/54](#).

(15) Subsection (2A) was inserted by [S.I. 2000/54](#).

(16) Subsection (1) was substituted by section 301(1) of the Communications Act 2003.

(17) Section 104A was inserted by [S.I. 2000/54](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Broadcasting (Amendment) (EU Exit) Regulations 2019 No. 224*

- (a) for the definition of “designated event”(18) substitute—
 - ““designated event”—
 - (a) in relation to an EEA State, has the meaning given by section 101A(1), and
 - (b) in relation to a qualifying CTT State, has the meaning given by section 101A(2);”;
- (b) after the definition of “EEA State”(19) insert—
 - ““the European Convention on Transfrontier Television” means the Council of Europe Convention on Transfrontier Television which was opened for signature at Strasbourg on 5th May 1989, as amended by the Protocol which was opened for signature at Strasbourg on 1st October 1998;”;
- (c) after the definition beginning “national Channel 3 service” insert—
 - ““qualifying CTT State” has the meaning given by section 101A(3);”.

(18) The definition of “designated event” was inserted by [S.I. 2000/54](#).

(19) The definition of “EEA State” was inserted by [S.I. 2013/2217](#).