



Post Office Act 1969

1969 CHAPTER 48

PART IV

CONTROL OF PROGRAMME DISTRIBUTION SYSTEMS

89 Licensing of distribution systems

- (1) Subject to the provisions of this section and to any exceptions for which provision may be made by order of the Minister, it shall not, as from the appointed day, be lawful, except under, and in accordance with, a written licence in that behalf granted by him, for a system to be run for—
 - (a) the distribution in the United Kingdom, through the agency of energy of any of the kinds specified in subsection (2) below, of a programme of matter serving, by means of sounds or visual images (or both), to inform persons of anything or to educate or entertain them ; or
 - (b) the conveyance, through the agency of energy of any of the said kinds, of any such programme as aforesaid to a place in the United Kingdom to which members of the public have access (whether on payment or not), for the purpose of its being presented there to members of the public.
- (2) The said kinds of energy are electric, magnetic, electromagnetic, electro-chemical and electro-mechanical.
- (3) In the event of a contravention of this section in relation to a system, the person running it (or, if different parts of it are run by different persons, each of them) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £400.
- (4) This section shall not apply to the Post Office, the British Broadcasting Corporation or the Independent Television Authority.
- (5) Where a body corporate is guilty of an offence under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity,

Status: This is the original version (as it was originally enacted).

he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this section, the expression "director", in relation to a body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

- (6) Without prejudice to subsection (3) of this section, compliance with subsection (1) thereof shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.
- (7) The prohibition imposed by this section shall not extend to the doing of anything by the sole means of apparatus for wireless telegraphy (within the meaning of the Wireless Telegraphy Act 1949).
- (8) In the application of subsection (6) above to Scotland, for the words "civil proceedings by the Crown for an injunction", there shall be substituted the words "civil proceedings by the Lord Advocate for an interdict".

90 Provisions as to licences under section 89

- (1) A licence granted under the last foregoing section may be issued subject to such terms, provisions and limitations as the Minister may think fit.
- (2) A licence so granted shall, unless previously revoked by the Minister, continue in force for such period as may be specified in the licence.
- (3) A licence so granted may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the Minister served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence.
- (4) On the issue or renewal of a licence so granted, and, where the regulations under this section so provide, at such times thereafter as may be prescribed by the regulations, there shall be paid to the Minister by the person to whom the licence is issued such sums as may be prescribed by regulations to be made by the Minister with the consent of the Treasury; but this provision shall be subject to the qualification that the regulations thereunder may contain provisions authorising, in such cases as are not otherwise dealt with under the regulations, the charge by the Minister of such sums, whether on the issue or renewal of the licence or subsequently, as may in the particular case appear to him to be proper.
- (5) Different provision may be made by regulations under the last foregoing subsection in relation to different licences, according to the nature, terms, provisions, limitations and duration thereof.
- (6) A payment required by virtue of this section to be rendered to the Minister may be recovered by him in any court of competent jurisdiction as if it were a simple contract debt.
- (7) The Minister shall have power to make, in such cases or classes of cases as the Treasury may determine, refunds of sums received by him under subsection (4) above.
- (8) A payment made in exercise of the power conferred by the last foregoing subsection shall be defrayed out of sums received by the Minister under subsection (4) above.

- (9) The surplus of sums received under subsection (4) above over sums paid in exercise of the power conferred by subsection (7) above shall from time to time be paid into the Consolidated Fund.
- (10) In the application of subsection (6) above to Scotland, the words " as if it were a simple contract debt" shall be omitted.

91 Entry and search of premises

- (1) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under section 89 of this Act has been, or is being, committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, he may grant a search warrant authorising any person or persons authorised in that behalf by the Minister and named in the warrant, with or without any constables, to enter, at any time within one month from the date of the warrant, the premises specified in the information and to search the premises and examine and test any apparatus found thereon.
- (2) Where, under this section, a person has a right to examine any apparatus on any premises, it shall be the duty of any person who is on the premises to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.
- (3) A person who—
- (a) obstructs a person in the exercise of powers conferred on him under this section ; or
 - (b) fails or refuses to give to a person any assistance which he is, under this section, under a duty to give to him ;
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £400, and a person who discloses, otherwise than for the purposes of this Part of this Act or of a report of proceedings thereunder, any information obtained by means of an exercise of powers conferred by this section, being information relating to a manufacturing process or trade secret, shall be guilty of an offence and liable—
- (i) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (ii) on summary conviction, to a fine not exceeding £400.

92 Orders and regulations

- (1) The power conferred by section 89 of this Act on the Minister to make an order and the power conferred on him by section 90 of this Act to make regulations shall be exercisable by statutory instrument.
- (2) A statutory instrument by which either of the aforesaid powers is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power conferred by section 89 of this Act on the Minister to make an order shall include power, exercisable in like manner, to vary or revoke an order made in exercise of that power.