

SCHEDULES

SCHEDULE 5

Section 57(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Parliamentary Papers Act 1840

- 1 Section 3 of the Parliamentary Papers Act 1840 (which confers protection in respect of proceedings for printing extracts from or abstracts of parliamentary papers) shall have effect as if the reference to printing included a reference to inclusion in a cable programme service which is or does not require to be licensed.

The Law of Libel Amendment Act 1888

- 2 Section 3 of the Law of Libel Amendment Act 1888 (which relates to contemporary reports of proceedings before courts exercising judicial authority) shall apply in relation to reports or matters included in a cable programme service which is or does not require to be licensed, and in relation to any inclusion in such a service of any such report or matter, as it applies in relation to reports and matters published in a newspaper and to publication in a newspaper.

The Cinematograph Act 1909

- 3 (1) In section 1(3) of the Cinematograph Act 1909 (provision against cinematograph exhibition except in licensed premises) the words " under Part IV of the Telecommunications Act 1984 " shall be omitted.
- (2) This paragraph does not extend to Northern Ireland.

The Children and Young Persons Act 1933

- 4 (1) In subsection (2)(a) of section 28 of the Children and Young Persons Act 1933 (powers of entry) after the words " broadcasting studio" there shall be inserted the words " a cable programme studio " and after the word " broadcast" there shall be inserted the words " in a cable programme ".
- (2) After subsection (3) of that section there shall be inserted the following subsection—
- “(4) In this section ' cable programme' means a programme included in a cable programme service and ' cable programme studio' shall be construed accordingly.”
- (3) Sections 39 and 49 of that Act (which restrict newspaper reports of court proceedings involving children and young persons) shall with the necessary modifications apply in relation to reports or matters included in a cable programme service as they apply in relation to newspapers.

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The Children and Young Persons (Scotland) Act 1937

- 5 (1) In subsection (2)(a) of section 36 of the Children and Young Persons (Scotland) Act 1937 (powers of entry) after the words " broadcasting studio " there shall be inserted the words " a cable programme studio ". and after the word " broadcast", there shall be inserted the words " in a cable programme ".
- (2) After subsection (3) of that section there shall be inserted the following subsection—
- “(4) In this section ' cable programme' means a programme included in a cable programme service and 'cable programme studio ' shall be construed accordingly.”
- (3) Section 46 of that Act (which restricts newspaper reports of court proceedings involving children and young persons) shall with the necessary modifications apply in relation to reports or matters included in a cable programme service as it applies in relation to newspapers.

The Copyright Act 1956

- 6 (1) In the proviso to subsection (3) of section 2 of the 1956 Act (copyright in literary, dramatic and musical works) the word " and " immediately preceding paragraph (d) shall be omitted and after that paragraph there shall be inserted the following paragraph—
- “(e) the inclusion of the work in a cable programme.”
- (2) In subsection (5) of that section for paragraph (e) there shall be substituted the following paragraph—
- “(e) including the work in a cable programme ;”.
- (3) In section 3(5) of that Act (copyright in artistic works) for paragraph (d) there shall be substituted the following paragraph—
- “(d) including the work in a cable programme.”
- (4) In section 6(9) of that Act (general exceptions from protection of literary, dramatic and musical works) for the words " caused to be transmitted to subscribers to a diffusion service " there shall be substituted the words " included in a cable programme ".
- (5) In section 7(8) of that Act (special exceptions as regards libraries and archives) for the words "causes it to be transmitted to subscribers to a diffusion service " there shall be substituted the words " includes it in a cable programme ".
- (6) In section 9(11) of that Act (general exceptions from protection of artistic works) for the words "television programme which is caused to be transmitted to subscribers to a diffusion service " there shall be substituted the words " cable programme ".
- (7) In subsection (10) of section 14 of that Act (copyright in television broadcasts and sound broadcasts) for the words from " the visual images or sounds " to the end there shall be substituted the following paragraphs—
- “(a) the visual images or sounds in question, or both, as the case may be, are broadcast; or
- (b) in the case of a television broadcast or sound broadcast made by the technique known as direct broadcasting by satellite, the visual

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images or sounds in question, or both, as the case may be, are transmitted to the satellite transponder.”

(8) After that subsection there shall be inserted the following subsection—

“(11) The foregoing provisions of this section shall have effect as if references in those provisions and in section 12(9) of this Act to sounds included references to signals serving for the impartation of matter otherwise than in the form of sounds or visual images.”

(9) In subsection (1) of section 16 of that Act (supplementary provisions for purposes of Part II) for the words " and sound broadcasts " there shall be substituted the words " sound broadcasts and cable programmes ".

(10) In subsection (6) of that section after the word " broadcast" there shall be inserted the words " cable programme ".

(11) In section 18(3) of that Act (right of owner of copyright in respect of infringing copies etc.) for the words " a sound broadcast" there shall be substituted the words " a sound broadcast or a cable programme ". and for the words "or broadcast" there shall be substituted the words " broadcast or programme ".

(12) In section 24(2) of that Act (general provisions as to jurisdiction of tribunal) for the words " cause the work or an adaptation thereof to be transmitted to subscribers to a diffusion service " there shall be substituted the words " include the work or an adaptation thereof in a cable programme ". and for the words " or to broadcast it "there shall be substituted the words " to broadcast it or to include it in a cable programme ".

(13) In subsection (1) of section 28 of that Act (exercise of jurisdiction of tribunal in relation to diffusion of foreign broadcasts) for the words " cause works to be transmitted to subscribers to a diffusion service " there shall be substituted the words " include works or sound recordings in a cable programme service provided ". , for the word " distributing ", in the first place where it occurs, there shall be substituted the words " including in such a service ". , after the word " works ", in the second place where it occurs, there shall be inserted the words " or recordings ". and for the words " distributing those programmes " there shall be substituted the words " including those programmes in a cable programme service ".

(14) In subsection (2) of that section after the words " the works ", in both places where they occur, there shall be inserted the words " or recordings ". , for the words " cause those works to be transmitted to subscribers to diffusion services " there shall be substituted the words " include those works or recordings in cable programme services provided ". and for the words " cause those works to be so transmitted " there shall be substituted the words " so include those works or recordings ".

(15) In subsection (4) of that section after the word " works ", in the first place where it occurs, there shall be inserted the words " or sound recordings ".

(16) At the end of section 31(3) of that Act (extension of Act to Isle of Man, Channel Islands, colonies and dependencies) there shall be added the words “or—

(e) in the case of a cable programme, it was sent from a place in that country.”

(17) At the end of section 32(1) of that Act (application of Act to countries to which it does not extend) there shall be added the following paragraph—

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- “(f) apply in relation to cable programmes sent from places in that country as they apply in relation to cable programmes sent from places in the United Kingdom.”
- (18) In subsection (4) of section 40 of that Act (broadcasts of sound recordings and cinematograph films and diffusion of broadcast programmes) for the words " the programme to be transmitted " there shall be substituted the words " including the programme in a cable programme service ".
- (19) In subsection (5) of that section after the words "a work" there shall be inserted the words " or sound recording ". and after the words the work" there shall be inserted the words " or recording ".
- (20) In section 41(5) of that Act (use of copyright material for education) for the words " and television broadcasts " there shall be substituted the words " television broadcasts and cable programmes ".
- (21) In section 43(2)(d) of that Act (false attribution of authorship) for the words " or broadcasts " there shall be substituted the words broadcasts or includes in a cable programme ".
- (22) In subsection (1) of section 48 of that Act (interpretation) after the definition of building " there shall be inserted the following definition—
 ““ cable programme ' cable programme service ' and ' programme ' have the meanings assigned to them by section 14A of this Act;”.
- (23) For subsection (3) of that section there shall be substituted the following subsections—
 “(3) References in this Act to the inclusion of a programme in a cable programme service are references to its inclusion in such a service by the person providing that service.
- (3A) For the purposes of this Act no account shall be taken of a cable programme service if, and to the extent that, it is provided for—
 (a) a person providing another such service ;
 (b) the Corporation ; or
 (c) the Authority;
 and for the purposes of this subsection a cable programme service provided for the Welsh Fourth Channel Authority, the subsidiary mentioned in section 12(2) of the Broadcasting Act 1981 or a programme contractor within the meaning of that Act shall be treated as provided for the Authority.
- (3B) For the purposes of this Act no account shall be taken of a cable programme service which is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein.”
- (24) In subsection (5) of that section for the words " the causing of a work or other subject matter to be transmitted to subscribers to a diffusion service " there shall be substituted the words " including a work or other subject matter in a cable programme ".
- (25) In paragraph 36(3) of Schedule 7 to that Act (transitional provisions) for paragraph (c) there shall be substituted the following paragraph—

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“(c) including the work or an adaptation thereof in a cable programme.”

The Dramatic and Musical Performers' Protection Act 1958

- 7 (1) In section 6 of the Dramatic and Musical Performers' Protection Act 1958 (special defences) for the word " transmission ", in each place where it occurs, there shall be substituted the words " cable programme ". and after the word "made" there shall be inserted the words " or included ".
- (2) In section 7 of that Act (consent on behalf of performers) for the word " transmission ", in each place where it occurs, there shall be substituted the words " cable programme ". , after the word " made " there shall be inserted the words " or included ". and after the word " making ", in both places where it occurs, there shall be inserted the words " or including ".
- (3) In subsection (1) of section 8 of that Act (interpretation), after the definition of " broadcast" there shall be inserted the following definitions—
- “‘ cable programme' means a programme included in a cable programme service, and references to the inclusion of a cable programme shall be construed accordingly ;
- ‘ cable programme service' means a cable programme service within the meaning of the Cable and Broadcasting Act 1984 or a service provided outside the United Kingdom which would be such a service if subsection (7) of section 2 of that Act and references in subsection (1) of that section to the United Kingdom were omitted ;”.
- (4) Also in that subsection after the definition of " performers " there shall be inserted the following definition—
- “‘ programme', in relation to a cable programme service, includes any item included in that service ;”.
- (5) After subsection (2) of that section there shall be inserted the following subsection—
- “(3) Section 48(3) of the Copyright Act 1956 (which explains the meaning of references in that Act to the inclusion of a programme in a cable programme service) shall apply for the purposes of this Act as it applies for the purposes of that Act.”

The Obscene Publications Act 1959

- 8 (1) Proceedings for an offence under section 2 of the Obscene Publications Act 1959 (prohibition of publication of obscene matter) for publishing an obscene article—
- (a) shall not be instituted in any case where the relevant publication took place in the course of including a programme in a cable programme service ; and
- (b) shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the only other publication which followed from the relevant publication took place in the course of including a programme in such a service:
- and in this sub-paragraph "the relevant publication" means the publication in respect of which the defendant would be charged if the proceedings were brought.
- (2) It is hereby declared that a person who has an obscene article in his ownership, possession or control with a view to its being shown, played or projected in the course

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of a cable programme service shall be taken for the purposes of subsection (1) of that section to have that article for publication for gain.

- (3) Proceedings for an offence under that section for having an obscene article for publication for gain shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the relevant publication or the only other publication which could reasonably have been expected to follow from the relevant publication was to take place in the course of including a programme in a cable programme service ; and in this sub-paragraph " the relevant publication" means the publication which, if the proceedings were brought, the defendant would be alleged to have had in contemplation.
- (4) Without prejudice to the duty of a court to make an order for the forfeiture of an article under section 1(4) of the Obscene Publications Act 1964 (orders on conviction), in a case where by virtue of sub-paragraph (3) above proceedings under the said section 2 for having an article for publication for gain could not be instituted except by or with the consent of the Director of Public Prosecutions, no order for the forfeiture of the article shall be made under section 3 of the said Act of 1959 (power of search and seizure) unless the warrant under which the article was seized was issued on an information laid by or on behalf of the Director of Public Prosecutions.
- (5) In this paragraph expressions used in the said Act of 1959 have the same meanings as in that Act.

The Public Bodies (Admission to Meetings) Act 1960

- 9 In section 1(7) of the Public Bodies (Admissions to Meetings) Act 1960 (admission of public to meetings of local authorities and other bodies) after the word " broadcasts" there shall be inserted the words " or for programmes to be included in a cable programme service which is or does not require to be licensed ".

The Betting, Gaming and Lotteries Act 1963

- 10 For paragraphs (a) and (b) of paragraph 5 of Schedule 4 to the Betting, Gaming and Lotteries Act 1963 (exclusion of faculties for seeing or hearing certain broadcasts) there shall be substituted the following paragraphs—
- “(a) seeing any television programme which is broadcast by wireless telegraphy within the meaning of the Wireless Telegraphy Act 1949 or is included in a cable programme service; or
- (b) hearing any sound programme which is so broadcast or so included and which—
- (i) is intended to be received by the general public; or
- (ii) comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises.”.

The Protection of Depositors Act 1963

- 11 In section 26(3) of the Protection of Depositors Act 1963 (definition of " advertisement") after the word " television " there shall be inserted the words " or by inclusion in a cable programme service ".

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The Children and Young Persons Act 1963

- 12 For paragraph (d) of section 37(2) of the Children and Young Persons Act 1963 (restriction on persons under 16 taking part in certain performances) there shall be substituted the following paragraphs—
- “(d) any performance included in a cable programme service;
 - (e) any performance recorded (by whatever means) with a view to its use in a broadcast or such a service or in a film intended for public exhibition ;”.

The Performers' Protection Act 1963

- 13 (1) In section 3(1) of the Performers' Protection Act 1963 (relaying of performances) after the word "reception" there shall be inserted the words " and immediate re-transmission ". and for the words from " causes " to " public " there shall be substituted the words " includes a performance to which the principal Act applies, or any part of such performance, in a cable programme without the consent in writing of the performers ".
- (2) In section 4(1)(a) of that Act (giving of consent without authority) for the words " broadcast or transmission is made " there shall be substituted the words " or broadcast is made or a cable programme is included "

The Licensing Act 1964

- 14 In section 182(1) of the Licensing Act 1964 (relaxation, with respect to licensed premises, of law relating to music and dancing licences) after the word "broadcasts" there shall be inserted the words " or by the use of a cable programme service which is or does not require to be licensed ".

The Protection of Depositors Act (Northern Ireland) 1964

- 15 In section 26(3) of the Protection of Depositors Act (Northern Ireland) 1964 (definition of " advertisement") after the word " television " there shall be inserted the words " or by inclusion in a cable programme service ".

The Private Places of Entertainment (Licensing) Act 1967

- 16 At the end of section 2(3) of the Private Places of Entertainment (Licensing) Act 1967 (certain private places of entertainment to require licences) there shall be inserted the words " or of being included in a cable programme service which is or does not require to be licensed ".

The Wireless Telegraphy Act 1967

- 17 In section 6(1) of the Wireless Telegraphy Act 1967 (interpretation of Part I)—
- (a) after the definition of " television dealer" there shall be inserted the following definition—
 - “television programme ' means a television programme broadcast for general reception or included in a licensable cable programme service”; and
 - (b) in the definition of " television set" the words " wireless telegraphy" and " broadcast for general reception " shall be omitted.

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The London Cab Act 1968

- 18 In section 4(5) of the London Cab Act 1968 (restrictions on advertising in connection with private hire-cars) after the word "television" there shall be inserted the words "or by inclusion in a cable programme service".

The Trade Descriptions Act 1968

- 19 In section 39(2) of the Trade Descriptions Act 1968 (interpretation) after the word "broadcast" there shall be inserted the words "or in a programme included in a cable programme service".

The Social Work (Scotland) Act 1968

- 20 In section 58(1) of the Social Work (Scotland) Act 1968 (prohibition of publication of proceedings in a children's hearing) after the word "broadcast" in both places where it occurs there shall be inserted the words "or a programme included in a cable programme service".

The Theatres Act 1968

- 21 (1) In subsection (2)(b)(iii) of section 7 of the Theatres Act 1968 (exceptions for performances given in certain circumstances) for the words "transmitted to subscribers to a diffusion service" there shall be substituted the words "included in a cable programme service which is or does not require to be licensed".
- (2) In subsection (3) of that section the words from "and section" to the end shall be omitted.

The Gaming Act 1968

- 22 In section 42(8) of the Gaming Act 1968 (definition of "advertisement") after the word "television" there shall be inserted the words "or by inclusion in a cable programme service".

The Medicines Act 1968

- 23 (1) In subsection (1) of section 92 of the Medicines Act 1968 (definition of "advertisement") after the word "television" there shall be inserted the words "or by inclusion in a cable programme service".
- (2) In subsection (2)(b) of that section for the words "transmitted to subscribers to a diffusion service" there shall be substituted the words "included in a cable programme service".
- (3) In subsection (6) of that section the words from "and section" to the end shall be omitted.

The Children and Young Persons Act (Northern Ireland) 1968

- 24 (1) For paragraph (d) of section 40(2) of the Children and Young Persons Act (Northern Ireland) 1968 (restriction on persons under 16 taking part in certain performances) there shall be substituted the following paragraphs—
- “(d) any performance included in a cable programme service;

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- (e) any performance recorded (by whatever means) with a view to its use in a broadcast or such a service or in a film intended for public exhibition ;”.
- (2) In subsection (2)(a) of section 45 of that Act (powers of entry) after the words " broadcasting studio " there shall be inserted the words " a cable programme studio ". and after the word " broadcast " there shall be inserted the words " in a cable programme ".
- (3) At the end of that section there shall be added the following subsection—
- “(5) In this section ' cable programme' means a programme included in a cable programme service and 'cable programme studio' shall be construed accordingly.”
- (4) Sections 59 and 68 of that Act (which restrict newspaper reports of court proceedings involving children and young persons) shall with the necessary modifications apply in relation to reports or matters included in a cable programme service as they apply in relation to newspapers.

The Local Government Act (Northern Ireland) 1972

- 25 In section 148 of the Local Government Act (Northern Ireland) 1972 (interpretation) at the end of the definition of " newspaper " there shall be added the words " or for programmes to be included in a cable programme service which is or does not require to be licensed ".

The Education and Libraries (Northern Ireland) Order 1972

- 26 In Article 2(2) of the Education and Libraries (Northern Ireland) Order 1972 (interpretation) at the end of the definition of " newspaper " there shall be added the words " or for programmes to be included in a cable programme service which is or does not require to be licensed ".

The Employment Agencies Act 1973

- 27 In section 13(4) of the Employment Agencies Act 1973 (interpretation) the word " or " immediately following paragraph (b) shall be omitted and after paragraph (c) there shall be inserted the words “or
- (d) to providing a licensable cable programme service.”

The Northern Ireland Constitution Act 1973

- 28 In paragraph 14 of Schedule 3 to the Northern Ireland Constitution Act 1973 (minimum reserved matters) for the words "including sound broadcasting and television " there shall be substituted the words " (including sound broadcasting and television) and the provision of cable programme services ".

The Fair Trading Act 1973

- 29 In Part I of Schedule 7 to the Fair Trading Act 1973 (goods and services wholly excluded from section 50 of that Act) after paragraph 8 there shall be inserted the following paragraph—

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“9 The provision of a licensed cable programme service.”

The Criminal Procedure (Scotland) Act 1975

30 In subsection (2) of sections 169 and 374 of the Criminal Procedure (Scotland) Act 1975 (restrictions on reporting of criminal proceedings involving persons under 16) after the word "broadcasts " there shall be inserted the words " and any programme included in a cable programme service ".

The Industry Act 1975

31 (1) At the end of subsection (1) of section 9 of the Industry Act 1975 (the National Enterprise Board and the media) there shall be added the words “or
(c) provide a licensed cable programme service”.

(2) At the end of subsection (3) of that section there shall be added the words “or
(iii) activities connected with the provision of a licensed cable programme service”.

(3) After subsection (9) of that section there shall be inserted the following subsection—

“(9A) If the Board or any of the Board's subsidiaries acquire any of the share capital of a body corporate which provides a licensed cable programme service, they shall consult the Cable Authority as to the steps that they are to take with regard to that share capital and obey any direction given by that Authority.”

The Scottish Development Agency Act 1975

32 In section 17 of the Scottish Development Agency Act 1975 (the Scottish Development Agency and the media) after " 1975 " there shall be inserted the words " as amended by the Cable and Broadcasting Act 1984 ".

The Welsh Development Agency Act 1975

33 (1) At the end of subsection (1) of section 19 of the Welsh Development Agency Act 1975 (the Welsh Development Agency and the media) there shall be added the words “or
(c) provide a licensed cable programme service”.

(2) At the end of subsection (3) of that section there shall be added the words “or
(iii) activities connected with the provision of a licensed cable programme service”.

(3) After subsection (9) of that section there shall be inserted the following subsection—

“(9A) If the Agency or any of the Agency's subsidiaries acquire any of the share capital of a body corporate which provides a licensed cable programme service, they shall consult the Cable Authority as to the steps that they are to take with regard to that share capital and obey any direction given by that Authority.”

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The Sexual Offences (Amendment) Act 1976

- 34 (1) In subsection (1) of section 4 of the Sexual Offences (Amendment) Act 1976 (anonymity of complainant in rape etc. cases) after the word " broadcast" there shall be inserted the words " or included in a cable programme ".
- (2) In subsection (5) of that section for the words " or broadcast" there shall be substituted the words " broadcast or included in a cable programme " , the word " and " immediately following paragraph (b) shall be omitted and after paragraph (c) there shall be inserted the words "and
- (d) in the case of an inclusion in a cable programme, any body corporate which sends or provides the programme and any person having functions in relation to the programme corresponding to those of an editor of a newspaper, ”.
- (3) In subsection (6) of that section after the definition of " a broadcast" there shall be inserted—
- “‘cable programme' means a programme included in a cable programme service ;”.
- (4) In subsection (7) of that section for the words " or broadcasting " there shall be substituted the words " broadcasting or inclusion in a cable programme ". and for the words " or broadcast" there shall be substituted the words " broadcast or inclusion in a cable programme ".
- (5) In section 5(5) of that Act (provisions supplementary to section 4) for the words " or broadcast" there shall be substituted the words " broadcast or cable programme ".
- (6) In section 6(1) of that Act (anonymity of defendants in rape etc. cases) after the word "broadcast" there shall be inserted the words " or included in a cable programme ".

The Sexual Offences (Northern Ireland) Order 1978

- 35 (1) In paragraph (1) of Article 6 of the Sexual Offences (Northern Ireland) Order 1978 (anonymity of complainant in rape etc. cases) after the word " broadcast" there shall be inserted the words " or included in a cable programme ".
- (2) In paragraph (5) of that Article for the words " or broadcast" there shall be substituted the words " broadcast or included in a cable programme " , the word " and" immediately following sub-paragraph (b) shall be omitted and after sub-paragraph (c) there shall be inserted the words "and—
- (d) in the case of an inclusion in a cable programme, any body corporate which sends or provides the programme and any person having functions in relation to the programme corresponding to those of an editor of a newspaper. ”
- (3) In paragraph (6) of that Article after the definition of " a broadcast " there shall be inserted—
- “‘ cable programme' means a programme included in a cable programme service ;”.
- (4) In paragraph (7) of that Article for the words " or broadcasting " there shall be substituted the words " broadcasting or inclusion in a cable programme ". and for the words " or broadcast" there shall be substituted the words " broadcast or inclusion in a cable programme ".

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- (5) In Article 7(3) of that Order (provisions supplementary to Article 6) for the words " or broadcast" there shall be substituted the words " broadcast or cable programme ".
- (6) In Article 8(1) of that Order (anonymity of defendants in rape etc. cases) after the word " broadcast" there shall be inserted the words " or included in a cable programme ".

The Banking Act 1979

- 36 In section 34(4) of the Banking Act 1979 (definition of " advertisement ") after the word " television " there shall be inserted the words " or by inclusion in a cable programme service ".

The Magistrates' Courts Act 1980

- 37 (1) In subsection (1) of section 8 of the Magistrates' Courts Act 1980 (restrictions on reports of committal proceedings) after the word " broadcast" there shall be inserted the words " or include in a cable programme ".
- (2) In subsections (2B), (4), (5) and (8) of that section for the words " or broadcast", in each place where they occur, there shall be substituted the words " broadcast or included in a cable programme ".
- (3) In subsection (3) of that section for the words " or broadcast", in each place where they occur, there shall be substituted the words " broadcast or include in a cable programme ".
- (4) After paragraph (c) of subsection (5) of that section there shall be inserted the following paragraph—
 - “(d) in the case of an inclusion of a report in a cable programme, any body corporate which sends or provides the programme and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.”.
- (5) In subsection (10) of that section after the definition of " broadcast " there shall be inserted—
 - “cable programme " means a programme included in a cable programme service ;”.

The Indecent Displays (Control) Act 1981

- 38 In section 1(4)(a) of the Indecent Displays (Control) Act 1981 (indecent displays) for the words from "transmitted" to "State" there shall be substituted the words " included in a cable programme service which is or does not require to be licensed ".

The Contempt of Court Act 1981

- 39 (1) In section 2(1) of the Contempt of Court Act 1981 (limitation of scope of strict liability) after the word " broadcast" there shall be inserted the words " cable programme ".
- (2) In section 19 of that Act (interpretation) immediately before the definition of "court" there shall be inserted the following definition—

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“‘cable programme’ means a programme included in a cable programme service ;”.

The Broadcasting Act 1981

- 40 (1) For paragraph (c) of section 3(1) of the 1981 Act (powers of Authority) there shall be substituted the following paragraph—
- “(c) by arrangements made for the purpose with persons providing cable programme services, to provide for the inclusion in the services of programmes broadcast by the Authority.”
- (2) In section 9(1) of that Act (code for advertisements), at the beginning of paragraph (a) there shall be inserted the words " after consultation with the Cable Authority ".
- (3) In subsection (3) of section 14 of that Act (provision of teletext services) for the words " TV programme contractor " there shall be substituted the words " TV or DBS programme contractor ".
- (4) In subsections (2) and (3) of section 33 of that Act (provisions supplementary to section 32), for the words "from stations", in each place where they occur, there shall be substituted the words " for reception in areas or localities ". and for the word " stations ", in the third place where it occurs in subsection (2) and in the fourth place where it occurs in subsection (3), there shall be substituted the words " areas or localities ".
- (5) For subsection (2) of section 42 of that Act (accounts and audit) there shall be substituted the following subsections—
- “(2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Secretary of State.
- (2A) A person shall not be qualified to be appointed as an auditor in pursuance of subsection (2) above unless he is a member of one or more of the following bodies—
- the Institute of Chartered Accountants in England and Wales;
the Institute of Chartered Accountants of Scotland ;
the Association of Certified Accountants ;
the Institute of Chartered Accountants in Ireland ;
any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State ;
- but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.”
- (6) In section 63(1) of that Act (interpretation) after the definition of "local sound broadcast" there shall be inserted the following definition—
- “‘programme’, in relation to a television or sound broadcasting service, includes any item broadcast in that service ;”.
- (7) After paragraph 1 of Schedule 4 to that Act (rental payments) there shall be inserted the following paragraph—
- “1A In the principal sections (other than section 33(1)) and the following provisions of this Schedule references to advertising receipts—

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- (a) in relation to a DBS programme contractor, and in relation to any period, include references to payments received or to be received by that contractor in respect of charges made for the reception of programmes provided by him and broadcast in a DBS service in that period ; and
 - (b) in relation to a teletext contractor, and in relation to any period, include references to payments received or to be received by that contractor in respect of charges made for the reception of programmes provided by him and broadcast in a DBS or additional teletext service in that period.”
- (8) In paragraph 2 of that Schedule—
- (a) after sub-paragraph (5) there shall be inserted the following sub-paragraph—
 - “(5A) Without prejudice to the generality of sub-paragraph (5) " relevant expenditure " includes, in relation to a DBS programme contractor, any expenditure incurred by the contractor in connection with the provision of the satellite transponder.”; and
 - (b) in sub-paragraph (7) for the words " the provisions of paragraph 1 " there shall be substituted the words " the foregoing provisions of this Schedule " ; and
 - (c) in sub-paragraph (8) after the words " in the case of " there shall be inserted the words " a DBS programme contractor, of ".
- (9) In paragraph 3(2) of that Schedule after the words " TV pro-programme contractors," there shall be inserted the words " DBS programme contractors, ".
- (10) At the end of paragraph 8(2) of Schedule 7 to that Act (the Broadcasting Complaints Commission: supplementary provisions) there shall be inserted the words " but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed ".

The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981

- 41 In Article 11(4) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (interpretation) the word "or" immediately following sub-paragraph (b) shall be omitted and after sub-paragraph (c) there shall be inserted the words “or
- (d) to providing a licensable cable programme service”.

The Cinematograph (Amendment) Act 1982

- 42 In section 1 of the Cinematograph (Amendment) Act 1982 (extension of Cinematograph Act 1909 to certain other exhibitions of moving pictures) the words " under Part IV of the Telecommunications Act 1984 " shall be omitted.

The Insurance Companies Act 1982

- 43 In section 72(6) of the Insurance Companies Act 1982 (definition of " advertisement") after the word " television " there shall be inserted the words " or by inclusion in a cable programme service ".

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

The Representation of the People Act 1983

- 44 (1) In section 75(1)(i) of the Representation of the People Act 1983 (prohibition of expenses not authorised by election agent) after the word " Authority " there shall be inserted the words " or in a programme included in a cable programme service which is or does not require to be licensed ".
- (2) At the end of section 93 of that Act (broadcasting during elections) there shall be added the following subsection—
- “(3) References in this section to items being broadcast from a television or other wireless telegraphy transmitting station in the United Kingdom include references to items being included in a cable programme service ; and references in this section to the making of broadcasts shall be construed accordingly”.

The Telecommunications Act 1984

- 45 (1) After subsection (10) of section 7 of the 1984 Act (power to licence telecommunication systems) there shall be inserted the following subsections—
- “(10A) Before the Secretary of State or the Director decides whether to grant or revoke a licence under this section which authorises the running of a telecommunication system to which subsection (10B) below applies, he shall consult with the Cable Authority.
- (10B) A telecommunication system is one to which this subsection applies if—
- (a) any person proposes to provide or is providing, by means of the system, a licensable cable programme service ; and
- (b) notice of that fact has been given to the Secretary of State or the Director.”
- (2) In subsection (1) of section 42 of that Act (fraudulent use of telecommunication system) for the words " service provided by means of a licensed telecommunication system " there shall be substituted the words " service to which this subsection applies ".
- (3) In subsection (2) of that section for the words " In this section ' licensed telecommunication system' means " there shall be substituted the words " Subsection (1) above applies to any service (other than a service to which section 53 of the Cable and Broadcasting Act 1984 applies) which is provided by means of ".
- (4) In section 43(2) of that Act (improper use of public telecommunication system) the words " (within the meaning of Part IV of this Act) " shall be omitted.

The Video Recordings Act 1984

- 46 For paragraph (b) of section 3(8) of the Video Recordings Act 1984 (exempted supplies) there shall be substituted the following paragraph—
- “(b) a cable programme service which is or does not require to be licensed.”