Broadcasting Act 1990

CHAPTER 42

BROADCASTING ACT 1990

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8 The validity of any proceedings of the Commission shall not...

Employees of the Commission
9 (1) The Commission shall appoint a secretary and may appoint...

Authentication of Commission’s seal
10 The application of the seal of the Commission shall be...

Presumption of authenticity of documents issued by Commission
11 Any document purporting to be an instrument issued by the...

Finances of Commission
12 (1) It shall be the duty of the Commission so...

Advances to Commission
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Accounts and audit
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1. (1) The Corporation shall be a body corporate.

Appointment of members

2. (1) A person shall be disqualified for being a member...

Tenure of office

3. (1) Subject to the following provisions of this paragraph, each...

Remuneration and pensions of members

4. (1) The Corporation may pay — (a) to each member...
Disqualification of members of Corporation for House of Commons and Northern Ireland Assembly

5 In Part II of Schedule 1 to the House of...

Proceedings

6 (1) Subject to paragraph 7, the quorum of the Corporation...
7 (1) A member who is in any way directly or...
8 The validity of any proceedings of the Corporation shall not...

Employees of the Corporation

9 (1) The Corporation shall appoint a chief executive of the...

Authentication of Corporation’s seal

10 The application of the seal of the Corporation shall be...

Presumption of authenticity of documents issued by Corporation

11 Any document purporting to be an instrument issued by the...

Accounts and audit

12 (1) The Corporation shall keep proper accounts and proper records...

Annual reports

13 (1) As soon as possible after the end of every...

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Tenure of office
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Remuneration and pensions of members
4 (1) The Authority may pay to each member such remuneration...

Disqualification of members of Authority for House of Commons
5 In Part II of Schedule 1 to the House of...

Proceedings
6 (1) Subject to paragraph 7, the quorum of the Authority...
7 (1) A member who is in any way directly or...
8 The validity of any proceedings of the Authority shall not...

Employees of the Authority
9 (1) The Authority shall appoint a secretary and may appoint...

Authentication of Authority’s seal
10 The application of the seal of the Authority shall be...

Presumption of authenticity of documents issued by Authority
11 Any document purporting to be an instrument issued by the...

Accounts and audit
12 (1) The Authority shall keep proper accounts and proper records...

Annual reports
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Disputes

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1 (1) The Authority shall be a body corporate.

Appointment of members

2 (1) A person shall be disqualified for being a member...

Tenure of office

3 (1) Subject to the following provisions of this paragraph, each...

Remuneration and pensions of members

4 (1) The Authority may pay to each member such remuneration...

Disqualification of members of Authority for House of Commons and Northern Ireland Assembly

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Proceedings

6 (1) Subject to paragraph 7, the quorum of the Authority...

7 (1) A member who is in any way directly or...

8 The validity of any proceedings of the Authority shall not...

Employees of the Authority

9 (1) The Authority shall appoint a secretary and may appoint...

Authentication of Authority’s seal

10 The application of the seal of the Authority shall be...

Presumption of authenticity of documents issued by Authority

11 Any document purporting to be an instrument issued by the...

Finances of Authority

12 (1) It shall be the duty of the Authority so...
 Advances to Authority

13  (1) For the purpose of— (a) furnishing the Authority with...

 Accounts and audit

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7 (1) During the interim period the programmes broadcast by the...

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Provisions relating to Broadcasting Complaints Commission

4 (1) Part V of this Act shall have effect as...

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6 (1) Any code, notice, direction, approval or other thing drawn...

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1 (1) The Authority may, if the programme contractor under a...

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Prescribed diffusion services: replacement of cable licences by local delivery licences

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Prescribed diffusion services: grant of new licences to provide existing services

3 (1) The Commission may on or after the transfer date...

Prescribed diffusion services: cable licences to be succeeded on their expiry by local delivery licences

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Other diffusion services: continuation in force of existing licences

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Other diffusion services: certain unlicensed services to be licensed as cableservices or local delivery services

8 (1) This paragraph has effect in relation to any diffusion...
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10 (1) Where immediately before the transfer date there is in...

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12 (1) Where any licence ceases to have effect at any...

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General provisions about relevant licences

2 (1) It shall be the duty of the Commission to...

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3 (1) The Commission shall do all that they can to...

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4 (1) The Commission shall do all that they can to...
4A (1) Where the Commission are satisfied, in the case of...

Inclusion of local material in prescribed diffusion services

5 (1) In the case of a licence which continues in...

Revocation of licences

6 (1) Every relevant licence shall contain all such provisions as...

Supplementary provisions

7 (1) Any notice, direction or other thing given or done...

SCHEDULE 13 —

Status and capacity

1 (1) The BCC shall not be treated for the purposes...

Appointment of members

2 (1) A person shall be disqualified for being a member...

Tenure of office

3 (1) Subject to the following provisions of this paragraph, each...
Remuneration and pensions of members

4 (1) The BCC may pay to each member such remuneration...

Proceedings

5 (1) Subject to paragraph 6 and to the provisions of...
6 (1) A member who is in any way directly or...
7 The validity of any proceedings of the BCC shall not...

Employees of the BCC

8 (1) The BCC may appoint such number of employees as...

Financial provisions

9 (1) The Secretary of State shall pay to the BCC—...

Authentication of BCC’s seal

10 The application of the seal of the BCC shall be...

Presumption of authenticity of documents issued by BCC

11 Any document purporting to be an instrument issued by the...

Accounts and audit

12 (1) The BCC shall keep proper accounts and proper records...

SCHEDULE 14 —

Status and capacity

1 (1) The Council shall not be treated for the purposes...

Appointment of members

2 (1) A person shall be disqualified for being a member...

Tenure of office

3 (1) Subject to the following provisions of this paragraph, each...

Remuneration and pensions of members

4 (1) The Council may pay to each member such remuneration...

Disqualification of members of Council for House of Commons and Northern Ireland Assembly

5 In Part II of Schedule 1 to the House of...

Proceedings

6 (1) Subject to paragraph 7 and to the provisions of...
7 (1) A member who is in any way directly or...
8 The validity of any proceedings of the Council shall not...
Employees of the Council

9 (1) The Council may appoint such number of employees as...

Financial provisions

10 (1) The Secretary of State shall pay to the Council—...

Authentication of Council’s seal

11 The application of the seal of the Council shall be...

Presumption of authenticity of documents issued by Council

12 Any document purporting to be an instrument issued by the...

Accounts and audit

13 (1) It shall be the duty of the Council—

SCHEDULE 15 ─ Application of 1959 Act to Television and Sound Programmes

Interpretation

1 In this Schedule— “the 1959 Act” means the Obscene Publications...

Liability of person providing live programme material

2 Where— (a) any matter is included by any person in...

Obscene articles kept for inclusion in programmes

3 It is hereby declared that where a person has an...

Requirement for consent of Director of Public Prosecutions

4 (1) Proceedings for an offence under section 2 of the...

Defences

5 (1) A person shall not be convicted of an offence...

Exclusion of proceedings under common law

6 Without prejudice to section 2(4) of the 1959 Act, a...

SCHEDULE 16 ─ Amendments of the Marine, &c., Broadcasting (Offences) Act 1967

1 (1) Section 2 (prohibition of broadcasting from marine structures) shall...

2 After section 2 insert the following section— Unlawful broadcasting from...

3 In section 3 (prohibition of acts connected with broadcasting from...

4 After section 3 insert the following section— Prohibition of management...

5 (1) Section 4 (prohibition of acts facilitating broadcasting from ships,....

6 (1) Section 5 (prohibition of acts relating to matter broadcast...

7 (1) Section 6 (penalties and legal proceedings) shall be amended...
8  After section 7 insert the following section— Powers of enforcement...

SCHEDULE 17 — Information About Programmes: Copyright

Part I — COPYRIGHT LICENSING

1  (1) This paragraph applies where the person providing a programme...

Part II — USE OF INFORMATION AS OF RIGHT

Circumstances in which right available

2  (1) Paragraph 4 applies to any act restricted by the...

Notice of intention to exercise right

3  (1) A publisher intending to avail himself of the right...

Conditions for exercise of right

4  (1) Where the publisher, on or after the date specified...

Applications to settle payments

5  (1) On an application to settle the terms of payment,...

Application for review of order

6  (1) A person exercising the right conferred by paragraph 4,...

Part III — SUPPLEMENTARY

7  (1) This Schedule and the Copyright, Designs and Patents Act...

SCHEDULE 18 — Transfer of Functions Connected with Television Licences

Part I — AMENDMENTS OF WIRELESS TELEGRAPHY ACT 1949

1  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

2  (1) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

3  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

4  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Part II — AMENDMENTS OF PART I OF WIRELESS TELEGRAPHY ACT 1967

1  In the following provisions, namely— (a) . . . ....

2  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

3  In section 2(3)— (a) for “him” substitute “ them ”;...

4  In section 3(1), for “him” (where first occurring) substitute “...

5  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

6  In section 5— (a) in subsection (3), for “his” substitute...

7  In section 6(1)— (a) insert the following definition after the...

SCHEDULE 19 — The Gaelic Television Service : Supplementary Provisions

Status and capacity

1  (1) The Service shall be a body corporate.

Tenure of office and remuneration

2  (1) Subject to sub-paragraphs (1A) and (2), each member of...

Disqualification of members of Service for House of Commons

3  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Broadcasting Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Proceedings

4 (1) Subject to paragraph 5, the quorum of the Service...
5 (1) A member who is in any way directly or...
6 The validity of any proceedings of the Service shall not...

Employees of the Service

7 (1) The Service may appoint such employees as they may...

Financial provision

8 There shall be defrayed out of the Gaelic Broadcasting Fund—...
8A (1) The Service must pay all their receipts to OFCOM....

Authentication of Service’s seal

9 The application of the seal of the Service shall be...

Presumption of authenticity of documents issued by the Service

10 Any document purporting to be an instrument issued by the...

Accounts and audit

11 (1) The Service shall keep proper accounts and proper records...

Annual reports

12 (1) As soon as possible after the end of each...

SCHEDULE 20 — Minor and Consequential Amendments

Parliamentary Papers Act 1840 (c. 9)

1 Section 3 (protection in respect of proceedings for printing extracts...

Law of Libel Amendment Act 1888 (c. 64)

2 . . . . . . . . . ....

Children and Young Persons Act 1933 (c. 12)

3 (1) In section 28 (powers of entry)—

Children and Young Persons (Scotland) Act 1937 (c. 37)

4 (1) In section 36 (power to enter studios)—

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

5 In section 1(7) (admission of public to meetings of local...

Children and Young Persons Act 1963 (c. 37)

6 In section 37(2) (restriction on persons under 16 taking part...

Licensing Act 1964 (c. 26)

7 In section 182(1) (relaxation, with respect to licensed premises, of...
Private Places of Entertainment (Licensing) Act 1967 (c. 19)
8 In section 2(3) (certain private places of entertainment to require...

Wireless Telegraphy Act 1967 (c. 72)
9 In section 6(1) (interpretation of Part I of the Act),...

London Cab Act 1968 (c. 7)
10 In section 4(5) (restrictions on advertising in connection with private...

Trade Descriptions Act 1968 (c. 29)
11 In section 39(2) (interpretation), for “or in a programme included...

Social Work (Scotland) Act 1968 (c. 49)
12 In section 58(1) (prohibition of publication of proceedings in a...

Theatres Act 1968 (c. 54)
13 In section 7(2)(b) (exceptions for performance given in certain circumstances),...

Gaming Act 1968 (c. 65)
14

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))
15 (1) In section 40(2) (restriction on persons under 16 taking...

Local Government Act 1972 (c. 70)
16 In section 100K (interpretation and application of Part VA of...

Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))
17 In section 148(1) (interpretation), in the definition of “newspaper”, for...

Employment Agencies Act 1973 (c. 35)
18 In section 13(4) (interpretation), for paragraphs (c) and (d) substitute...

Northern Ireland Constitution Act 1973 (c. 36)
19

Fair Trading Act 1973 (c. 41)
20 In section 133(2)(a) (exceptions to restriction on disclosure of information),...

Criminal Procedure (Scotland) Act 1975 (c. 21)
21 In subsection (2) of sections 169 and 374 (restrictions on...
Industry Act 1975 (c. 68)

Scottish Development Agency Act 1975 (c. 69)

Welsh Development Agency Act 1975 (c. 70)

Restrictive Trade Practices Act 1976 (c. 34)

Sexual Offences (Amendment) Act 1976 (c. 82)


Competition Act 1980 (c. 21)

Magistrates’ Courts Act 1980 (c. 43)

Indecent Displays (Control) Act 1981 (c. 42)

Contempt of Court Act 1981 (c. 49)


Insurance Companies Act 1982 (c. 50)

Representation of the People Act 1983 (c. 2)
National Audit Act 1983 (c. 44)
36 In Part II of Schedule 4 (nationalised industries and other...

Value Added Tax Act 1983 (c. 55)
37 ...........................................

Telecommunications Act 1984 (c. 12)
38 (1) In section 6 (exceptions to prohibition on the running...

Video Recordings Act 1984 (c. 39)
39 In section 3(8) (exempted supplies), for paragraphs (a) and (b)...

Cinemas Act 1985 (c. 13)
40 In section 21(1) (interpretation), in the definition of “film exhibition”...,...

Bankruptcy (Scotland) Act 1985 (c. 66)
41 In subsection (5) of section 70 (supplies by utilities), for...

Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I.11))
42 In Article 130(8) (definition of “advertisement” for the purposes of...

Insolvency Act 1986 (c. 45)
43 In sections 233(5)(d) and 372(5)(c) (supplies of gas, water, electricity...

Building Societies Act 1986 (c. 53)
44 In section 50(10) (powers to control advertising), in the definition...

Financial Services Act 1986 (c. 60)
45 (1) In section 207 (interpretation)— (a) in subsection (2), after...

46 In Article 2(2) (interpretation), in the definition of “newspaper”, for...

Criminal Justice Act 1987 (c. 38)
47 ...........................................

Consumer Protection Act 1987 (c. 43)
48 In section 24 (defences to offence of giving misleading price...

49 In Article 17 (defences to offence of giving misleading price...

Copyright, Designs and Patents Act 1988 (c. 48)
50 ...........................................
Control of Misleading Advertisements Regulations 1988 (S.I. 1988/915)

51 (1) In regulation 2(1) (interpretation)— (a) omit the definitions of...

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I.1988/1846 (N.I.16))

52 In Article 10 (restrictions on reporting applications for dismissal and...

Children Act 1989 (c. 41)

53 In section 97(5) (privacy for children involved in certain proceedings),...

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I.19))

54 In Articles 197(3) and 343(4) (supplies of water, electricity and...

SCHEDULE 21 — Repeals

SCHEDULE 22 — Transitional Provisions and Savings

Preservation of appointments of existing members of the Welsh Authority, the BCC and the BSC

1 (1) Where, immediately before the date when the relevant section...

Power to make provision with respect to complaints to the BCC or BSC

2 (1) The Secretary of State may by order make such...

Power to make provision with respect to complaints under the Control of Misleading Advertisements Regulations 1988

3 (1) The Secretary of State may by order make such...

Saving of amendments made by Cable and Broadcasting Act 1984

4 The amendments made by paragraphs 12, . . ., 32...

Transitional modification of amendments made by this Act

5 (1) Any provision to which this sub-paragraph applies—

6 Section 92(1) of the Representation of the People Act 1983...

7 Regulation 8(1) and (2) of the Control of Misleading Advertisements...
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Changes and effects yet to be applied to:
- s. 5(6A)(c) words omitted by S.I. 2011/1503 art. 11(2)
- s. 6-12 modified by 2003 c. 21 Sch. 18 para. 41(2)
- s. 61 substituted by 2011 c. 24 s. 31
- s. 88(6A)(c) words substituted by S.I. 2011/1503 art. 12(a)
- s. 88(6A)(c) words substituted by S.I. 2011/1503 art. 12(b)
- s. 90-96 modified by 2003 c. 21 Sch. 18 para. 42(2)
- s. 111B substituted by 2017 c. 30 s. 91(1)
- s. 177(6) words substituted by S.I. 2019/224 Sch. 1 para. 1
- s. 180 repealed by 2013 c. 24 Sch. 21 para. 2
- s. 183(1) substituted by 2012 c. 11 s. 17(2)
- s. 183(8) omitted by 2012 c. 11 s. 17(3)
- s. 183A(4) words inserted by 2012 c. 11 s. 17(5)
- s. 183A(4) words substituted by 2016 c. 11 s. 54(1)(a)
- s. 183A(6)(b) words inserted by 2012 c. 11 s. 17(6)
- s. 183A(6)(b) words substituted by 2016 c. 11 s. 54(1)(b)
- s. 183A(7)(a)(b) repealed by 2010 c. 24 s. 29(2)Sch. 2
- s. 184 repealed by 2010 c. 24 s. 29(1)Sch. 2
- s. 185(2)(a) omitted by S.I. 2014/1372 Sch. para. 11
- s. 193(2)(a) word omitted by virtue of S.I. 2019/93, Sch. 1 para. 3A(2)(a) (as inserted) by S.I. 2019/1245 reg. 20
- s. 193(2)(b) words inserted by S.I. 2014/892 Sch. 1 para. 71(a)
- s. 193(2A) words substituted by S.I. 2014/892 Sch. 1 para. 71(b)
- s. 194A(2) word substituted by S.I. 2014/892 Sch. 1 para. 72(2)
- s. 194A(5)-(8) word substituted by S.I. 2014/892 Sch. 1 para. 72(2)
- s. 194A(9) word substituted by S.I. 2014/892 Sch. 1 para. 72(3)(a)
- s. 194A(9) words inserted by S.I. 2014/892 Sch. 1 para. 72(3)(c)
- s. 194A(9) words omitted by S.I. 2014/892 Sch. 1 para. 72(3)(b)
- s. 202(1) words substituted by S.I. 2013/2217 reg. 3
- Sch. 2 Pt. 2 amendment to earlier affecting provision SI 2004/1944 art. 6 by S.I. 2015/1000 art. 2
- Sch. 2 Pt. 2 applied (with modifications) by S.I. 2019/1387 art. 5
- Sch. 2 Pt. 2 repeal by 2013 c. 24 Sch. 21 para. 2
- Sch. 2 Pt. 2 repeal by 2013 c. 24 Sch. 21 para. 2
- Sch. 19 para. 12(4) omitted by 2012 c. 11 s. 17(9)
- Sch. 19 para. 12(3) words substituted by 2012 c. 11 s. 17(8)
- Sch. 20 para. 26 repealed by 1999 c. 23 Sch. 6
- Sch. 20 para. 27 repealed by 1999 c. 23 Sch. 6
- Sch. 20 para. 29(1) repealed by 2003 c. 44 Sch. 37 Pt. 4
- Sch. 20 para. 29(2) repealed by 2013 c. 22 Sch. 10 para. 99
- Sch. 20 para. 41 repealed by S.I. 2016/1034 Sch. 2 Pt. 1
- Sch. 20 para. 35(5) repealed by S.I. 2018/1310 Sch. 1 Pt. 1 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by S.I. 2004/545 art. 2

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act amendment to earlier affecting provision S.I. 2004/1944, art. 4, Sch. Pt. 1 by S.I. 2010/118 art. 3-4
– Act amendment to earlier affecting provision SI 2004/1944 art. 4 Sch. by S.I. 2015/1000 art. 3-8
– Act applied (with modifications) by S.I. 2012/2690 art. 45Sch.
– Act modified (Guernsey) by S.I. 2013/243 art. 56Sch. Pt. 1
– Act power to extend conferred by 2017 c. 30 s. 119(7)s. 119(8)(b)
– Blanket amendment words substituted by S.I. 2011/1043 art. 36

Whole provisions yet to be inserted into this Act (including any effects on those provisions):
– s. 5(6AA)-(6AD) inserted by S.I. 2011/1503 art. 11(3)
– s. 103B(1) words inserted by S.I. 2015/2052 art. 2(b)
– s. 103B(1) words substituted by S.I. 2015/2052 art. 2(a)
– s. 104AA(1) words inserted by S.I. 2015/2052 art. 3(a)(ii)
– s. 104AA(1) words substituted by S.I. 2015/2052 art. 3(a)(i)
– s. 104AA(2)(b) words inserted by S.I. 2015/2052 art. 3(b)
– s. 193(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3A(2)(b) (as inserted) by S.I. 2019/1245 reg. 20

Commencement Orders yet to be applied to the Broadcasting Act 1990

Commencement Orders bringing legislation that affects this Act into force:
– S.I. 2011/1170 art. 2 commences (2010 c. 24)