



Broadcasting Act 1990

1990 CHAPTER 42

^{F1}PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER II

TELEVISION BROADCASTING ON CHANNELS 3, 4 AND 5

Channel 5

28 Channel 5.

- (1) [^{F1}OFCOM] shall do all that they can to secure the provision of a television broadcasting service for any such minimum area of the United Kingdom as may be determined by them in accordance with subsection (2); and any such service shall be known as Channel 5.
- (2) In determining the minimum area of the United Kingdom for which Channel 5 is to be provided [^{F1}OFCOM] shall have regard to the following consideration, namely that the service should, so far as is reasonably practicable, make the most effective use of the frequencies on which it is to be provided.
- (3) If [^{F1}OFCOM] so determine, Channel 5 shall be provided under a particular licence only between such times of the day or on such days of the week (or both) as they may determine.
- (4) Where [^{F1}OFCOM] have granted a licence to provide Channel 5, they may, if it appears to them to be appropriate to do so in view of any lack of facilities available for transmitting the service, dispense with any requirement to provide the service for such part of the area referred to in subsection (2) as they may determine; and any such dispensation shall have effect for such period as they may determine.

*Changes to legislation: There are currently no known outstanding effects for the
 Broadcasting Act 1990, Cross Heading: Channel 5. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 28 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 15](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

29 Application to Channel 5 of provisions relating to Channel 3.

(1) Subject to subsections (2) and (3), sections 15 to 21 shall apply in relation to a Channel 5 licence as they apply in relation to a regional Channel 3 licence.

(2) In its application in relation to a Channel 5 licence—

- (a) section 15(1)(b)(i) shall be read as referring to any such minimum area of the United Kingdom as is determined by [^{F2}OFCOM] in accordance with section 28(2); ^{F3}...

^{F3}(b)

^{F4}(3)

Textual Amendments

- F2** Words in s. 29(2)(a) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 16\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))
- F3** S. 29(2)(b) and the word immediately preceding it repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 16\(1\)\(a\), Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))
- F4** S. 29(3) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 16\(1\)\(b\), Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

^{F5}30 Initial Channel 5 licensee required to retune equipment susceptible to interference.

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Textual Amendments

- F5** Ss. 30-36 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 280\(10\), s. 296\(11\), s. 411\(2\), Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: Channel 5.