



Broadcasting Act 1990

1990 CHAPTER 42

^{F1}PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER VII

SUPPLEMENTAL

Modifications etc. (not altering text)

- C1** Pt. I: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 3\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

^{F1}65 Assignment of frequencies by Secretary of State.

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Textual Amendments

- F1** S. 65 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

66 Requirements relating to transmission and distribution of services.

- (1) During such period as the Secretary of State may by order specify, all Channel 3 services shall be broadcast [^{F2}so as to be available for reception by members of the public] by a single person under arrangements made with him by the persons licensed to provide those services; and every Channel 3 licence shall include such conditions as appear to [^{F3}OFCOM] to be appropriate—
- (a) for securing that result and

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Chapter VII. (See end of Document for details)

- (b) for securing that the costs incurred in respect of the broadcasting of those services (taken as a whole) during that period in accordance with those arrangements are shared by those persons in such manner as may be approved by the Secretary of State.
- (2) Any Channel 3 licence shall include such conditions as appear to [F³OFCOM] to be appropriate for securing that the costs incurred in respect of the distribution of Channel 3 services (taken as a whole) during such period as the Secretary of State may by order specify are shared by the persons licensed to provide those services in such manner as may be approved by the Secretary of State. In this subsection “distribution”, in relation to Channel 3 services, means the conveyance of those services (by whatever means and whether directly or indirectly) to the broadcasting stations from which they are broadcast [F² so as to be available for reception by members of the public].
- [F⁴(2A) In subsections (1) and (2) “available for reception by members of the public” shall be construed in accordance with section 361 of the Communications Act 2003]
- (3) The Secretary of State may, at any time during the period referred to in subsection (1) or (2), by order provide for that period to be extended by such further period as is specified in the order; and any conditions included in a Channel 3 licence in pursuance of that subsection shall accordingly, in any such case, have effect in relation to that period as so extended.
- (4) Any Channel 3 licence or licence to provide Channel 4 or 5 shall include such conditions as appear to [F³OFCOM] to be appropriate for requiring the signals carrying the licensed service to attain high standards in terms of technical quality and reliability throughout so much of the relevant area as is for the time being reasonably practicable.
- (5) Before imposing any conditions in pursuance of subsection (4) [F³OFCOM] shall consult the Secretary of State as to how much of the relevant area is to be specified in the conditions as the area throughout which the required standards are to be attained.
- (6) In subsections (4) and (5) “the relevant area”—
 - (a) in relation to a Channel 3 or Channel 5 licence, means the area for which the licensed service is to be provided; and
 - (b) in relation to the licence to provide Channel 4, means England, Scotland and Northern Ireland.
- (7) The Welsh Authority shall do all that they can to ensure that the signals carrying S4C attain high standards in terms of technical quality and reliability throughout so much of Wales as is for the time being reasonably practicable.
- (8) Any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F2** Words in s. 66(1)(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 29\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in s. 66 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 29\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** S. 66(2A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 29\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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[^{F5}66A Enforcement of licences held by BBC companies.

(1) Where [^{F6}OFCOM] —

- (a) give a direction to a BBC company under section 40(1),
- (b) serve a notice on a BBC company under any provision of section 41 or 42, or
- (c) receive any written representations from a BBC company under section 40(2), 41(3) or 42(8),

[^{F6}OFCOM] shall send a copy of the direction, notice or representations to the Secretary of State.

(2) References in subsection (1) to any of the provisions of sections 40 to 42 are references to that provision as applied—

- (a) by section 42B(2), in relation to a licence to provide a restricted service,
- ^{F7}(b)
- ^{F8}(c)
- ^{F8}(d)
- (e) by section 55(4), in relation to an additional services licence.]

Textual Amendments

- F5** S. 66A inserted (24.7.1996) by 1996 c. 55, ss. 136, 149(1)(f), **Sch. 8 para. 3**; (with s. 43(1)(6))
- F6** Words in s. 66A substituted (29.12.2003) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 15 para. 30** (with **Sch. 18**); **S.I. 2003/3142**, art. 3(1), **Sch. 1** (with art. 11)
- F7** S. 66A(2)(b) omitted (11.7.1997) by **S.I. 1997/1682**, reg. 2, **Sch. para. 9(a)**
- F8** S. 66A(2)(c)(d) repealed (29.12.2003) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); **S.I. 2003/3142**, art. 3(1), **Sch. 1** (with art. 11)

67 Computation of qualifying revenue.

Part I of Schedule 7 (which contains provisions relating to the computation of qualifying revenue for the purposes of this Part and Part II) shall have effect.

^{F9}68 Certain receipts of Commission to be paid into Consolidated Fund.

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Textual Amendments

- F9** Ss. 68-70 repealed (29.12.2003) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); **S.I. 2003/3142**, art. 3(1), **Sch. 1** (with art. 11)

^{F9}69 Frequency planning and research and development.

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Textual Amendments

- F9** Ss. 68-70 repealed (29.12.2003) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); **S.I. 2003/3142**, art. 3(1), **Sch. 1** (with art. 11)

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F9 70 Representation by Commission of Government and other interests in connection with broadcasting matters.

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Textual Amendments

F9 Ss. 68-70 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

71 Interpretation of Part I.

(1) In this Part (unless the context otherwise requires)—

“the 1981 Act” means the ^{M1}Broadcasting Act 1981;

“additional service” and “additional services licence” have the meaning given by section 48(1) and section 49(10) respectively;

“the appropriate percentage”, in relation to any year, has the meaning given by section 19(10);

“cash bid”, in relation to a licence, has the meaning given by section 15(7);

“Channel 3” means the system of television broadcasting services established ^{F10}... under section 14, and “a Channel 3 licence” means a licence to provide one of the services comprised within that system;

“Channel 4” means the television broadcasting service referred to in section 24(1), and “on Channel 4” means in that service;

“Channel 5” means the television broadcasting service referred to in section 28(1), and “a Channel 5 licence” means a licence to provide that service;

^{F10} ...

“the Corporation” means the Channel Four Television Corporation established by section 23;

^{F11} ...

“licence” means a licence under this Part, and “licensed” shall be construed accordingly;

^{F10} ...

“national Channel 3 service” has the meaning given by section 14(6), and “a national Channel 3 licence” means a licence to provide a national Channel 3 service;

^{F11} ...

“regional Channel 3 service” has the meaning given by section 14(6), and “a regional Channel 3 licence” means a licence to provide a regional Channel 3 service;

[^{F12}“restricted service” has the meaning given by section 42A;]

[^{F13}“S4C” [^{F14}and “S4C Digital” each] has the same meaning as in Part 3 of the Communications Act 2003;]

^{F10} ...

“spare capacity” shall be construed in accordance with section 48(2);

[^{F15}“television broadcasting service”, “television licensable content service” and “television programme service” each has the same meaning as in Part 3 of the Communications Act 2003;]

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- (2) Where the person who is for the time being the holder of any licence (“the present licence holder”) is not the person to whom the licence was originally granted, any reference in this Part (however expressed) to the holder of the licence shall be construed, in relation to any time falling before the date when the present licence holder became the holder of it, as including a reference to a person who was previously the holder of the licence.

Textual Amendments

- F10** Words in s. 71(1) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F11** Definitions in s. 71(1) omitted (11.7.1997) by [S.I. 1997/1682](#), reg. 2, [Sch. para. 10\(a\)](#)
- F12** Definition in s. 71 inserted (1.4.1997) by [1996 c. 55](#), s. 148(1), [Sch. 10 Pt. II para. 17](#) (with s. 43(1) (6)); [S.I. 1997/1005](#), art. 4
- F13** Words in s. 71 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 31\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F14** Words in s. 71(1) inserted (12.8.2009) by [The Welsh Authority \(Digital Switchover\) Order 2009 \(S.I. 2009/1968\)](#), arts. 1, [4\(3\)](#)
- F15** Words in s. 71 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 31\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Marginal Citations

- M1** [1981 c. 68](#).

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