



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART I

#### INDEPENDENT TELEVISION SERVICES

#### CHAPTER VII

#### SUPPLEMENTAL

#### **65 Assignment of frequencies by Secretary of State**

- (1) The Secretary of State may by notice assign to the Commission, for the purpose of the provision of services falling to be licensed by them under this Part or Part II, such frequencies as he may determine; and any frequency so assigned shall be taken to be so assigned for the purpose only of being used for the provision of one or more of those services.
- (2) Any frequency assigned by the Secretary of State under subsection (1) may be so assigned for use only in such area or areas as may be specified by the Secretary of State when making the assignment.
- (3) The Secretary of State may by notice assign to the Welsh Authority for the purpose of the provision of S4C such frequencies as he may determine; and any such frequencies shall be taken to be so assigned for the purpose only of being used for the provision of that service and any services which they are authorised to provide by virtue of section 57(4).
- (4) The Secretary of State may by notice revoke the assignment under subsection (1) or (3) of any frequency specified in the notice, and (in the case of a frequency assigned to the Commission) may do so whether or not the frequency is for the time being one on which there is being provided a service licensed under this Part or Part II.

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## **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 for general reception 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 the Commission to be appropriate—
  - (a) for securing that result and
  - (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 the Commission 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 for general reception.

- (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 the Commission 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) the Commission 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.

## **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.

## **68 Certain receipts of Commission to be paid into Consolidated Fund**

- (1) Where, in respect of any licence granted under this Part or Part II, the Commission receive any of the amounts specified in subsection (2), that amount shall not form part of the revenues of the Commission but shall—
  - (a) if the licence is for the provision of a service for any area in Great Britain, be paid into the Consolidated Fund of the United Kingdom;
  - (b) if the licence is for the provision of a service for Northern Ireland, be paid into the Consolidated Fund of Northern Ireland; or
  - (c) if the licence is for the provision of a service for the whole or part of Great Britain and for the whole or part of Northern Ireland, be paid into both of those Funds in such proportions as the Commission consider appropriate.
- (2) The amounts referred to in subsection (1) are—
  - (a) any amount payable to the Commission by virtue of section 19(1), 52(1) or 77(1);
  - (b) any amount payable to them by virtue of section 18(3); and
  - (c) any amount payable to them by virtue of section 41(1)(a) or 55(1).
- (3) Any reference in subsection (2)(a), (b) or (c) to any provision of this Part includes a reference to that provision as applied by any other provision of this Part or Part II.
- (4) Subsection (1) shall not be construed as applying to any amount which is required by the Commission for the making of an adjustment in respect of an overpayment made by any person.
- (5) Any amount payable by any person to the Commission under or by virtue of this Part or Part II shall be recoverable by them as a debt due to them from that person; and, where any amount is so payable by a person as the holder of a licence granted under this Part or Part II, his liability to pay it shall not be affected by his licence ceasing (for any reason) to be in force.
- (6) The Commission shall, in respect of each financial year, prepare an account showing—
  - (a) all such amounts falling within subsection (1) as have been received by them, and
  - (b) the sums paid into the Consolidated Funds of the United Kingdom and Northern Ireland respectively under that subsection in respect of those amounts,and shall send that account to the Comptroller and Auditor General not later than the end of the month of November following the financial year to which it relates; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

## **69 Frequency planning and research and development**

- (1) The Commission may make arrangements for such work relating to frequency planning to be carried out as they consider appropriate in connection with the discharge of their functions.
- (2) Any such work shall be directed towards securing that the frequencies assigned to the Commission under this Act are used as efficiently as is reasonably practicable.
- (3) The Commission may—

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- (a) make arrangements for such research and development work to be carried out as they consider appropriate in connection with the discharge of their functions;
  - (b) promote the carrying out by other persons of research and development work relating to television broadcasting.
- (4) The Commission shall consult the persons holding licences under this Part or Part II as to the arrangements to be made by the Commission in pursuance of subsection (3)(a).
- (5) The Commission shall secure that, so far as is reasonably practicable—
- (a) any work carried out under arrangements made in pursuance of subsection (1) or (3) is carried out, under the supervision of the Commission, by persons who are neither members nor employees of the Commission; and
  - (b) any work carried out under arrangements made in pursuance of subsection (3) (a) is to a substantial extent financed by persons other than the Commission.

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

The functions of the Commission shall include representing, at the request of the Secretary of State—

- (a) Her Majesty’s Government in the United Kingdom, and
  - (b) persons providing television programme services,
- on bodies concerned with the regulation (whether nationally or internationally) of matters relating to television broadcasting.

**71 Interpretation of Part I**

- (1) In this Part (unless the context otherwise requires)—
- “the 1981 Act” means the 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 by the Commission 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;
  - “the Commission” means the Independent Television Commission established by section 1;
  - “the Corporation” means the Channel Four Television Corporation established by section 23;
  - “domestic satellite service” has the meaning given by section 43(1);
  - “licence” means a licence under this Part, and “licensed” shall be construed accordingly;

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“licensable programme service” has the meaning given by section 46(1);

“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;

“non-domestic satellite service” has the meaning given by section 43(2);

“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;

“S4C” means the television broadcasting service referred to in  
section 57(1), and “on S4C” means in that service;

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

“television broadcasting service” has the meaning given by section 2(5);

“television programme service” has the meaning given by section 2(4).

- (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.