



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART VII

#### PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

##### *Racially inflammatory material etc.*

#### **164 Inclusion in programme services in Great Britain of racially inflammatory material.**

- (1) Part III of the <sup>M1</sup>Public Order Act 1986 (racial hatred) shall be amended as follows.
- (2) In each of the following provisions, namely—
  - (a) section 18(6) (exemption from prohibition applying to use of threatening words etc.),
  - (b) section 20(3)(c) (exemption from prohibition applying to public performances of plays), and
  - (c) section 21(4) (exemption from prohibition applying to distribution etc. of recordings),for “broadcast or included in a cable programme service” there shall be substituted “included in a programme service”.
- (3) In section 22 (broadcasting or including programme in cable programme service)—
  - (a) in subsections (1), (3)(b), (4)(a) and (5)(a), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “included in a programme service”; and
  - (b) the following provisions shall be omitted, namely—
    - (i) in subsection (2), the words “broadcasting or cable”,
    - (ii) in subsections (4)(b) and (5)(b), the words “broadcast or”, wherever occurring,
    - (iii) subsection (7) (exemption for programmes broadcast by BBC or Independent Broadcasting Authority), and

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- (iv) subsection (8) (application of certain provisions of the <sup>M2</sup>Cable and Broadcasting Act 1984).
- (4) In section 23 (possession of racially inflammatory material)—
  - (a) in subsection (1), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “ or included in a programme service ”;
  - (b) in subsection (2), for “broadcasting or inclusion in a cable programme service” there shall be substituted “ or inclusion in a programme service ”; and
  - (c) subsection (4) (exemption for material kept by BBC or Independent Broadcasting Authority) shall be omitted.
- (5) In section 29 (interpretation)—
  - (a) the definitions of “broadcast” and “cable programme service” shall be omitted;
  - (b) in the definition of “programme”, for “broadcast or included in a cable programme service” there shall be substituted “ included in a programme service ”; and
  - (c) the following definition shall be inserted after that definition—
 

““programme service” has the same meaning as in the Broadcasting Act 1990;”.

#### Marginal Citations

- M1** 1986 c. 64.  
**M2** 1984 c. 46.

### 165 Inclusion in programme services in Northern Ireland of material likely to stir up hatred etc.

- (1) Part III of the <sup>M3</sup>Public Order (Northern Ireland) Order 1987 (stirring up hatred or arousing fear) shall be amended as follows.
- (2) In each of the following provisions, namely—
  - (a) Article 9(5) (exemption from prohibition applying to use of threatening words etc.), and
  - (b) Article 11(4) (exemption from prohibition applying to distribution etc. of recordings),
 for “broadcast or included in a cable programme service” there shall be substituted “ included in a programme service ”.
- (3) In Article 12 (broadcasting or including programme in cable programme service)—
  - (a) in paragraphs (1), (3)(b), (4)(a) and (5)(a), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “ included in a programme service ”; and
  - (b) the following provisions shall be omitted—
    - (i) in paragraph (2)(a), the words “broadcasting or cable”,
    - (ii) in paragraphs (4)(b) and (5)(b), the words “broadcast or”, wherever occurring,

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- (iii) paragraph (7) (exemption for programmes broadcast by BBC or Independent Broadcasting Authority), and
  - (iv) paragraph (8) (application of certain provisions of <sup>M4</sup>Cable and Broadcasting Act 1984).
- (4) In Article 13 (possession of matter intended or likely to stir up hatred or arouse fear)—
- (a) in paragraph (1), for “broadcast or included in a cable programme service”, wherever occurring, there shall be substituted “ or included in a programme service ”
  - (b) in paragraph (2), for “broadcasting or inclusion in a cable programme service” there shall be substituted “ or inclusion in a programme service ” and
  - (c) paragraph (4) (exemption for material kept by BBC or Independent Broadcasting Authority) shall be omitted.
- (5) In Article 17 (interpretation)—
- (a) the definitions of “broadcast” and “cable programme service” shall be omitted;
  - (b) in the definition of “programme”, for “broadcast or included in a cable programme service” there shall be substituted “ included in a programme service ”; and
  - (c) the following definition shall be inserted after that definition—
- “ “programme service” has the same meaning as in the Broadcasting Act 1990;”.

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**Marginal Citations**

**M3** S.I.1987/463 (N.I.7).

**M4** 1984 c. 46.

**Changes to legislation:**

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