



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART X

#### MISCELLANEOUS AND GENERAL

##### *Foreign satellite services*

#### **177 Orders proscribing unacceptable foreign satellite services.**

- (1) Subject to the following provisions of this section, the Secretary of State may make an order proscribing a foreign satellite service for the purposes of section 178.
- (2) If [<sup>F1</sup>OFCOM consider that the quality of any ] foreign satellite service which is brought to their attention is unacceptable and that the service should be the subject of an order under this section, they shall notify to the Secretary of State details of the service and their reasons why they consider such an order should be made.
- (3) [<sup>F2</sup>OFCOM] shall not consider a foreign satellite service to be unacceptable for the purposes of subsection (2) unless they are satisfied that there is repeatedly contained in programmes included in the service matter which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling.
- (4) Where the Secretary of State has been notified under subsection (2), he shall not make an order under this section unless he is satisfied that the making of the order—
  - (a) is in the public interest; and
  - (b) is compatible with any international obligations of the United Kingdom.
- (5) An order under this section—
  - (a) may make such provision for the purpose of identifying a particular foreign satellite service as the Secretary of State thinks fit; and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F3</sup>(6) In this section and section 178—

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

[<sup>F4</sup>“foreign satellite service” means—

(a) [<sup>F5</sup>a service which—

(i) consists wholly or mainly in the transmission by satellite of television programmes which are capable of being received in the United Kingdom,

(ii) does not fall within subsection (2)(a) or (b) of section 211 of the Communications Act 2003 (regulation of independent television services), and

(iii) is not provided by the BBC or the Welsh Authority, or]

(b) a service which consists wholly or mainly in the transmission by satellite from a place outside the United Kingdom of sound programmes which are capable of being received in the United Kingdom;

<sup>F6</sup> ...]]

#### Textual Amendments

- F1** Words in s. 177(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 61\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in s. 177(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 61\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** S. 177(6) substituted (11.7.1997) by [S.I. 1997/1682](#), reg. 2, [Sch. para. 13](#)
- F4** S. 177(6): definition of “foreign satellite service” substituted (30.12.1998) by [S.I. 1998/3196](#), reg. 2, [Sch. para. 5](#)
- F5** Words in s. 177(6) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), [Sch. 1 para. 1](#) (with reg. 6) (as amended by [S.I. 2020/1536](#), reg. 5(2) (3)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F6** Words in s. 177(6) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 61\(4\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### Modifications etc. (not altering text)

- C1** S. 177: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 6](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

### 178 Offence of supporting proscribed foreign satellite services.

- (1) This section applies to any foreign satellite service which is proscribed for the purposes of this section by virtue of an order under section 177; and references in this section to a proscribed service are references to any such service.
- (2) Any person who in the United Kingdom does any of the acts specified in subsection (3) shall be guilty of an offence.
- (3) Those acts are—
  - (a) supplying any equipment or other goods for use in connection with the operation or day-to-day running of a proscribed service;
  - (b) supplying, or offering to supply, programme material to be included in any programme transmitted in the provision of a proscribed service;
  - (c) arranging for, or inviting, any other person to supply programme material to be so included;
  - (d) advertising, by means of programmes transmitted in the provision of a proscribed service, goods supplied by him or services provided by him;

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- (e) publishing the times or other details of any programmes which are to be transmitted in the provision of a proscribed service or (otherwise than by publishing such details) publishing an advertisement of matter calculated to promote a proscribed service (whether directly or indirectly);
  - (f) supplying or offering to supply any decoding equipment which is designed or adapted to be used primarily for the purpose of enabling the reception of programmes transmitted in the provision of a proscribed service.
- (4) In any proceedings against a person for an offence under this section, it is a defence for him to prove that he did not know, and had no reasonable cause to suspect, that the service in connection with which the act was done was a proscribed service.
- (5) A person who is guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (6) For the purposes of this section a person exposing decoding equipment for supply or having such equipment in his possession for supply shall be deemed to offer to supply it.
- (7) Section 46 of the <sup>M1</sup>Consumer Protection Act 1987 shall have effect for the purpose of construing references in this section to the supply of any thing as it has effect for the purpose of construing references in that Act to the supply of any goods.
- (8) In this section “programme material” includes—
  - (a) a film (within the meaning of Part I of the <sup>M2</sup>Copyright, Designs and Patents Act 1988);
  - (b) any other recording; and
  - (c) any advertisement or other advertising material.

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**Marginal Citations**

**M1** 1987 c. 43.

**M2** 1988 c. 48.

**Changes to legislation:**

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