



Broadcasting Act 1990

1990 CHAPTER 42

PART X

MISCELLANEOUS AND GENERAL

Unauthorised decoders

179 Unauthorised decoders for encrypted services etc

- (1) In the Copyright, Designs and Patents Act 1988 the following section shall be inserted after section 297—

“297A Unauthorised decoders

- (1) A person who makes, imports, sells or lets for hire any unauthorised decoder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) It is a defence to any prosecution for an offence under this section for the defendant to prove that he did not know, and had no reasonable ground for knowing, that the decoder was an unauthorised decoder.

- (3) In this section—

“apparatus” includes any device, component or electronic data;

“decoder” means any apparatus which is designed or adapted to enable (whether on its own or with any other apparatus) an encrypted transmission to be decoded;

“transmission” means any programme included in a broadcasting or cable programme service which is provided from a place in the United Kingdom; and

“unauthorised”, in relation to a decoder, means a decoder which will enable encrypted transmissions to be viewed in decoded form without payment of the fee (however imposed) which the person

Status: This is the original version (as it was originally enacted).

making the transmission, or on whose behalf it is made, charges for viewing those transmissions, or viewing any service of which they form part.”

- (2) In section 299 of the Act of 1988 (fraudulent reception of programmes broadcast from countries or territories outside the United Kingdom)—
- (a) subsection (2) shall cease to have effect; and
 - (b) in subsection (5), after “297” there shall be inserted “, 297A”.