



# Broadcasting Act 1996

## 1996 CHAPTER 55

### PART IV

#### SPORTING AND OTHER EVENTS OF NATIONAL INTEREST

#### 97 Listed events.

- (1) For the purposes of this Part, a listed event is a sporting or other event of national interest which is for the time being included in a list drawn up by the Secretary of State for the purposes of this Part.
- (2) The Secretary of State shall not at any time draw up, revise or cease to maintain such a list as is mentioned in subsection (1) unless he has first consulted—
  - (a) the BBC,
  - (b) the Welsh Authority,
  - (c) the Commission, and
  - (d) in relation to a relevant event, the person from whom the rights to televise that event may be acquired;and for the purposes of this subsection a relevant event is a sporting or other event of national interest which the Secretary of State proposes to include in, or omit from, the list.
- (3) As soon as he has drawn up or revised such a list as is mentioned in subsection (1), the Secretary of State shall publish the list in such manner as he considers appropriate for bringing it to the attention of—
  - (a) the persons mentioned in subsection (2), and
  - (b) every person who is the holder of a licence granted by the Commission under Part I of the 1990 Act or a digital programme licence granted by them under Part I of this Act.
- (4) In this section “national interest” includes interest within England, Scotland, Wales or Northern Ireland.

*Status: Point in time view as at 01/10/1996. This version of this part contains provisions that are not valid for this point in time.*

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- (5) The addition of any relevant event to such a list as is mentioned in subsection (1) shall not affect—
  - (a) the validity of any contract entered into before the date on which the Secretary of State consulted the persons mentioned in subsection (2) in relation to the proposed addition, or
  - (b) the exercise of any rights acquired under such a contract.
- (6) The list drawn up by the Secretary of State for the purposes of section 182 of the 1990 Act, as that list is in force immediately before the commencement of this section, shall be taken to have been drawn up for the purposes of this Part.

## **98 Categories of service.**

- (1) For the purposes of this Part television programme services shall be divided into two categories as follows—
  - (a) such of the services specified in subsection (2) as are provided without any charge being made for the reception of programmes included in the service, and
  - (b) all television programme services not for the time being falling within paragraph (a).
- (2) The services referred to in subsection (1)(a) are—
  - (a) regional and national Channel 3 services,
  - (b) Channel 4, and
  - (c) the television broadcasting services provided by the BBC.
- (3) The Secretary of State may by order amend subsection (2) so as to remove any service from, or add any service to, the services specified in it.
- (4) An order under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **99 Contract for exclusive right to televise listed event to be void.**

- (1) Any contract entered into after the commencement of this section under which a television programme provider acquires rights to televise the whole or any part of a listed event live for reception in the United Kingdom, or in any area of the United Kingdom, shall be void so far as it purports, in relation to the whole or any part of the event or in relation to reception in the United Kingdom or any area of the United Kingdom, to grant those rights exclusively to any one television programme provider.
- (2) In this Part “television programme provider” means the BBC, the Welsh Authority or any person who is the holder of any licence under Part I of the 1990 Act or a digital programme licence under Part I of this Act.
- (3) For the purposes of this section rights to televise the whole or any part of an event live for reception in any area granted to a television programme provider are granted exclusively if the person granting them—
  - (a) has not granted any such right to any other television programme provider, and
  - (b) is precluded by the terms of the contract from doing so.

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## 100 Contract for televising listed event must specify category of service.

- <sup>F1</sup>(1) Any contract entered into after the commencement of this section shall be void so far as it purports to grant to a television programme provider rights to televise the whole or any part of a listed event live for reception in the United Kingdom, or any area of the United Kingdom, unless the contract complies with subsection (2).
- (2) A contract complies with this subsection if the terms of the contract allow the television programme provider to include the live coverage of the listed event—
- only in a television programme service falling within paragraph (a) of subsection (1) of section 98, or
  - only in a television programme service falling within paragraph (b) of that subsection.

### Textual Amendments

**F1** S. 100(1) restricted (19.1.2000) by [S.I. 2000/54, reg. 4\(1\)](#)

## 101 Restriction on televising of listed event.

- (1) A person providing a service falling within either of the categories set out in subsection (1) of section 98 (“the first service”) for reception in the United Kingdom or in any area of the United Kingdom shall not, without the previous consent of the Commission, include in that service live coverage of the whole or any part of a listed event unless—
- another person, who is providing a service falling within the other category set out in that subsection (“the second service”), has acquired the right to include in the second service live coverage of the whole of the event or of that part of the event, and
  - the area for which the second service is provided consists of or includes the whole, or substantially the whole, of the area for which the first service is provided.
- (2) The Commission may revoke any consent given by them under subsection (1).
- (3) Failure to comply with subsection (1) shall not affect the validity of any contract.
- (4) Subsection (1) shall not have effect where the television programme provider providing the first service is exercising rights acquired before the commencement of this section.

VALID FROM 19/01/2000

### <sup>F2</sup>101A Designated events in relation to other EEA States.

For the purposes of this Part, a sporting or other event is a designated event, in relation to an EEA State other than the United Kingdom, if—

- that State has designated the event in accordance with Article 3a(1) of Council Directive [89/552/EEC](#) as being of major importance to its society, and
- the designation forms part of measures—

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- (i) which have been notified by that State to the European Commission for the purposes of Article 3a(2) of that Directive, and
- (ii) notice of which has been published by the European Commission in the Official Journal of the Communities.]

#### Textual Amendments

**F2** Ss. 101A-101B inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 4](#)

VALID FROM 19/01/2000

#### **F3** 101B Restriction on televising of an event designated by other EEA State.

- (1) A television programme provider shall not, without the previous consent of the Commission, exercise rights to televise the whole or part of an event which is a designated event, in relation to an EEA State other than the United Kingdom, for reception in that EEA State or any area of that EEA State, where a substantial proportion of the public in that EEA State is deprived of the possibility of following that event by live or deferred coverage on free television as determined by that State in accordance with Article 3a(1) of Council Directive [89/552/EEC](#).
- (2) The Commission may revoke any consent given by them under subsection (1).
- (3) Failure to comply with subsection (1) shall not affect the validity of any contract.
- (4) Subsection (1) shall not have effect where the rights were acquired before the day on which the event became a designated event.

#### Textual Amendments

**F3** Ss. 101A-101B inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 4](#)

### **102 Power of Commission to impose penalty.**

- (1) If the Commission—
  - (a) are satisfied that the holder of a licence under Part I of the 1990 Act or a digital programme licence under Part I of this Act has failed to comply with subsection (1) of section 101, and
  - (b) are not satisfied that in all the circumstances it would be unreasonable to expect him to have complied with that subsection,
 they may require him to pay, within a specified period, a specified financial penalty to the Commission.
- (2) If the Commission are satisfied that, in connection with an application for consent under subsection (1) of section 101, the holder of a licence under Part I of the 1990 Act or a digital programme licence under Part I of this Act has—
  - (a) provided them with information which was false in a material particular, or
  - (b) withheld any material information with the intention of causing the Commission to be misled,

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they may require him to pay, within a specified period, a specified financial penalty to the Commission.

- (3) The amount of any financial penalty imposed on any person under subsection (1) or (2) shall not exceed the amount produced by multiplying the relevant consideration by the prescribed multiplier.
- (4) In subsection (3)—
  - (a) “the relevant consideration” means an amount determined by the Commission as representing so much of any consideration paid by the person on whom the penalty is being imposed as is attributable to the acquisition of the rights to televise the event in question, and
  - (b) “the prescribed multiplier” means such number as the Secretary of State may from time to time by order prescribe.
- (5) An order under subsection (4)(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where the Commission receive any amount payable to them by virtue of subsection (1) or (2), that amount shall not form part of the revenues of the Commission but shall be paid into the Consolidated Fund.
- (7) Any amount payable by any person to the Commission by virtue of subsection (1) or (2) shall be recoverable by them as a debt due to them from that person.

### **103 Report to Secretary of State.**

- (1) If the Commission—
  - (a) are satisfied that a broadcasting body has failed to comply with subsection (1) of section 101, and
  - (b) are not satisfied that in all the circumstances it would be unreasonable to expect the body to have complied with that subsection,they shall make a report on the matter to the Secretary of State.
- (2) If the Commission are satisfied that, in connection with an application for consent under subsection (1) of section 101, a broadcasting body has—
  - (a) provided them with information which was false in a material particular, or
  - (b) withheld any material information with the intention of causing the Commission to be misled,they shall make a report on the matter to the Secretary of State.
- (3) In this section “broadcasting body” means the BBC or the Welsh Authority.

### **104 Code of guidance.**

- (1) The Commission shall draw up, and may from time to time review, a code—
  - (a) specifying the circumstances in which the televising of listed events generally, or of a particular listed event, is, or is not, to be treated as live for the purposes of this Part, and
  - (b) giving guidance as to the matters which they will take into account in determining—
    - (i) whether to give or revoke their consent under section 101(1), or

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- (ii) for the purposes of section 102(1) or 103(1), whether in all the circumstances it is unreasonable to expect a television programme provider to comply with section 101(1).
- (2) In exercising their powers under this Part, the Commission shall have regard to the provisions of the code.
- (3) Before drawing up or revising the code the Commission shall consult such persons as appear to the Commission to be appropriate.
- (4) As soon as the Commission have drawn up or revised such a code, the Commission shall publish the code in such manner as they consider appropriate for bringing it to the attention of—
- (a) the BBC,
  - (b) the Welsh Authority,
  - (c) every person from whom the rights to televise a listed event may be acquired, and
  - (d) every person who is the holder of a licence granted by the Commission under Part I of the 1990 Act or a digital programme licence granted by them under Part I of this Act.

VALID FROM 19/01/2000

**[<sup>F4</sup>104A Provision of information.**

- (1) A television programme provider shall, at the request of the Commission, provide them with such information as the Commission consider appropriate regarding any contract which he has entered into which relates to an event which, in relation to an EEA State other than the United Kingdom, is a designated event.
- (2) If so requested by a competent authority in an EEA State other than the United Kingdom, the Commission shall provide the authority with such information relating to rights to televise listed events or designated events as the Commission consider it appropriate to provide.]

**Textual Amendments**

**F4** S. 104A inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 8](#)

**105 Interpretation of Part IV and supplementary provisions.**

- (1) In this Part (unless the context otherwise requires)—
- “Channel 4” has the same meaning as in Part I of the 1990 Act;
- “the Commission” means the Independent Television Commission;
- “listed event” has the meaning given by section 97(1);
- “live” shall be construed in accordance with the code drawn up under section 104;
- “national Channel 3 service” and “regional Channel 3 service” have the same meaning as in Part I of the 1990 Act;

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“television broadcasting service” has the same meaning as in Part I of the 1990 Act;

“television programme provider” has the meaning given by section 99(2);

“television programme service” has the same meaning as in Part I of the 1990 Act.

- (2) Section 182 of the 1990 Act (certain events not to be shown on pay-per-view terms) shall cease to have effect.

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