

## SCHEDULE

### Amendments of Broadcasting Act 1990

3. For section 43 (domestic and non-domestic satellite services) there is substituted—

**“43 Satellite television services.**

(1) In this Part “satellite television service” means a service which consists in the transmission for general reception of television programmes by satellite and which—

- (a) is provided by a person who is established in the United Kingdom, or
- (b) is provided, in circumstances falling within subsection (2), by a person who is not established in any EEA State.

(2) A service is provided in circumstances falling within this subsection if—

- (a) it is provided by means of—
  - (i) an allocated frequency, or
  - (ii) satellite capacity granted by the United Kingdom, or
- (b) it is transmitted from a place in the United Kingdom.

(3) For the purposes of this Act a service consisting in the transmission of television programmes by satellite shall, subject to subsection (4), be regarded as provided by the person who is in a position to determine what is to be included in the service.

(4) For the purposes of this Act any satellite television service which is composed by, and transmitted for, a BBC company, a Channel 4 company or an S4C company shall be regarded as provided by that company and not by the relevant broadcasting body (even if the relevant broadcasting body is in a position to determine what is to be included in the service).

(5) In this section—

“allocated frequency” means a frequency allocated to the United Kingdom for broadcasting by satellite;

“relevant broadcasting body” means—

- (a) in relation to a BBC company, the BBC,
- (b) in relation to a Channel 4 company, the Channel Four Television Corporation, and
- (c) in relation to an S4C company, the Welsh Authority.”