



Cable and Broadcasting Act 1984

CHAPTER 46

ARRANGEMENT OF SECTIONS

PART I

CABLE PROGRAMME SERVICES

Introductory

Section

1. The Cable Authority.
2. Meaning of "cable programme service" etc.

Licensing of services by Authority

3. Prohibition on unlicensed services.
4. Power to license services.
5. Publicity etc. with respect to certain licences.
6. Applications for licences and prior consultation.
7. Matters to be taken into account.
8. Restrictions on the holding of licences.
9. Information as to licences and applications for licences.

Duties of Authority

10. General provisions as to programmes.
11. Programmes other than advertisements.
12. Advertisements.
13. Inclusion of certain broadcasts.
14. Restrictions on inclusion of certain events.

Powers of Authority

15. Power to give directions.
16. Power to require visual and sound records etc.
17. Power to revoke licences.

Other provisions with respect to Authority

Section

18. Finances of Authority.
19. Advances to Authority.
20. Accounts and audit.
21. Annual reports.

Copyright

22. Copyright in cable programmes.
23. Inclusion of broadcasts in cable programmes.
24. Inclusion of sound recordings and cinematograph films in cable programmes.

Obscenity

25. Obscene programmes.
26. Obscene programmes in Scotland.

Miscellaneous

27. Incitement to racial hatred.
28. Amendment of law of defamation.
29. Complaints of unjust or unfair treatment etc.
30. Contributions towards costs of Broadcasting Complaints Commission.
31. Certain apparatus to be deemed to be apparatus for wireless telegraphy.

Supplemental

32. Entry and search of premises.
33. Scripts as evidence.
34. Power to make copies of scripts and records.
35. Availability of visual and sound records.
36. Interpretation of Part I.

PART II

BROADCASTING SERVICES

Provision by IBA of DBS services

37. Provision of DBS services.
38. Contracts for programmes.
39. Charges for reception of programmes.
40. Rental payments.
41. Finances of IBA.

The Satellite Broadcasting Board

Section

42. The Board.
43. Provision of programmes.
44. Application of 1981 Act and other enactments.

Miscellaneous

45. Extension of duration of IBA's function.
46. No need for IBA to invite applications before entering into certain contracts.
47. Provision of additional teletext services.
48. Provision of transmitting equipment for national sound broadcasting service.
49. Directions in the interests of public service broadcasting.
50. Repeal of section 25(1) of 1981 Act.

Supplemental

51. Repeal of certain provisions by order.
52. Interpretation of Part II.

PART III

MISCELLANEOUS AND GENERAL

53. Fraudulently receiving certain programmes.
54. Proprietary rights in respect of certain programmes.
55. Offences by bodies corporate.
56. General interpretation.
57. Amendments and repeals.
58. Transitional provisions.
59. Short title, extent and commencement.

SCHEDULES:

- Schedule 1—The Authority: supplementary provisions.
- Schedule 2—Amendments of Part III of 1981 Act.
- Schedule 3—The Board: supplementary provisions.
- Schedule 4—Provisions of 1981 Act applied by section 44(1).
- Schedule 5—Minor and consequential amendments.
- Schedule 6—Repeals.

ELIZABETH II



Cable and Broadcasting Act 1984

1984 CHAPTER 46

An Act to provide for the establishment and functions of a Cable Authority and to make other provision with respect to cable programme services; to amend the Broadcasting Act 1981, to provide for the establishment and functions of a Satellite Broadcasting Board and to make other provision with respect to broadcasting services; and for connected purposes. [26th July 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CABLE PROGRAMME SERVICES

Introductory

1.—(1) There shall be an authority to be called the Cable Authority (in this Part referred to as “the Authority”) for the purpose of performing the functions assigned to the Authority by this Part. The Cable Authority.

(2) The Authority shall consist of—

- (a) a chairman and deputy chairman; and
- (b) such number of other members, not being less than three nor more than ten, as the Secretary of State may from time to time determine.

(3) Schedule 1 to this Act shall have effect with respect to the Authority.

PART I
 Meaning of
 "cable
 programme
 service" etc.

2.—(1) In this Act "cable programme service" means a service which consists wholly or mainly in the sending by any person, by means of a telecommunication system (whether run by him or by any other person), of sounds or visual images or both either—

- (a) for reception, otherwise than by wireless telegraphy, at two or more places in the United Kingdom, whether they are so sent for simultaneous reception or at different times in response to requests made by different users of the service ; or
- (b) for reception, by whatever means, at a place in the United Kingdom for the purpose of their being presented there either to members of the public or to any group of persons.

(2) In this Part "licensable service" means a cable programme service which consists wholly or mainly in the sending by any person, by means of a telecommunication system (whether run by him or by any other person), of sounds or visual images or both either—

- (a) for simultaneous reception, otherwise than by wireless telegraphy, in two or more dwelling-houses in the United Kingdom ; or
- (b) for reception, by whatever means, at a place in the United Kingdom for the purpose of their being presented there either to members of the public or to a group of persons some or all of whom do not have a business interest in hearing or seeing them.

(3) In this Part—

"diffusion service" means a service falling within subsection (2)(a) above ;

"prescribed diffusion service" means a diffusion service of such a description as the Secretary of State after consultation with the Authority may by order made by statutory instrument prescribe ;

"restricted service" means a service falling within subsection (2)(b) above.

(4) Subsections (1) and (2) above do not apply in relation to a service which consists wholly or mainly in the sending of sounds or visual images or both by any person if it is an essential feature of the service that, while they are being conveyed, there will or may be sent from each place of reception, by means of the telecommunication system or (as the case may be) the part of it by means of which they are conveyed, sounds or visual images or both for reception by that person.

(5) References in subsections (2) and (4) above to sounds are references to speech or music or both except that they do not

include, in relation to any telecommunication system, speech providing information for the purposes of facilitating the use of a telecommunication service provided by means of that system.

PART I

(6) References in subsections (2) and (4) above to visual images are references to visual images which are such that sequences of them may be seen as moving pictures.

(7) References in this section to a telecommunication system do not include references to a telecommunication system the running of which does not require to be licensed under Part II of the Telecommunications Act 1984 (in this Act referred to as "the 1984 Act"). 1984 c. 12.

(8) For the purposes of this section a person has a business interest in hearing sounds or seeing visual images if he has an interest in hearing or seeing them for the purposes of his business, trade, profession or employment.

(9) In this section "dwelling-house" includes a hotel, inn, boarding house or other similar establishment.

Licensing of services by Authority

3.—(1) Subject to any exceptions for which the Secretary of State after consultation with the Authority may by order provide, a person who provides a licensable service shall be guilty of an offence unless he is authorised to provide the service by a licence granted under section 4 below (in this Part referred to as a licence). Prohibition on unlicensed services.

(2) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum ;
- (b) on conviction on indictment, to a fine.

(3) No proceedings in respect of an offence under this section shall be instituted—

- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions ;
- (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(4) Without prejudice to subsection (2) above, compliance with this section shall be enforceable by civil proceedings by the Crown for an injunction or interdict or for any other appropriate relief.

PART I

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to license services.

4.—(1) A licence may be granted by the Authority for the provision of such a licensable service as is specified in the licence or is of a description so specified.

(2) A licence shall be in writing and, subject to subsections (3) and (8) and section 17 below, shall continue in force for such period as may be specified in the licence.

(3) A licence for the provision of a prescribed diffusion service (whether as originally granted or as varied under subsection (8) below) shall not continue in force for a period exceeding the relevant maximum period.

(4) For the purposes of subsection (3) above the relevant maximum period is—

(a) fifteen years in the case of a licence for the provision of a prescribed diffusion service in an area—

(i) in which such a service has not previously been provided ; or

(ii) in which such a service has previously been so provided, but only in so much of it as in the opinion of the Authority does not amount to a substantial part of it ; and

(b) eight years in every other case.

(5) A licence may include—

(a) such conditions as appear to the Authority to be requisite or expedient having regard to the duties imposed on them by this Part and, in the case of a licence for the provision of a prescribed diffusion service, to the information included in the application in pursuance of section 6(1) below ;

(b) conditions requiring the rendering to the Authority of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence ; and

(c) conditions requiring the holder of the licence to furnish to the Authority, in such manner and at such times as they may reasonably require, such information as they may require for the purpose of exercising the functions assigned to them by or under this Part.

(6) Without prejudice to the generality of paragraph (a) of subsection (5) above, conditions included in a licence by virtue of that paragraph may require the holder of the licence—

- (a) to comply with any direction given by the Authority as to such matters as are specified in the licence or are of a description so specified ; and
- (b) except in so far as the Authority consent to his doing or not doing them, not to do or to do such things as are specified in the licence or are of a description so specified.

(7) The payment or payments required to be rendered to the Authority by conditions included in a licence by virtue of subsection (5)(b) above shall be such as to represent what appears to the Authority to be the appropriate contribution of the holder of the licence towards meeting the sums which the Authority regard as necessary in order to discharge their duty under section 18(1) below.

(8) The Authority may vary a licence by notice in writing served on the holder of the licence if—

- (a) in the case of a variation of the period for which the licence is to continue in force, the holder consents ; or
- (b) in any other case, the holder has been given a reasonable opportunity of making representations.

(9) Subject to the provisions of this Part, it shall be the duty of the Authority to exercise the powers conferred on them by this section in the manner which they consider is best calculated—

- (a) to promote the provision of prescribed diffusion services ; and
- (b) subject to paragraph (a) above, to promote the provision, by means of telecommunication systems, of services other than telecommunication services.

5.—(1) This section applies where the Authority propose to grant a licence for the provision of a prescribed diffusion service in any area. Publicity etc.
with respect to
certain licences.

(2) The Authority shall publish, in such manner as they consider appropriate, a notice—

- (a) stating that they propose to grant a licence for the provision of such a service in the area ;
- (b) inviting applications for the licence ; and
- (c) stating the fee (if any) which will be payable on each application.

PART I

(3) The Authority shall also publish, in such manner as they consider appropriate, as regards each application received—

- (a) the name and address of the applicant ; and
- (b) such of the information included in the application in pursuance of section 6(1) below as they consider appropriate.

(4) The Authority shall take such steps as they consider appropriate—

- (a) to ascertain the opinions of the public in the area about the prescribed diffusion service and any related services proposed to be provided there ; and
- (b) to encourage the making of comments and suggestions about those services by members of the public in the area,

and shall take account of those opinions and any such comments and suggestions received by them.

(5) In this section and section 7 below “ related service ”, in relation to a prescribed diffusion service, means a service (other than a telecommunication service) provided by means of the same telecommunication system.

Applications for licences and prior consultation.

6.—(1) An application for a licence must be in writing and, in the case of a licence for the provision of a prescribed diffusion service, must be accompanied by the fee (if any) stated in the notice under section 5(2) above and must contain information as the matters mentioned in section 7(2) below.

(2) Before deciding whether or to whom to grant a licence, the Authority shall consult with—

- (a) the licensing authorities for the purposes of Part II of the 1984 Act ; and
- (b) in the case of a licence for the provision of a prescribed diffusion service in any area, every local authority whose area consists of or includes the whole or any part of that area.

Matters to be taken into account.

7.—(1) In deciding whether or to whom to grant a licence, the Authority shall take into account all matters appearing to them to be relevant.

(2) Without prejudice to the generality of subsection (1) above, in deciding whether or to whom to grant a licence for the provision of a prescribed diffusion service in any area, the Authority shall take into account the extent to which the applicant or each applicant proposes to do the following things, namely—

- (a) to include a range and diversity of programmes ;

- (b) to include in the programmes matter which originates within the European Economic Community and is performed by nationals of member States ;
- (c) to include in the programmes an increasing proportion of such matter ;
- (d) to include programmes of an educational nature, programmes calculated to appeal specially to the taste and outlook of persons living in the area and programmes in which such persons are given an opportunity to participate ;
- (e) to include programmes provided otherwise than by himself or by associates of his ;
- (f) to include programmes provided by local voluntary associations and to assist such organisations in the preparation and production of programmes ;
- (g) to include in the programmes matter which is calculated to promote the understanding or enjoyment of programmes by persons who are deaf ;
- (h) to provide, or secure the provision of, related services.

(3) In this section "local voluntary organisation" includes a local branch of a national voluntary organisation.

8.—(1) The Authority shall do all that they can to secure that none of the following becomes or remains the holder of a licence for the provision of a diffusion service to which this section applies, that is to say—

Restrictions on the holding of licences.

- (a) an individual who is neither—
 - (i) a national of a member State who is ordinarily resident within the European Economic Community ; nor
 - (ii) ordinarily resident in the United Kingdom, the Isle of Man or the Channel Islands ;
- (b) a body corporate which is neither—
 - (i) a body formed under the law of a member State which has its registered or head office or principal place of business within the European Economic Community ; nor
 - (ii) a body incorporated under the law of the Isle of Man or the Channel Islands ;
- (c) a local authority ;
- (d) a body whose objects are wholly or mainly of a religious or political nature ;
- (e) an individual who is an officer of a body falling within paragraph (d) above ; and
- (f) a body corporate which is under the control of a person falling within any of the foregoing paragraphs, or any two or more such persons together.

PART I

(2) The Authority shall do all that they can to secure that a person who is, or is an associate of,—

- (a) a programme contractor for the provision of television programmes for any area ;
- (b) a programme contractor for the provision of local sound broadcasts for reception in any locality ; or
- (c) the proprietor of a local newspaper circulating wholly or mainly in any area,

does not become or remain the holder of a licence for the provision in any part of that area or locality of a diffusion service to which this section applies.

(3) The Authority shall do all that they can to secure that a body corporate in which—

- (a) any of the persons mentioned in subsection (4) below is a participant ; or
- (b) any of the persons mentioned in subsection (5) below is a principal participant,

does not become or remain the holder of a licence for the provision of a diffusion service to which this section applies if, in the opinion of the Authority, that person's participation in that body corporate has led, is leading or is likely to lead to results which are adverse to the public interest.

(4) The persons referred to in subsection (3)(a) above are—

- (a) a local authority ;
- (b) a body whose objects are wholly or mainly of a religious or political nature ;
- (c) the BBC, the IBA and the Welsh Authority ; and
- (d) a body corporate which is under the control of a person falling within paragraph (a), (b) or (c) above.

(5) The persons referred to in subsection (3)(b) above are—

- (a) a person who is a principal participant in another body corporate which is the holder of a licence for the provision of a diffusion service to which this section applies ;
- (b) a programme contractor, the proprietor of a newspaper and an advertising agent ;
- (c) a person carrying on a business which consists (wholly or partly) of—
 - (i) the production, distribution or exhibition of cinematograph films ;
 - (ii) the manufacture of records or the publication of musical works ; or
 - (iii) promoting the broadcasting of sound recordings or the broadcasting or performance of musical works ;

- (d) an associate of a person falling within paragraph (a), (b) or (c) above ;
- (e) a person who has control over a body corporate falling within paragraph (a), (b), (c) or (d) above ; and
- (f) a body corporate which is under the control of a person falling within paragraph (a), (b), (c) or (d) above.

(6) This section applies to any diffusion service in the case of which programmes are included otherwise than by the reception and immediate re-transmission of broadcasts made by a broadcasting authority.

(7) In this section—

“ participant ”, in relation to a body corporate, means a person who (whether alone or jointly with one or more other persons, and whether directly or through one or more nominees) holds or is beneficially entitled to shares, or possesses voting power, in that body corporate ;

“ principal participant ”, in relation to a body corporate, means a person who (whether alone or jointly with one or more other persons, and whether directly or through one or more nominees) holds or is beneficially entitled to not less than one-twentieth of the shares, or possesses not less than one-twentieth of the voting power, in that body corporate.

(8) In this section “ cinematograph film ”, “ record ” and “ sound recording ” have the same meanings as in the Copyright Act 1956 (in this Act referred to as “ the 1956 Act ”); and references to the publication, broadcasting or performance of musical works shall be construed as if they were contained in the 1956 Act.

9.—(1) Where the Authority grant a licence for the provision of a service other than a prescribed diffusion service, the Authority shall, on request made by any person and on payment by him of such sum (if any) as the Authority may reasonably require, furnish to that person a copy of that licence. Information as to licences and applications for licences.

(2) Where the Authority grant a licence for the provision of a prescribed diffusion service, the Authority shall, on request by any person and on payment by him of such sum (if any) as the Authority may reasonably require, furnish to that person such of the following as may be specified in the request, that is to say—

- (a) a copy of that licence ;
- (b) a statement of the number of applications received by the Authority for that licence ; and

PART I

- (c) a copy of so much of the licensee's application for that licence as related to the matters mentioned in section 7(2) above.

Duties of Authority

General provisions as to programmes.

10.—(1) The Authority shall do all that they can to secure that every licensed service complies with the following requirements, that is to say—

- (a) that nothing is included in the programmes 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 ;
- (b) that the programmes do not include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware, or fully aware, of what has been done ;
- (c) that all news given (in whatever form) in programmes which originate in the United Kingdom is presented with due accuracy and impartiality ; and
- (d) that there are included in the programmes proper proportions of recorded and other matter which originates within the European Economic Community and is performed by nationals of member States.

(2) References in this section and section 11 below to programmes do not include programmes which are included in a licensed service by the reception and immediate re-transmission of broadcasts made by a broadcasting authority.

Programmes other than advertisements.

11.—(1) The Authority shall draw up, and from time to time review, a code giving guidance—

- (a) as to the rules to be observed in regard to the showing of violence, and in regard to the inclusion in sound programmes of sounds suggestive of violence, particularly in circumstances such that large numbers of children and young persons may be expected to be watching or listening to the programmes ;
- (b) as to the rules to be observed in regard to the inclusion in programmes of appeals for donations ; and
- (c) as to such other matters concerning standards and practice for programmes as the Authority may consider suitable for inclusion in the code ;

and the Authority shall do all that they can to secure that the provisions of the code are observed in the provision of licensed services.

(2) In considering what other matters ought to be included in the code in pursuance of subsection (1)(c) above, the Authority shall have special regard to programmes included in a licensed service in circumstances such that large numbers of children and young persons may be expected to be watching or listening to the programmes.

(3) The Authority shall do all that they can to secure that every licensed diffusion service complies with the following requirements, that is to say—

- (a) that undue prominence is not given in the programmes to the views and opinions of particular persons or bodies on religious matters or matters of political or industrial controversy or relating to current public policy; and
- (b) that there are excluded from the programmes all expressions of the views and opinions of the person providing the service on religious matters or on matters (other than the provision of diffusion services) which are of political or industrial controversy or relate to current public policy.

(4) In applying subsection (3)(a) above, the programmes included in a licensed diffusion service shall be taken as a whole.

(5) References in this section to programmes do not include advertisements.

12.—(1) It shall be the duty of the Authority—

Advertisements.

- (a) after consultation with the IBA and such other bodies and persons concerned with standards of conduct in advertising as the Authority think fit, to draw up, and from time to time review, a code governing standards and practice in advertising (including in particular the sponsoring of programmes) and prescribing the advertisements and methods of advertising to be prohibited, or prohibited in particular circumstances; and
- (b) to do all that they can to secure that the provisions of the code are observed in the provision of licensed services.

(2) The Authority shall do all that they can to secure that, subject to such exceptions as may be prescribed by order made by the Secretary of State, no licensed service includes an advertisement which—

- (a) is inserted by or on behalf of any body whose objects are wholly or mainly of a political nature; or

PART I

(b) is directed towards any political end or has any relation to any industrial dispute.

(3) The Authority shall do all that they can to secure that the amount of time which is given to advertisements in any hour or other period in any particular circumstances does not exceed—

(a) in the case of so much of a licensed diffusion service as appears to the Authority, after consultation with the IBA, calculated to appeal to tastes and interests which are generally catered for by ITV, the maximum amount of time which could be so given if that service were ITV ; and

(b) in the case of so much of a licensed diffusion service as appears to the Authority, after consultation with the IBA, calculated to appeal to tastes and interests which are generally catered for by local sound broadcasting services, the maximum amount of time which could be so given if that service were a local sound broadcasting service.

(4) It shall also be the duty of the Authority—

(a) to consult from time to time with the Secretary of State as to the classes and descriptions of advertisements which must not be included in licensed services and the methods of advertising which must not be employed in the provision of such services ; and

(b) to carry out any directions which he may give to them in those respects.

(5) The committee referred to in paragraph (b) of subsection (2) of section 16 (general advisory council and specialist advisory committees etc.) of the Broadcasting Act 1981 (in this Act referred to as “the 1981 Act”) and the panel referred to in subsection (5) of that section shall also have the function of advising the Authority ; and that section shall accordingly have effect as if—

(a) the first reference to the IBA in subsection (2), so far as relating to the committee referred to in paragraph (b) of that subsection, the first reference to the IBA in that paragraph and any reference to the IBA in subsections (3) to (7) included a reference to the Authority ;

(b) any reference to the programmes broadcast by the IBA in paragraph (b) of subsection (2) were, in relation to the Authority, a reference to licensed services ;

(c) any reference to the code under section 9 of that Act in subsections (3) and (6) were, in relation to the Authority, a reference to the code under this section ; and

(d) the duty imposed on the Authority by subsection (7) were a duty to do all that they can to secure that,

before the first occasion on which a licensed service includes an advertisement which in their opinion falls under paragraph (a), (b) or (c) of subsection (5), the advertisement is referred as mentioned in subsection (7).

(6) An order under this section shall be made by statutory instrument; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

(7) References in this section to advertisements do not include advertisements which are included in a licensed service by the reception and immediate re-transmission of broadcasts made by a broadcasting authority.

13.—(1) The Authority shall do all that they can to secure that, subject to any exceptions for which the Secretary of State, after consultation with the Authority and both broadcasting authorities, may by order made by statutory instrument provide, every licensed diffusion service provided by any person in any area includes, by the reception and immediate re-transmission of the broadcasts, the programmes included in each television or sound broadcasting service provided by a broadcasting authority for reception in that area. Inclusion of certain broadcasts.

(2) Where a television broadcasting service provided by a broadcasting authority for reception in an area in which a licensed diffusion service is provided consists in the broadcasting for simultaneous reception of programmes contained in two or more programme schedules, then, so far as relating to that television broadcasting service, the duty in subsection (1) above shall be subject to the limitation in whichever of subsections (3) and (4) below is applicable.

(3) Where the programmes contained in one of the programme schedules are broadcast for reception in a greater part of the area than the programmes contained in the other schedule or any of the other schedules, the said duty so far as so relating shall extend only to the programmes contained in the first-mentioned schedule.

(4) Where subsection (3) above does not apply, the said duty so far as so relating shall extend only to the programmes contained in such one of the programme schedules as the broadcasting authority may determine.

(5) Where the programmes in a DBS service or additional teletext service provided by a broadcasting authority fall to be included in a licensed diffusion service provided by any person, they shall be so included on such terms as to—

(a) the recovery by that person on behalf of that authority or, as the case may require, the programme or tele-

PART I

text contractors of any charges made by them for the reception of the programmes ;

- (b) any payments to be made by one party to another ; and
- (c) any other matter for which provision requires to be made,

as may be agreed between the parties or, in default of agreement, determined by a person appointed for the purpose by the Secretary of State ; and any fee or other sum charged by a person so appointed in respect of a determination made under this subsection shall be paid by the parties in such proportions as he may determine.

(6) In this section—

- “ additional teletext service ”, in relation to a broadcasting authority, means a teletext service (other than a DBS service) which is additional to those already provided by that authority ;
- “ DBS service ” means a television broadcasting service provided by means of the technique known as direct broadcasting by satellite or DBS ;
- “ programme ” includes a teletext transmission.

Restrictions on inclusion of certain events.

14.—(1) The Authority shall do all that they can to secure that no licensed service provided by any person includes a programme which consists of or includes the whole or any part of a listed event, unless the Authority are satisfied that both broadcasting authorities have been given an opportunity to acquire broadcasting rights in respect of that event on terms comparable to those on which that person acquired the right to include it in that service ; and for the purposes of this subsection an opportunity given to the Welsh Authority, the IBA's subsidiary or a programme contractor to acquire broadcasting rights in respect of a listed event shall be treated as given to the IBA.

(2) The Authority shall do all that they can to secure that—

- (a) no licensed diffusion service includes on pay-per-view terms ; and
- (b) no licensed restricted service includes,

a programme which consists of or includes the whole or any part of a listed or protected event.

(3) In this section—

- “ listed event ” means a sporting or other event of national interest which is for the time being included in a list maintained by the Secretary of State for the purposes of this section and published by him in such manner as he considers appropriate for bringing it to the attention of

the Authority and of persons providing licensed services ;

“ national interest ” includes interest within England, Scotland, Wales or Northern Ireland ;

“ protected event ” means a sporting or other event which, in the opinion of the Authority, is one of a series of similar events the whole or any part of which—

(a) it was at the commencement of this section the practice of a broadcasting authority to broadcast ; and

(b) but for the acquisition of rights to include the whole or any part of events in that series in licensed services, it would still be the practice of that authority to broadcast ;

and for the purposes of this subsection anything broadcast by either of the broadcasting authorities shall be treated as broadcast by each of them.

(4) For the purposes of this section a programme is included in a licensed diffusion service on pay-per-view terms if any payments falling to be made by subscribers to that service will or may vary according as that programme is or is not actually received by them.

(5) Neither subsection (1) nor (2) above shall apply in relation to the inclusion in such a service as is mentioned in that subsection of a programme which consists of or includes a record of the whole or any part of any such event as is so mentioned where the programme is so included more than 24 hours after the original recording was made.

Powers of Authority

15.—(1) The Authority may give directions, which may be, to any degree, either general or specific and qualified or unqualified, with respect to—

(a) the exclusion of any programme from a licensed service ;

(b) the classes and descriptions of advertisements and methods of advertising to be excluded, or to be excluded in particular circumstances, from licensed services ; or

(c) the exclusion of a particular advertisement from licensed services, or its exclusion from such services in particular circumstances.

(2) References in this section and section 16 below to programmes or advertisements do not include programmes or advertisements which are included in a licensed service by the reception and immediate re-transmission of broadcasts made by a broadcasting authority.

PART I

Power to
require visual
and sound
records etc.

16.—(1) Where the Authority have served on a person authorised by a licence to provide a diffusion service a written notice applying this subsection to programmes specified or of a description specified in the notice, they may, within such period as—

- (a) begins with the inclusion in that service of any programme to which the notice relates ; and
- (b) is of a length (not exceeding two months) specified in the notice,

direct that person to produce to them for examination or reproduction a visual or sound record of any matter included in that programme.

(2) If the Authority are satisfied that a person authorised by a licence to provide a diffusion service has failed to comply with any condition of that licence or with any direction given by the Authority, the Authority may serve a written notice on that person—

- (a) stating that the Authority are so satisfied ;
- (b) stating the effect of subsection (3) below ; and
- (c) specifying for the purposes of that subsection a period not exceeding twelve months ;

and the Authority shall publish any notice under this subsection in such manner as they consider appropriate.

(3) If the Authority are satisfied that, at any time during the period specified in a notice under subsection (2) above, the person concerned has failed to comply with any condition of the licence or any direction given by the Authority, the Authority may direct that person—

- (a) to provide the Authority in advance with such scripts and particulars of the programmes to be included in the diffusion service as may be specified in the direction ; and
- (b) in respect of such of those programmes as will consist of or include recorded matter, to produce to the Authority in advance for examination or reproduction such visual or sound records of that matter as may be so specified ;

and a direction under this subsection shall have effect for such period, not exceeding six months, as may be specified in the direction.

(4) Nothing done under or in pursuance of a notice or direction given under this section shall—

- (a) constitute an infringement of the copyright in any work, sound recording, cinematograph film or television or sound broadcast ; or
- (b) constitute an offence under any of the provisions of the Performers' Protection Acts 1958 to 1972.

(5) Expressions used in this section which are also used in the 1956 Act have the same meanings as in that Act. PART I

17.—(1) Every licence authorising a person to provide a licensable service shall contain all such provisions as the Authority consider requisite or expedient to ensure that— Power to revoke licences.

- (a) if, in view of any failure by that person to comply with any condition of the licence or any direction given by the Authority, the Authority consider it necessary to do so in the public interest ; or
- (b) where the licence authorises the provision of a diffusion service, if the Authority consider it necessary to do so for the purpose of complying with section 8 above ; or
- (c) where that person is a body corporate, if any change affecting the nature or characteristics of the body corporate, or any change in the persons having control over or interests in the body corporate, takes place after the granting of the licence which, if it had occurred before the granting of the licence, would have induced the Authority to refrain from granting the licence,

the Authority may by notice in writing to that person, taking effect forthwith or on a date specified in the notice, revoke the licence.

(2) Before revoking a licence under a provision included in the licence in pursuance of subsection (1) above, the Authority shall—

- (a) give the person concerned a reasonable opportunity of making representations with respect to the matter ; and
- (b) consult with the licensing authorities for the purposes of Part II of the 1984 Act.

Other provisions with respect to Authority

18.—(1) It shall be the duty of the Authority so to conduct their affairs as to secure that their revenues become at the earliest possible date, and continue thereafter, at least sufficient to enable them to meet their obligations and to discharge their functions under this Part. Finances of Authority.

(2) Any excess of the Authority's revenues for any financial year over the sums required by them for that year for meeting their obligations and discharging their functions under this Part shall be applied by the Authority in such manner as the Secretary of State, with the approval of the Treasury and after consultation with the chairman (or in his absence the deputy chairman) of the Authority, may direct.

PART I

(3) A direction under subsection (2) above may require the whole or any part of any excess of the revenues of the Authority to be paid into the Consolidated Fund.

Advances to Authority.

19.—(1) For the purposes of furnishing the Authority with working capital, the Secretary of State may with the consent of the Treasury make advances to the Authority out of money provided by Parliament.

(2) The aggregate amount outstanding by way of principal in respect of sums advanced to the Authority under this section shall not at any time exceed £2 million.

(3) Any sums advanced under this section shall be repaid to the Secretary of State at such times and by such methods, and interest on those sums shall be paid to him at such times and at such rates, as he may from time to time direct with the consent of the Treasury.

(4) Any sums received by the Secretary of State in pursuance of subsection (3) above shall be paid into the Consolidated Fund.

Accounts and audit.

20.—(1) The Authority shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State with the approval of the Treasury may direct, being a form which shall conform with the best commercial standards.

(2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Secretary of State.

(3) A person shall not be qualified to be appointed as an auditor in pursuance of subsection (2) above unless he is a member of one or more of the following bodies—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State,

but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.

(4) The Authority shall at all reasonable times upon demand made by the Secretary of State or by any persons authorised by him in that behalf—

- (a) afford to him or them full liberty to examine the accounts of the Authority ; and
- (b) furnish him or them with all forecasts, estimates, information and documents which he or they may require with respect to the financial transactions and engagements of the Authority.

21.—(1) As soon as may be after the end of every financial year, the Authority shall prepare a general report of their proceedings during that year, and transmit it to the Secretary of State who shall consider it and lay copies of it before each House of Parliament. Annual reports.

(2) The report shall have attached to it the statement of accounts for the year and a copy of any report made by the auditor on that statement, and shall include such information (including information relating to the financial position of the Authority) as the Secretary of State may from time to time direct.

(3) The report shall also include an account of the way in which the Authority have discharged their duty under section 10(1)(d) above and a general account of—

- (a) any complaints received by the Authority about the discharge of their duties under sections 10 and 11 above ; and
- (b) the action taken by the Authority in relation to those complaints.

Copyright

22. After section 14 of the 1956 Act there shall be inserted the following section— Copyright in cable programmes.

“ Copyright in cable programmes.

14A.—(1) Copyright shall subsist, subject to the provisions of this Act, in every cable programme which is included in a cable programme service provided by a qualified person in the United Kingdom or in any other country to which this section extends.

(2) Copyright shall not subsist in a cable programme by virtue of this section if the programme is included in the cable programme service by the reception and immediate re-transmission of a television broadcast or a sound broadcast.

(3) Subject to the provisions of this Act, a person providing a cable programme service shall be entitled to any copyright subsisting in a cable programme included in that service and any such copy-

PART I

right shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the cable programme is so included, and shall then expire.

(4) In so far as a cable programme is a repetition (whether the first or any subsequent repetition) of a cable programme previously included as mentioned in subsection (1) of this section—

(a) copyright shall not subsist therein by virtue of this section if it is so included after the end of the period of fifty years from the end of the calendar year in which it was previously so included ; and

(b) if it is so included before the end of that period any copyright subsisting therein by virtue of this section shall expire at the end of that period.

(5) The acts restricted by the copyright in a cable programme are—

(a) in so far as it consists of visual images, making, otherwise than for private purposes, a cinematograph film of it or a copy of such a film ;

(b) in so far as it consists of sounds, making, otherwise than for private purposes, a sound recording of it or a record embodying such a recording ;

(c) causing it, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public, if it is seen or heard by a paying audience ;

(d) broadcasting it or including it in a cable programme service.

(6) The restrictions imposed by virtue of the last preceding subsection in relation to a cable programme shall apply whether the act in question is done by the reception of the programme or by making use of any record, print, negative, tape or other article on which the programme has been recorded.

(7) In relation to copyright in cable programmes, in so far as they consist of visual images, the restrictions imposed by virtue of subsection (5) of this section shall apply to any sequence of images sufficient to be seen as a moving picture ; and accordingly, for the purpose of establishing an infringement of such

copyright, it shall not be necessary to prove that the act in question extended to more than such a sequence of images.

PART I

(8) For the purposes of subsection (5) of this section a cinematograph film or a copy thereof, or a sound recording or a record embodying a recording, shall be taken to be made otherwise than for private purposes if it is made for the purposes of the doing by any person of any of the following acts, that is to say,—

- (a) the sale or letting for hire of any copy of the film, or, as the case may be, of any record embodying the recording ;
- (b) broadcasting the film or recording or including it in a cable programme service ;
- (c) causing the film or recording to be seen or heard in public.

(9) For the purposes of paragraph (c) of subsection (5) of this section, a cable programme shall be taken to be seen or heard by a paying audience if it is seen or heard by persons who either—

- (a) have been admitted for payment to the place where the programme is to be seen or heard, or have been admitted for payment to a place of which that place forms part, or
- (b) have been admitted to the place where the programme is to be seen or heard in circumstances where goods or services are supplied there at prices which exceed the prices usually charged at that place and are partly attributable to the facilities afforded for seeing or hearing the programme ;

Provided that for the purposes of paragraph (a) of this subsection no account shall be taken—

(i) of persons admitted to the place in question as residents or inmates therein,
or

(ii) of persons admitted to that place as members of a club or society, where payment is only for membership of the club or society and the provision of facilities for seeing or hearing cable programmes is only incidental to the main purposes of the club or society.

PART I

(10) The copyright in a cable programme is not infringed by anything done in relation to the programme for the purposes of a judicial proceeding.

(11) In this Act—

‘cable programme’ means a programme which is included, after the commencement of section 22 of the Cable and Broadcasting Act 1984, in a cable programme service;

‘cable programme service’ means a cable programme service within the meaning of the said Act of 1984 or a service provided outside the United Kingdom which would be such a service if subsection (7) of section 2 of that Act and references in subsection (1) of that section to the United Kingdom were omitted;

‘programme’, in relation to a cable programme service, includes any item included in that service.

(12) The foregoing provisions of this section shall have effect as if references in those provisions and in section 12(9) of this Act to sounds included references to signals serving for the impartation of matter otherwise than in the form of sounds or visual images.”

Inclusion of broadcasts in cable programmes.

23.—(1) At the end of paragraph (d) of subsection (4) and paragraph (b) of subsection (7) of section 14 of the 1956 Act (copyright in television and sound broadcasts) there shall be added the words “or including it in a cable programme”.

(2) After subsection (8) of that section there shall be inserted the following subsection—

“(8A) The copyright in a television broadcast or sound broadcast is not infringed by any person who, by the reception and immediate re-transmission of the broadcast, includes a programme in a cable programme service—

(a) if the programme is so included in pursuance of a requirement imposed under subsection (1) of section 13 of the Cable and Broadcasting Act 1984; or

(b) where the broadcast is made otherwise than in a DBS service (as defined in subsection (6) of that section) or an additional teletext service (as so defined), if and to the extent that it is made for reception in the area in which the cable programme service is provided.”

(3) After section 27A of that Act there shall be inserted the following section—

PART I

“ Exercise of jurisdiction of tribunal in relation to inclusion of broadcasts in cable programmes.

27B.—(1) On a reference to the tribunal under this Part of this Act relating to licences to broadcast works or sound recordings for reception in any area, the tribunal shall exercise its powers under this Part of this Act so as to secure that the charges payable for the licences adequately reflect the extent to which the works or recordings will be included, in pursuance of requirements imposed under section 13(1) of the Cable and Broadcasting Act 1984, in cable programme services provided in areas parts of which fall outside that area.

(2) The preceding subsection shall have effect, with the necessary modifications, in relation to applications under this Part of this Act as it has effect in relation to references thereunder.”

(4) For subsection (3) of section 40 of that Act (broadcast of sound recordings and cinematograph films and diffusion of broadcast programmes) there shall be substituted the following subsections—

“ (3) Where a television broadcast or sound broadcast is made by the Corporation or the Authority and the broadcast is an authorised broadcast, then, subject to subsection (3A) below, any person who, by the reception and immediate re-transmission of the broadcast, includes a programme in a cable programme service, being a programme comprising a literary, dramatic or musical work, or an adaptation of such a work, or an artistic work, or a sound recording or cinematograph film, shall be in the like position, in any proceedings for infringement of the copyright (if any) in the work, recording or film, as if he had been the holder of a licence granted by the owner of that copyright to include the work, adaptation, recording or film in any programme so included in that service.

(3A) Subsection (3) above applies only—

- (a) if the programme is included in the service in pursuance of a requirement imposed under section 13(1) of the Cable and Broadcasting Act 1984; or
- (b) if and to the extent that the broadcast is made for reception in the area in which the service is provided.”

PART I

Inclusion of sound recordings and cinematograph films in cable programmes.

24.—(1) At the end of paragraph (c) of section 12(5) of the 1956 Act (copyright in sound recordings) there shall be added the words “or including it in a cable programme.”

(2) In section 13(5) of that Act (copyright in cinematograph films) for paragraph (d) there shall be substituted the following paragraph—

“(d) including the film in a cable programme.”

(3) After section 40 of that Act there shall be inserted the following section—

“Inclusion of sound recordings and cinematograph films in cable programmes.

40A.—(1) Where a cable programme is sent and a person, by the reception of that programme, causes a sound recording to be heard in public, he does not thereby infringe the copyright (if any) in that recording under section 12 of this Act.

(2) Where a cable programme is sent and the programme is an authorised programme, any person who, by the reception of the programme, causes a cinematograph film to be seen or heard in public shall be in the like position, in any proceedings for infringement of copyright (if any) in the film under section 13 of this Act, as if he had been the holder of a licence granted by the owner of that copyright to cause the film to be seen or heard in public by the reception of the programme.

(3) If, in the circumstances mentioned in the last preceding subsection, a person causing a cinematograph film to be seen or heard infringes the copyright in the film by reason that the cable programme was not an authorised programme—

(a) no proceedings shall be brought against that person under this Act in respect of his infringement of that copyright, but

(b) it shall be taken into account in assessing damages in any proceedings against the person sending the programme, in so far as that copyright was infringed by him in sending the programme.

(4) For the purposes of this section, a cable programme shall be taken, in relation to a cinematograph film, to be an authorised programme if, but only if, it is sent by, or with the licence of, the owner of the copyright in the film.”

Obscenity

25.—(1) Subject to the following provisions of this section, if—

(a) the inclusion of a programme in a cable programme

Obscene programmes.

service involves the publication of an obscene article ;
or

PART I

- (b) a programme included in such a service is such that, if any matter included in it were recorded matter, the inclusion of the programme would involve the publication of such an article,

the person providing that service shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months ;
(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding three years or both.

(3) Subsection (1) above shall not apply in relation to a programme which is included in a cable programme service by the reception and immediate re-transmission of a broadcast made by a broadcasting authority.

(4) Proceedings for an offence under this section shall not be commenced more than two years after the commission of the offence.

(5) Proceedings for an offence under this section shall not be instituted—

- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions ;
(b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(6) A person shall not be proceeded against for an offence at common law—

- (a) in respect of a programme included in a cable programme service or anything said or done in the course of such a programme, where it is of the essence of the common law offence that the programme or, as the case may be, what was said or done was obscene, indecent, offensive, disgusting or injurious to morality ; or
(b) in respect of an agreement to cause a programme to be included in a cable programme service or to cause anything to be said or done in course of such a programme so included, where the common law offence consists of conspiring to corrupt public morals or to do any act contrary to public morals or decency.

(7) A person shall not be convicted of an offence under this section if he proves that he did not know and had no reason

PART I

to suspect that the programme in question would be such that its inclusion in a cable programme service would make him liable to be convicted of an offence under this section.

(8) A person shall not be convicted of an offence under this section if he proves that the inclusion in a cable programme service of the programme in question was justified as being for the public good on the ground that it was in the interests of drama, opera, ballet or any other art, or of literature or learning.

(9) It is hereby declared that the opinion of experts as to the artistic, literary or other merits of a programme may be admitted in any proceedings under this section either to establish or negative the said ground.

(10) In this section expressions used in the Obscene Publications Act 1959 have the same meanings as in that Act.

(11) This section does not extend to Scotland.

26.—(1) Section 51 of the Civic Government (Scotland) Act 1982 (offences in respect of obscene material) shall be amended as follows—

(a) in subsection 6(a) for the words from “ a programme transmitted ” to “ Secretary of State ” there shall be substituted the words “ or any such broadcast which is received and immediately re-transmitted by a cable programme service ” ;

(b) in the said subsection (8) at the end of the definition of “ material ” there shall be added “ and any matter included in a programme transmitted as part of a cable programme service ” ; and

(c) in the said subsection (8), after the words “ the reference to publishing includes a reference to ” there shall be inserted the word “ showing ”.

(2) This section extends to Scotland only.

Miscellaneous

27.—(1) Subject to the following provisions of this section, if a programme involving the use of threatening, abusive or insulting words is included in a cable programme service in a case where, having regard to the circumstances in which the programme is so included, hatred is likely to be stirred up against any racial group in the United Kingdom by the words in question, each of the persons mentioned in subsection (2) below shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both ;

1959 c. 66.

Obscene programmes in Scotland.
1982 c. 45.

Incitement to racial hatred.

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

(2) The said persons are—

- (a) the person providing the cable programme service ;
- (b) any person by whom the programme is produced or directed ; and
- (c) any person by whom the offending words are used.

(3) In any proceedings for an offence under this section alleged to have been committed by a person falling within subsection (2)(a) or (b) above, it shall be a defence for the accused to prove—

- (a) that he did not know and had no reasonable cause to suspect that the programme would involve the use of the offending words ; and
- (b) that, having regard to the circumstances in which the programme was included in the cable programme service, it was not reasonably practicable for him to secure the removal of those words before the programme was so included.

(4) In any proceedings for an offence under this section alleged to have been committed by a person falling within subsection (2)(b) above, it shall be a defence for the accused to prove that he did not know and had no reasonable cause to suspect—

- (a) that the programme would be included in a cable programme service ; or
- (b) that the circumstances in which the programme would be so included would be such that hatred would be likely to be stirred up against any racial group in the United Kingdom by the offending words.

(5) In any proceedings for an offence under this section alleged to have been committed by a person falling within subsection (2)(c) above, it shall be a defence for the accused to prove that he did not know and had no reasonable cause to suspect—

- (a) that a programme involving the use of the offending words would be included in a cable programme service ; or
- (b) that the circumstances in which a programme involving the use of those words would be so included, or a programme so included would involve the use of those words, would be such that hatred would be likely to be stirred up against any racial group in the United Kingdom by those words.

(6) Subsection (1) above does not apply in relation to a programme which is included in a cable programme service by the

PART I

reception and immediate re-transmission of broadcasts made by a broadcasting authority.

(7) Subsection (1) above does not apply in relation to a programme in so far as it contains—

(a) a fair and accurate report of proceedings publicly heard before any court or tribunal exercising judicial authority, being a report which is published contemporaneously with those proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, is published as soon as publication is reasonably practicable and (if previously unlawful) lawful; or

(b) a fair and accurate report of proceedings in Parliament.

(8) Proceedings for an offence under this section shall not be instituted—

(a) in England and Wales, except by or with the consent of the Attorney General;

(b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

(9) In this section “racial group” means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and in this definition “nationality” includes citizenship.

(10) In this section and section 28 below “words” includes pictures, visual images, gestures and other methods of signifying meaning.

**Amendment
of law of
defamation.**

28.—(1) For the purposes of the law of libel and slander (including the law of criminal libel so far as it relates to the publication of defamatory matter) the publication of words in the course of a programme included in a cable programme service shall be treated as publication in permanent form.

(2) Subsection (1) above shall apply for the purposes of section 3 of each of the Defamation Acts (slander of title etc.) as it applies for the purposes of the law of libel and slander.

(3) Section 7 of each of those Acts (qualified privilege of newspapers) shall apply in relation to reports or matters included in a cable programme service which is or does not require to be licensed, and in relation to any inclusion in such a service of any such report or matter, as it applies in relation to reports and matters published in a newspaper and to publication in a newspaper; and subsection (2) of that section shall have effect, in relation to any such inclusion, as if for the words “in the newspaper in which” there were substituted the words “in the matter in which”.

(4) In this section “ the Defamation Acts ” means the Defamation Act 1952 and the Defamation Act (Northern Ireland) 1955.

PART I
1952 c. 66.
1955 c. 11
(N.I.).

(5) Subsections (1) and (2) above do not extend to Scotland.

29. The Broadcasting Complaints Commission shall also have the function of considering and adjudicating upon complaints of—

Complaints of unjust or unfair treatment etc.

(a) unjust or unfair treatment in programmes actually included in a licensed service after the commencement of this section otherwise than by the reception and immediate re-transmission of broadcasts made by a broadcasting authority ; or

(b) unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes actually so included ;

and Part III of the 1981 Act (which relates to that Commission) shall accordingly have effect with the amendments made by Schedule 2 to this Act.

30.—(1) The Secretary of State shall, for the financial year which includes the commencement of this section and each subsequent financial year, notify to the Authority the total sum which he considers to be the appropriate contribution of persons providing licensed services towards the expenses of the Broadcasting Complaints Commission.

Contributions towards costs of Broadcasting Complaints Commission.

(2) The Authority shall do all that they can to secure that persons providing licensed services make to the Authority in respect of every financial year payments representing what appear to the Authority to be the appropriate contributions of those persons towards meeting the sum notified to the Authority for that year under subsection (1) above.

(3) The payments made to the Authority by virtue of subsection (2) above shall not form part of the revenue of the Authority and, when received by the Authority, shall be paid to the Secretary of State.

(4) All sums received by the Secretary of State under subsection (3) above shall be paid into the Consolidated Fund.

31.—(1) Where a service to which this section applies which is provided in any area includes, by the reception and immediate re-transmission of the broadcasts, the programmes included in any television or sound broadcasting service provided by a broadcasting authority for reception in that area, any apparatus which, for the purpose of enabling any person to receive any

Certain apparatus to be deemed to be apparatus for wireless telegraphy.

PART I

of the programmes included in the service to which this section applies, is connected (within the meaning of the 1984 Act) to the telecommunication system by means of which that service is provided shall be deemed for the purposes of the Wireless Telegraphy Act 1949 to be apparatus for wireless telegraphy.

1949 c. 54.

(2) This section applies to any cable programme service and any service which would be such a service if subsection (7) of section 2 above were omitted.

Supplemental

32.—(1) If a justice of the peace is satisfied by information on oath—

- (a) that there is reasonable ground for suspecting that an offence under section 3 above has been or is being committed on any premises specified in the information ; and
- (b) that evidence of the commission of the offence is to be found on those premises,

he may grant a search warrant conferring power on any person or persons authorised in that behalf by the Authority and named in the warrant to enter and search the premises specified in the information at any time within one month from the date of the warrant.

(2) A person who intentionally obstructs a person in the exercise of powers conferred on him under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) A person who discloses, otherwise than for the purposes of any legal proceedings or of a report of any such proceedings, any information obtained by means of an exercise of powers conferred by this section, shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum ;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(4) In the application of this section to Scotland, for the reference to a justice of the peace there shall be substituted a reference to the sheriff and for any reference to information on oath there shall be substituted a reference to evidence on oath.

(5) In the application of this section to Northern Ireland, for the reference to a justice of the peace there shall be substituted a reference to a resident magistrate and for any reference to information on oath there shall be substituted a reference to complaint on oath.

33.—(1) Where a programme included in a cable programme service was based on a script, then, in any proceedings for a relevant offence alleged to have been committed in respect of that programme—

PART I

Scripts as evidence.

- (a) an actual script on which that programme was based shall be evidence of what was included in the programme and of the manner in which the programme or any part of it was performed ; and
- (b) if such a script is given in evidence on behalf of any party to the proceedings then, except in so far as the contrary is shown, whether by evidence given on behalf of the same or any other party, the programme shall be taken to have been performed in accordance with that script.

(2) In this section and section 34 below—

“ relevant offence ” means an offence under section 27 above or—

(a) in relation to England and Wales and Northern Ireland, an offence under section 25 above ; or

(b) in relation to Scotland, an offence under section 51 of the Civic Government (Scotland) Act 1982 c. 45. 1982 ;

“ script ”, in relation to a programme, means the text of the programme (whether expressed in words or in musical or other notation) together with any directions for its performance, whether contained in a single document or not.

34.—(1) If a police officer of or above the rank of superintendent has reasonable grounds for suspecting—

Power to make copies of scripts and records.

- (a) that a relevant offence has been committed by any person in respect of a programme included in a cable programme service ; or
- (b) that a programme is to be so included and that a relevant offence is likely to be committed by any person in respect of that programme,

he may make an order in writing under this section relating to that person and that programme.

(2) Every order made under this section shall be signed by the person by whom it is made, shall name the person to whom it relates, and shall describe the programme to which it relates in a manner sufficient to enable that programme to be identified.

(3) Where an order under this section has been made, any police officer, on production if so required of the order may

PART I

require the person named in the order to produce, if such a thing exists—

(a) an actual script on which the programme was or, as the case may be, will be based ; or

(b) a visual or sound record of any matter which was or, as the case may be, will be included in the programme,

and if such a script or record is produced to him, may require the person so named to afford him an opportunity of causing a copy thereof to be made.

(4) Any person who without reasonable excuse fails to comply with a requirement under subsection (3) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Where, in the case of a programme based on a script, a copy of an actual script on which that programme was based has been made by or on behalf of a police officer by virtue of an order under this section relating to that programme, section 33 above shall apply in relation to that copy as it applies in relation to an actual script on which the programme was based.

(6) In the application of this section to Scotland, for the reference to a police officer of or above the rank of superintendent having reasonable grounds there shall be substituted a reference to the procurator fiscal being satisfied, on receiving a report from a police officer, that there are reasonable grounds.

Availability of
visual and
sound records.

35.—(1) The Authority shall do all that they can to secure that, if an order is made under section 34 above in relation to a person providing a licensed service and a programme included in that service, that person will be able to comply with a requirement under subsection (3)(b) of that section made within 14 days of the inclusion of that programme.

(2) Nothing done under or in pursuance of a condition included in a licence by virtue of this section shall—

(a) constitute an infringement of the copyright in any work, sound recording, cinematograph film or television or sound broadcast ; or

(b) constitute an offence under any of the provisions of the Performers' Protection Acts 1958 to 1972.

(3) Expressions used in this section which are also used in the 1956 Act have the same meanings as in that Act.

Interpretation
of Part I.

36.—(1) In this Part—

“ the Authority ” means the Cable Authority ;

“ broadcasting authority ” means the BBC or the IBA ;

“diffusion service” has the meaning given by section 2(3) above;

“licence” means a licence under section 4 above and “licensed” shall be construed accordingly;

“licensable service” has the meaning given by section 2(2) above;

“local authority”—

(a) in relation to England and Wales, means any of the following, that is to say, the council of a county, district or London borough, the Greater London Council, the Common Council of the City of London and the Council of the Isles of Scilly;

(b) in relation to Scotland, means a regional, islands or district council; and

(c) in relation to Northern Ireland, means a district council;

“national”, in relation to the United Kingdom, has the meaning given by section 20(7) of the 1981 Act;

“prescribed diffusion service” has the meaning given by section 2(3) above;

“restricted service” has the meaning given by section 2(3) above.

(2) For the purposes of this Part section 63(3) of the 1981 Act (meaning of “advertising agent”) shall have effect as if the reference to the selection and purchase of advertising space or time for persons wishing to advertise included a reference to the sale of advertising space or time to such persons.

PART II

BROADCASTING SERVICES

Provision by IBA of DBS services

37.—(1) This section and sections 38 to 41 below have effect ^{Provision} for the purpose of facilitating, or making special provision in ^{of DBS} connection with, the provision by the IBA, by means of the ^{services.} technique known as direct broadcasting by satellite or DBS, of television broadcasting services additional to those already provided by them under the 1981 Act.

(2) The following provisions of the 1981 Act, namely—

(a) in section 2(2) (duty of IBA), paragraph (c) and so much of paragraph (b) as relates to the maintenance by the programmes broadcast by the IBA of a proper balance and a wide range in their subject matter;

PART II

- (b) in section 4(1) (general provisions as to programmes), paragraph (d) and so much of paragraph (b) as relates to the giving of a sufficient amount of time in the programmes to news and news features ;
- (c) in section 20 (programme contractors), subsections (1), (2)(b) and (3) ;
- (d) section 22 (provision for news broadcasts) ; and
- (e) section 24 (buying and selling of programmes by programme contractors),

shall not apply in relation to the provision of DBS services or, as the case may be, to DBS programme contractors.

(3) In this Part and in the 1981 Act—

“ DBS service ” means any such additional television broadcasting service as is referred to in subsection (1) above ;

“ DBS programme contractor ” means a person whose contract as a programme contractor gives him the right and the duty to provide programmes or parts of programmes for broadcasting in a DBS service ;

“ DBS teletext contractor ” means a person whose contract as a teletext contractor gives him the right and the duty to provide material for inclusion in teletext transmissions broadcast in a DBS service.

Contracts for programmes.

38.—(1) In subsection (2) of section 19 of the 1981 Act (duration of programme contracts etc.) there shall be inserted after paragraph (a) the following paragraph—

“ (aa) twelve years in the case of a contract for the provision of television programmes for broadcasting in a DBS service ; and ”.

(2) Every contract between the IBA and a DBS programme contractor shall contain all such provisions as the IBA think necessary or expedient to ensure that the financial and other arrangements for the provision of the satellite transponder are made by the contractor.

Charges for reception of programmes.

39.—(1) For the purpose of enabling a DBS programme or teletext contractor to make charges for the reception of programmes provided by him or transmissions containing material so provided, the IBA may, notwithstanding anything in the 1981 Act, broadcast the programmes or transmissions in such a form (whether scrambled, encoded or otherwise) as will prevent any person from receiving them unless he obtains from the contractor the means of doing so.

(2) Where under the power conferred by subsection (1) above the IBA broadcast programmes or transmissions in such a

form as is mentioned in that subsection, nothing in the 1981 Act shall be taken as requiring the IBA to permit advertisements to be included in the programmes or transmissions. PART II

40.—(1) In subsection (6) of section 32 of the 1981 Act **Rental (rental payments by programme contractors) for the words “TV payments. programme contractor”**, in each place where they occur, there shall be substituted the words “TV or DBS programme contractor”.

(2) For paragraphs (ii) and (iii) of subsection (9) of that section there shall be substituted the following paragraphs—

“ (ii) only in relation to persons who are DBS programme contractors (including persons who are both DBS programme contractors and teletext contractors) ; or

(iii) only in relation to persons who are teletext contractors (other than DBS teletext contractors) but are not TV or DBS programme contractors ; or

(iv) only in relation to persons who are DBS teletext contractors but are not TV or DBS programme contractors ; or

(v) differently in relation to persons within paragraphs (i), (ii), (iii) and (iv) respectively.”

(3) In relation to any time before the making under subsection (8) of section 32 of the 1981 Act of an order amending subsection (4) of that section in relation to—

(a) persons who are DBS programme contractors (including persons who are both DBS programme contractors and teletext contractors) ; or

(b) persons who are DBS teletext contractors,

the said subsection (4) shall have effect in relation to such persons as if the relevant rate were nil.

41.—(1) For the purposes of this section—

(a) so much of the television branch of the IBA’s undertaking as consists of the provision by them of DBS services ; and

(b) so much of that branch as consists of the provision by them of other television broadcasting services,

shall be regarded as separate parts of that branch.

Finances of IBA.

(2) Except in so far as the Secretary of State on the application of the IBA otherwise directs, for each part of the television branch of their undertaking, it shall be the duty of the IBA so to conduct their affairs as to secure that their revenues from that

PART II

part become at the earliest possible date, and thereafter continue, at least sufficient—

- (a) to meet all sums properly chargeable to revenue account in respect of that part of that branch (including sums which, for the purposes of that part, are required for the repayment of loans and interest thereon, for provision for depreciation and for the maintenance of so much of the reserve fund for that branch as is attributable to that part); and
- (b) to make provision towards, and as soon as practicable for, necessary capital expenditure for the purposes of that part of that branch.

(3) Any direction given under this section may be varied or revoked by a subsequent direction so given.

(4) A copy of every direction given under this section shall be laid before each House of Parliament.

The Satellite Broadcasting Board

The Board.

42.—(1) There shall be a Board to be called the Satellite Broadcasting Board (in this Part referred to as “the Board”) whose function it shall be to provide, by means of the said technique known as direct broadcasting by satellite or DBS, television broadcasting services of high quality (both as to the transmission and as to the matter transmitted) for the United Kingdom, the Isle of Man and the Channel Islands.

(2) The Board shall consist of six members, of whom three shall be appointed from among the governors of the BBC and three from among the members of the IBA.

(3) It shall be the duty of the BBC and the IBA to supply to the Board (on commercial terms) such services as the Board may reasonably require.

(4) The Board, unless previously dissolved, shall cease to function at the end of the period of ten years beginning with the day on which the Board begin to provide their first television broadcasting service.

(5) Schedule 3 to this Act shall have effect with respect to the Board.

Provision of programmes.

43.—(1) Without prejudice to the powers conferred on the Board by this Part, the programmes broadcast by the Board shall be provided not by the Board but by a person (in this Part referred to as “the programme provider”) who—

- (a) is approved for the purposes of this section by the Secretary of State after consultation with the IBA; and

- (b) under a contract with the Board, has the right and the duty to provide programmes to be broadcast by the Board, which may include advertisements.

(2) The Secretary of State may after consultation with the Board withdraw an approval under this section if a relevant change takes place which, if it had occurred before the giving of the approval, would have induced the Secretary of State to refrain from giving the approval.

(3) The Board shall do all that they can to secure that—

- (a) no person who is a disqualified person, and no body corporate over which a disqualified person has control, becomes or continues as the programme provider (whether alone or in partnership); and
- (b) no body corporate in which a disqualified person participates becomes or continues as the sole programme provider.

(4) The contract between the Board and the programme provider shall—

- (a) contain all such provisions as the Board think necessary or expedient to ensure that the financial and other arrangements for the provision of the satellite transponder are made by the programme provider; and
- (b) provide for the payment by the programme provider to the Board of such sums as the Board consider appropriate for enabling them to meet their reasonable outgoings.

(5) For the purpose of enabling the programme provider to make charges for the reception of programmes provided by him, the Board may, notwithstanding anything in this Part, transmit the programmes in such a form (whether scrambled, encoded or otherwise) as will prevent any person from receiving them unless he obtains from the programme provider the means of doing so.

(6) In this section—

“disqualified person” has the meaning given by section 20(6) of the 1981 Act;

“programme” includes a teletext transmission;

“relevant change”—

(a) in relation to an approval of two or more persons in partnership, means any change affecting the rights and duties of those persons in relation to the partnership; and

(b) in relation to an approval of a body corporate (whether alone or in partnership), means any change

PART II

affecting participation in, or the nature and characteristics of, that body corporate or any other body corporate which participates in that body corporate.

(7) For the purposes of this section and section 44 below a person participates in a body corporate if (whether alone or jointly with one or more other persons, and whether directly or through nominees) he holds or is beneficially entitled to shares, or possesses voting power, in the body corporate.

Application of
1981 Act and
other
enactments.

44.—(1) Subject to subsection (2) below, the provisions of the 1981 Act specified in Schedule 4 to this Act shall apply in relation to the Board, television broadcasting services provided by the Board and the programme provider as they apply in relation to the IBA, ITV, TV programme contractors and teletext contractors.

(2) In its application to the Board, subsection (2) of section 43 of the 1981 Act (annual reports) shall have effect as if it required the report for any financial year to include an account of the extent to which the programmes broadcast by the Board have been supplied to the programme provider by persons other than those mentioned in subsection (3) below.

(3) The persons referred to in subsection (2) above are—

- (a) where a body corporate is the programme provider in partnership with other persons, an associate of that body corporate, a person who has control over that body corporate and a body corporate which is under the control of such a person ; and
- (b) where a body corporate is the sole programme provider, a person who participates in that body corporate, an associate of such a person and a body corporate which is under the control of such a person.

(4) Part III of the 1981 Act (the Broadcasting Complaints Commission) shall have effect as if—

- (a) any reference in section 53 to the IBA, or to a member, officer or employee of the IBA, included a reference to the Board, or to a member, officer or employee of the Board ; and
- (b) any reference in that Part to a broadcasting body included a reference to the Board.

(5) The Secretary of State may by order provide that any other enactments (including provisions of this Act) which apply in relation to the IBA, ITV, TV programme contractors or teletext contractors shall apply in relation to the Board, television broadcasting services provided by the Board or the programme provider with such modifications, if any, as may be specified in the order.

(6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. PART II

Miscellaneous

45.—(1) In subsection (1) of section 2 of the 1981 Act (which makes it the function of the IBA to provide television and local sound broadcasting services until 31st December 1996) for the words “31st December 1996” there shall be substituted the words “31st December 2001”. Extension of duration of IBA's function.

(2) In subsection (5) of that section (power of Secretary of State to extend the duration of the function of the IBA) for the words “any date not later than 31st December 2001” there shall be substituted the words “any later date”.

46.—(1) The IBA need not comply with subsection (4) of section 19 of the 1981 Act (prior consultation etc.) in relation to any contract for the provision of television programmes which is entered into on the expiration (by effluxion of time) of a contract to which subsection (2) below applies. No need for IBA to invite applications before entering into certain contracts.

(2) This subsection applies to any contract for the provision of television programmes which was entered into before the commencement of this section.

(3) In this section “television programme” includes a teletext transmission.

47.—(1) If the IBA provide additional teletext services, then, for the purpose of enabling a teletext contractor to make charges for the reception of transmissions containing material provided by him and broadcast in such a service, the IBA may, notwithstanding anything in the 1981 Act, broadcast the transmissions in such a form (whether scrambled, encoded or otherwise) as will prevent any person from receiving them unless he obtains from the contractor the means of doing so. Provision of additional teletext services.

(2) In this section and in the 1981 Act “additional teletext service” means a teletext service (other than a DBS service) which is additional to those already provided by the IBA under the 1981 Act.

48.—(1) With a view to the provision by the IBA of a national sound broadcasting service the IBA shall have power to do all such things as are in their opinion necessary or expedient for the purposes of equipping themselves to transmit the programmes included in such a service. Provision of transmitting equipment for national sound broadcasting service.

PART II

(2) Without prejudice to the generality of the power conferred by subsection (1) above, the IBA shall have power for the purpose there mentioned—

1949 c. 54.

- (a) to establish and install stations for wireless telegraphy (within the meaning of the Wireless Telegraphy Act 1949); and
- (b) to arrange for the provision and equipment of or, if need be, themselves to provide and equip studios and other premises for sound broadcasting purposes.

(3) Without prejudice to the generality of the preceding provisions of this section and subsection (3) of section 3 of the 1981 Act (extent of IBA's powers), that subsection shall be construed as applying in relation to activities undertaken and in relation to property or rights acquired or held by the IBA for the purposes of this section.

(4) The aggregate amount outstanding in respect of the principal of any sums borrowed by the IBA by virtue of this section shall not exceed £2,500,000 or such greater sum as the Secretary of State may from time to time with the consent of the Treasury specify.

(5) Any property or rights acquired or liabilities incurred by the IBA for the purposes of this section shall be treated for financial purposes as property or rights acquired or liabilities incurred by the IBA for the purposes of the branch of their undertaking consisting of the provision of local sound broadcasting services.

(6) The reference in paragraph 4(1) of Schedule 1 to the 1981 Act (capacity of the IBA as a statutory corporation) to the powers of the IBA under that Act shall be construed as including a reference to the powers of the IBA under this section.

(7) Nothing in this section shall be construed as authorising the IBA to do, otherwise than under and in accordance with a licence under section 1 of the Wireless Telegraphy Act 1949 or section 7 of the 1984 Act, anything for the doing of which such a licence is requisite under those Acts respectively.

Directions in the interests of public service broadcasting.

49.—(1) This section applies where—

- (a) the broadcasts in a television or sound broadcasting service are made from a place outside the United Kingdom for reception in the United Kingdom; and
- (b) programmes are proposed to be broadcast in that service by the reception and re-transmission (whether immediately or after an interval) of material sent by means of a telecommunication system licensed under Part II of the 1984 Act.

(2) If it appears to the Secretary of State, after consultation with both broadcasting authorities, that it is requisite or expedient to do so in the interests of public service broadcasting in the United Kingdom, he may by a direction under this section prohibit any person from sending material either for programmes generally, for programmes of a particular description or for particular programmes.

(3) Without prejudice to the generality of subsection (2) above, the Secretary of State may give a direction under this section if it appears to him, after such consultation as aforesaid, that any of the programmes—

- (a) would consist of or include the whole or any part of listed or protected events; or
- (b) would be such that they could not be included in a television or sound broadcasting service provided by the IBA.

(4) A direction under this section shall be published in such manner as the Secretary of State considers appropriate.

(5) A person who knowingly contravenes a direction under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(6) Without prejudice to subsection (5) above, compliance with a direction under this section shall be enforceable by civil proceedings by the Crown for an injunction or interdict or for any other appropriate relief.

(7) So much of section 14(10) of the 1956 Act as relates to the place from which a broadcast is to be treated as made shall apply for the purposes of this section as it applies for the purposes of that Act.

(8) In this section—

- “broadcasting authority” means the BBC or the IBA;
- “listed event” has the same meaning as in section 14 above;
- “material” means sounds or visual images or both;
- “programme” includes a teletext transmission;
- “protected event” means a sporting or other event which, in the opinion of the Secretary of State, is one of a series of similar events the whole or any part of which—

- (a) it was at the commencement of this section the practice of a broadcasting authority to broadcast;
- and

PART II

(b) but for the acquisition of rights to include the whole or any part of events in that series in external broadcasting services, it would still be the practice of that authority to broadcast ;

and for the purposes of this subsection anything broadcast by either of the broadcasting authorities shall be treated as broadcast by each of them.

Repeal of section 25(1) of 1981 Act.

50. Section 25(1) of the 1981 Act (wages and conditions of employment of persons employed by programme contractors to be as favourable as those under a contract complying with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments) shall cease to have effect.

Supplemental

Repeal of certain provisions by order.

51.—(1) Subject to subsection (2) below, the Secretary of State shall by order repeal sections 42 to 44 above and Schedules 3 and 4 to this Act as from the date on which the Board cease to function in accordance with section 42(4) above.

(2) The Secretary of State may by order repeal those provisions as from an earlier date if he is satisfied that there is no suitable person able and willing to become or continue as the programme provider.

(3) An order under this section may, if the Secretary of State thinks fit, also repeal section 46 above.

(4) An order under this section may include such incidental, supplemental and transitional provisions as the Secretary of State thinks fit, and in particular may make provision for keeping the Board temporarily in existence for purposes connected with their activities and finances prior to the repeal effected by the order and for winding up the affairs of, and dissolving, the Board.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation of Part II.

52. In this Part—

“ the Board ” means the Satellite Broadcasting Board ;

“ DBS service ”, “ DBS programme contractor ” and “ DBS teletext contractor ” have the meanings given by section 37(3) above ;

“ the programme provider ” has the meaning given by section 43(1) above.

PART III

MISCELLANEOUS AND GENERAL

53.—(1) A person who dishonestly receives a programme included in a service to which this section applies with intent to avoid payment of any charge applicable to the reception of that programme shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale. Fraudulently receiving certain programmes.

(2) This section and section 54 below apply to—

- (a) any cable programme service ;
- (b) any television or sound broadcasting service provided by the BBC or the IBA ; and
- (c) any service (other than a television or sound broadcasting service) which consists wholly or mainly in the sending, by means of a telecommunication system, of sounds or visual images or both and is provided for a person providing a service falling within paragraph (a) or (b) above ;

and for the purposes of this subsection a service provided for the Welsh Authority, the IBA's subsidiary or a programme contractor shall be treated as provided for the IBA.

(3) Her Majesty may by Order in Council make provision, in the case of any country specified in the Order, for applying this section and section 54 below to—

- (a) any service provided in that country which would be a cable programme service if subsection (7) of section 2 above and references in subsection (1) of that section to the United Kingdom were omitted ;
- (b) any television or sound broadcasting service provided in that country by an organisation constituted in, or under the laws of, that country ; and
- (c) any service provided in that country (other than a television or sound broadcasting service) which consists wholly or mainly in the sending, by means of a telecommunication system, of sounds or visual images or both and is provided for a person providing a service falling within paragraph (a) or (b) above.

(4) Her Majesty shall not make an Order in Council under subsection (3) above in the case of any country unless Her Majesty is satisfied that provision has been or will be made under the laws of that country whereby adequate protection will be given to persons making charges for programmes included in services falling within subsection (2) above.

PART III

(5) Any statutory instrument containing an Order in Council under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Proprietary rights in respect of certain programmes.

54.—(1) Every person who makes charges for the reception of programmes included in a service to which this section applies shall be entitled to the proprietary rights conferred by this section.

(2) The rights conferred by this section are infringed by the manufacture, importation, sale or letting on hire of any apparatus or device which is designed or adapted, or the publication of any information which is calculated, to enable or assist persons to receive the programmes without payment.

(3) Subject to subsection (5) below, infringements of the rights conferred by this section on any person shall be actionable at the suit of that person; and in any proceedings for such an infringement all such relief, by way of damages, injunction, interdict, account or otherwise, shall be available as is available in any corresponding proceedings in respect of infringements of other proprietary rights.

(4) Where rights conferred by this section on any person have been infringed by the manufacture, importation, sale or letting on hire of any apparatus or device, then, subject to subsection (5) below, that person shall be entitled in respect of the conversion by any other person of the apparatus or device to all such relief, by way of an order for its delivery or otherwise, as he would be entitled to if he were its owner and had been its owner since the time of the infringement.

(5) A person shall not be entitled to recover damages from another person by virtue of this section if, at the time of the infringement or conversion, that other person was not aware, and had no reasonable grounds for suspecting, that the rights conferred by this section on the first-mentioned person would be or had been infringed.

1981 c. 54.
1978 c. 23.

(6) Section 72 of the Supreme Court Act 1981 and section 94A of the Judicature (Northern Ireland) Act 1978 (withdrawal of privilege against incrimination of self or spouse in certain proceedings) shall each have effect as if the proceedings to which subsection (1) of that section applies included proceedings in the High Court brought by virtue of this section.

(7) In the application of this section to Scotland, for any reference to the conversion by any person of any apparatus or device there shall be substituted a reference to an intromission, by any person with any apparatus or device.

55.—(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly. PART III
Offences by
bodies
corporate.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

56.—(1) Unless the contrary intention appears, expressions used in this Act which are also used in the 1981 Act have the same meanings as in that Act. General
interpretation.

(2) In this Act and, unless the contrary intention appears, in any enactment amended by this Act—

“the 1956 Act” means the Copyright Act 1956; 1956 c. 74.

“the 1981 Act” means the Broadcasting Act 1981; 1981 c. 68.

“the 1984 Act” means the Telecommunications Act 1984; 1984 c. 12.

“cable programme service” has the meaning given by section 2(1) above;

“the IBA’s subsidiary” means the subsidiary mentioned in section 12(2) of the 1981 Act;

“licensable cable programme service” has the same meaning as “licensable service” has in Part I of this Act;

“licensed”, in relation to a cable programme service, means licensed under section 4 above;

“programme”, in relation to a cable programme service, includes any item included in that service;

“standard scale” has the meaning given by section 75 of the Criminal Justice Act 1982; 1982 c. 48.

“statutory maximum” has the meaning given by section 74 of that Act;

“telecommunication service” and “telecommunication system” have the same meanings as in the 1984 Act.

57.—(1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the provisions of this Act). Amendments
and repeals.

(2) The enactments mentioned in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

PART III
Transitional
provisions.

58.—(1) An order made, or having effect as if made, under section 57 of the 1984 Act shall have effect as if made under section 3 of this Act; and the provisions of this Act and the enactments amended by this Act shall have effect accordingly.

(2) A licence granted, or having effect as if granted, by the Secretary of State under section 58 of the 1984 Act shall have effect as if granted by the Cable Authority under section 4 of this Act; and the provisions of this Act and the enactments amended by this Act shall have effect accordingly.

Short title,
extent and
commence-
ment.

59.—(1) This Act may be cited as the Cable and Broadcasting Act 1984.

(2) This Act extends to Northern Ireland.

(3) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

(4) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.

SCHEDULES

Section 1(3).

SCHEDULE 1

THE AUTHORITY: SUPPLEMENTARY PROVISIONS

Status and capacity

1.—(1) The Authority shall be a body corporate.

(2) The Authority shall not be treated for the purposes of the enactments and rules of law relating to the privileges of the Crown as a body exercising functions on behalf of the Crown.

(3) It shall be within the capacity of the Authority as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise of their functions under this Part, including the borrowing of money.

Appointment of members

2.—(1) All the members of the Authority (including the chairman and deputy chairman who shall be appointed as such) shall be appointed by the Secretary of State.

(2) A person shall be disqualified for being appointed or being a member of the Authority so long as he is a governor of the BBC or a member of the IBA or the Welsh Authority.

(3) Before appointing a person to be a member of the Authority, the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as member of the Authority; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest.

(4) Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the Authority shall, whenever requested by the Secretary of State to do so, furnish to him such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraph (3) above.

Tenure of office

3.—(1) Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or as chairman or deputy chairman of the Authority in accordance with the terms of his appointment.

(2) A person shall not be appointed as a member of the Authority for more than five years at a time.

(3) A person may at any time resign his office as a member or as chairman or deputy chairman.

SCH. 1

Remuneration and pensions of members

4.—(1) The Authority may pay to each member such remuneration and allowances as the Secretary of State may determine.

(2) The Authority may pay or make provision for paying to or in respect of any member such sums by way of pensions, allowances or gratuities as the Secretary of State may determine.

(3) Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Authority may make to him a payment of such amount as the Secretary of State may determine.

(4) The approval of the Treasury shall be required for any determination under this paragraph.

Disqualification of members of Authority for House of Commons and Northern Ireland Assembly

1975 c. 24.

5. In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) there shall be inserted (at the appropriate place in alphabetical order) the following entry—

“ The Cable Authority ” ;

1975 c. 25.

and the like insertion shall be made in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

Proceedings

6.—(1) The quorum of the Authority and the arrangements relating to their meetings shall be such as the Authority may determine.

(2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general directions of the Authority, of any of the Authority's functions by a committee or by one or more of the members, officers or employees of the Authority.

7.—(1) A member of the Authority who is in any way directly or indirectly interested in a licence granted or proposed to be granted by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) Any disclosure under sub-paragraph (1) above shall be recorded in the minutes of the Authority, and the member shall not take part after the disclosure in any deliberation or decision of the Authority with respect to the licence.

8. The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 7 above.

Officers and employees of Authority

SCH. 1

9.—(1) The Authority may appoint a secretary and such other officers, and take into their employment such other persons, as they may determine.

(2) The Authority shall, as regards any officers or persons employed in whose case it may be determined by the Authority so to do, pay to or in respect of them such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

(3) If any officer of or other person employed by the Authority, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Authority, he may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if his service as a member of the Authority were service as an officer of or person employed by the Authority.

Authentication of Authority's seal

10. The application of the seal of the Authority shall be authenticated by—

- (a) the signature of the chairman or deputy chairman of the Authority or some other member of the Authority authorised by the Authority to authenticate the application of their seal ; and
- (b) the signature of the secretary of the Authority or some other officer of the Authority authorised by the Authority to act in that behalf.

Presumption of authenticity of documents issued by Authority

11. Any document purporting to be an instrument issued by the Authority and to be sealed as aforesaid or to be signed on behalf of the Authority shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

SCHEDULE 2

Section 29.

AMENDMENTS OF PART III OF 1981 ACT

1. In section 53(3) of the 1981 Act (disqualification for membership of Broadcasting Complaints Commission) after the words "the IBA", in the first place where they occur, there shall be inserted the words "or the Cable Authority" and for the words from "the preparation" to the end there shall be substituted the words—

- "(i) the preparation or provision of programmes for broadcasting by the BBC or the IBA (including, in the case of the IBA, programmes consisting of advertisements); and
- (ii) the provision of a licensed cable programme service or the preparation or provision of programmes for inclusion in such a service."

SCH. 2

2.—(1) For paragraph (b) of subsection (1) of section 54 of that Act (functions of Commission) there shall be substituted the following paragraphs—

- “ (b) unjust or unfair treatment in programmes actually included in a licensed cable programme service after the commencement of section 29 of the Cable and Broadcasting Act 1984 otherwise than by the reception and immediate re-transmission of broadcasts made by a broadcasting body ; or
- (c) unwarranted infringement of privacy in, or in connection with the obtaining of material included in, sound or television programmes actually so broadcast or programmes actually so included.”

(2) For the definitions of “ complaint ” and “ participant ” in subsection (3) of that section there shall be substituted the following definitions—

- “ ‘ broadcasting complaint ’ means a complaint in the case of which the relevant programme was broadcast by a broadcasting body ;
- ‘ cable programme complaint ’ means a complaint in the case of which the relevant programme was included in a licensed cable programme service otherwise than by the reception and immediate re-transmission of broadcasts made by a broadcasting body ;
- ‘ complaint ’ means a complaint to the Commission of any such unjust or unfair treatment or unwarranted infringement of privacy as is mentioned in subsection (1) ;
- ‘ participant ’, in relation to a programme, means a person who appeared, or whose voice was heard, in the programme ; ”.

3.—(1) In subsection (4) of section 55 of that Act (making and entertaining of complaints) after the words “ relevant programme ” there shall be inserted the words “ or its inclusion in a licensed cable programme service ”.

(2) At the end of subsection (5) of that section there shall be added the words “ or included in a licensed cable programme service ”.

(3) In subsection (6) of that section after the word “ broadcast ” there shall be inserted the words “ or included in a licensed cable programme service ”.

4.—(1) For paragraphs (b) and (c) of subsection (2) of section 56 of that Act (consideration of complaints) there shall be substituted the following paragraphs—

- “ (b) in the case of a broadcasting complaint, the broadcasting body by whom the relevant programme was broadcast ;
- (c) in the case of a cable programme complaint, the Cable Authority and every person providing a licensed cable programme service in which the relevant programme was included ; and

(d) in either case, any person not falling within the foregoing paragraphs who appears to the Commission to have been responsible for the making or provision of the relevant programme.”

(2) For subsection (3) of that section there shall be substituted the following subsection—

“ (3) Before they proceed to consider a complaint the Commission shall—

(a) in the case of a broadcasting complaint, send a copy of it to the broadcasting body by whom the relevant programme was broadcast ; and

(b) in the case of a cable programme complaint, send a copy of it to the Cable Authority.”

(3) In subsection (4) of that section after the words “ broadcasting body ” there shall be inserted the words “ or the Cable Authority ” and after the words “ that body ”, in each place where they occur, there shall be inserted the words “ or Authority ”.

(4) For subsections (5) and (6) of that section there shall be substituted the following subsections—

“ (5) Where a broadcasting body or the Cable Authority receive from the Commission a copy of a complaint, it shall be the duty of that body or Authority, if so required by the Commission, to arrange for one or more of the governors, members or officers of that body or Authority to attend and assist the Commission in their consideration of the complaint.

(6) Where a broadcasting body or the Cable Authority receive from the Commission a copy of a complaint and, in connection with the complaint, the Commission make to any person (other than that body or Authority) a request to which this subsection applies, it shall be the duty of that body or Authority to take such steps as they reasonably can to ensure that the request is complied with.”

5.—(1) In subsection (1) of section 57 of that Act (publication of Commission’s findings) for the words from “ to the broadcasting body ” to “ so specified ” there shall be substituted the words “ directions requiring the publication, in any manner specified in the directions and within such period as may be so specified, of ”.

(2) For subsection (2) of that section there shall be substituted the following subsections—

“ (2) Directions under subsection (1) shall, in the case of a broadcasting complaint, be given to the broadcasting body by whom the relevant programme was broadcast ; and it shall be the duty of a broadcasting body to comply with any directions so given.

(2A) Directions under subsection (1) shall, in the case of a cable programme complaint, be given to every person providing a licensed cable programme service in which the relevant pro-

SCH. 2

gramme was included ; and it shall be the duty of the Cable Authority to take such steps as they reasonably can to ensure that any directions so given are complied with."

(3) In subsection (5) of that section for the words "or programme contractor" there shall be substituted the words ", programme contractor or person providing a licensed cable programme service".

6.—(1) In section 58 of that Act (duty to publicise Commission) for the word "complaints" there shall be substituted the words "broadcasting complaints".

(2) That section as so amended shall be renumbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted the following subsection—

"(2) It shall be the duty of the Cable Authority to take such steps as they reasonably can to secure the publication (by means of licensed cable programme services or otherwise) of regular announcements publicising the Commission and their function of considering and adjudicating upon cable programme complaints."

7. At the end of section 59(3) of that Act (annual report of Commission) there shall be added the words "and to the Cable Authority and every person providing a licensed cable programme service".

Section 42(5).

SCHEDULE 3

THE BOARD: SUPPLEMENTARY PROVISIONS

Status and capacity

1.—(1) The Board shall be a body corporate.

(2) The Board shall not be treated for the purposes of the enactments and rules of law relating to the privileges of the Crown as a body exercising functions on behalf of the Crown.

(3) It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise of their functions under this Part, including the borrowing of money.

Appointment of members

2.—(1) All the members of the Board shall be appointed by the Secretary of State after consultation with the BBC and the IBA.

(2) Before appointing a person to be a member of the Board, the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as member of the Board ; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Board that he has no such interest.

(3) Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the Board shall, whenever requested by the Secretary of State to do so, furnish to him such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraph (2) above.

Chairman

3. The Board shall elect a chairman from among their members.

Tenure of office

4.—(1) Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member of the Board in accordance with the terms of his appointment.

(2) A person shall not be appointed as a member of the Board for more than five years at a time.

(3) A person may at any time resign his office as a member or as chairman.

Remuneration and pensions of members

5.—(1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.

(2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pensions, allowances or gratuities as the Secretary of State may determine.

(3) Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Board may make to him a payment of such amount as the Secretary of State may determine.

(4) The approval of the Treasury shall be required for any determination under this paragraph.

Proceedings

6.—(1) The quorum of the Board and the arrangements relating to their meetings shall be such as the Board may determine.

(2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general directions of the Board, of any of the Board's functions by a committee or by one or more of the members, officers or employees of the Board.

7. The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Officers and employees of Board

8.—(1) The Board may appoint a secretary and such other officers, and take into their employment such other persons, as they may determine.

SCH. 3

(2) The Board shall, as regards any officers or persons employed in whose case it may be determined by the Board so to do, pay to or in respect of them such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

(3) If any officer of or other person employed by the Board, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Board, he may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if his service as a member of the Board were service as an officer of or person employed by the Board.

Authentication of Board's seal

9. The application of the seal of the Board shall be authenticated by—

- (a) the signature of the chairman of the Board or some other member of the Board authorised by the Board to authenticate the application of their seal ; and
- (b) the signature of the secretary of the Board or some other officer of the Board authorised by the Board to act in that behalf.

Presumption of authenticity of documents issued by Board

10. Any document purporting to be an instrument issued by the Board and to be sealed as aforesaid or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Section 44 (1).

SCHEDULE 4

PROVISIONS OF 1981 ACT APPLIED BY SECTION 44(1)

<i>Provision</i>	<i>Subject-matter</i>
<p>In section 2(2), so much of paragraph (a) as relates to the provision by the IBA of broadcasting services as a public service for disseminating information and entertainment and so much of paragraph (b) as relates to the maintenance by the programmes broadcast by the IBA of a high general standard in all respects (and in particular in respect of their content and quality).</p>	<p>Duty of IBA to provide broadcasting services as a public service.</p>

Section 3(1)(a) and (b), (3), (4) and (7). Powers of IBA.

Section 4 except paragraph (d) of subsection (1) and so much of paragraph (b) of that subsection as relates to the giving of a sufficient amount of time in the programmes to news and news features.	General provisions as to programmes.	SCH. 4
Sections 5 to 7.	Code for programmes other than advertisements, submission of programme schedules for IBA's approval and programme prizes.	
Sections 8 and 9.	Advertisements and code for advertisements.	
Section 14(1)	Provision of teletext services by IBA.	
Section 15.	Code for teletext transmissions.	
Section 16(1).	Advisory committees and general advisory council.	
Section 21(1), (6)(a) and (b) and (7).	Provisions to be included in contracts for programmes.	
Sections 28 to 30.	Government control over IBA as to hours of broadcasting and as to certain other matters and prevention of exclusive arrangements for broadcasting events of national interest.	
Section 42.	Accounts and audit.	
Section 43 (1) and (2).	Annual reports.	
Sections 61 and 62.	Approvals by IBA and variation and revocation of directions and notices.	
Schedule 2.	Rules as to advertisements.	

SCHEDULE 5

Section 57(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Parliamentary Papers Act 1840

1840 c. 9.

1. Section 3 of the Parliamentary Papers Act 1840 (which confers protection in respect of proceedings for printing extracts from or abstracts of parliamentary papers) shall have effect as if the reference to printing included a reference to inclusion in a cable programme service which is or does not require to be licensed.

SCH. 5

The Law of Libel Amendment Act 1888

1888 c. 64.

2. Section 3 of the Law of Libel Amendment Act 1888 (which relates to contemporary reports of proceedings before courts exercising judicial authority) shall apply in relation to reports or matters included in a cable programme service which is or does not require to be licensed, and in relation to any inclusion in such a service of any such report or matter, as it applies in relation to reports and matters published in a newspaper and to publication in a newspaper.

1909 c. 30.

The Cinematograph Act 1909

3.—(1) In section 1(3) of the Cinematograph Act 1909 (provision against cinematograph exhibition except in licensed premises) the words “under Part IV of the Telecommunications Act 1984” shall be omitted.

(2) This paragraph does not extend to Northern Ireland.

1933 c. 12.

The Children and Young Persons Act 1933

4.—(1) In subsection (2)(a) of section 28 of the Children and Young Persons Act 1933 (powers of entry) after the words “broadcasting studio” there shall be inserted the words “a cable programme studio” and after the word “broadcast” there shall be inserted the words “in a cable programme”.

(2) After subsection (3) of that section there shall be inserted the following subsection—

“(4) In this section ‘cable programme’ means a programme included in a cable programme service and ‘cable programme studio’ shall be construed accordingly.”

(3) Sections 39 and 49 of that Act (which restrict newspaper reports of court proceedings involving children and young persons) shall with the necessary modifications apply in relation to reports or matters included in a cable programme service as they apply in relation to newspapers.

1937 c. 37.

The Children and Young Persons (Scotland) Act 1937

5.—(1) In subsection (2)(a) of section 36 of the Children and Young Persons (Scotland) Act 1937 (powers of entry) after the words “broadcasting studio” there shall be inserted the words “a cable programme studio” and after the word “broadcast”, there shall be inserted the words “in a cable programme”.

(2) After subsection (3) of that section there shall be inserted the following subsection—

“(4) In this section ‘cable programme’ means a programme included in a cable programme service and ‘cable programme studio’ shall be construed accordingly.”

(3) Section 46 of that Act (which restricts newspaper reports of court proceedings involving children and young persons) shall with the necessary modifications apply in relation to reports or matters included in a cable programme service as it applies in relation to newspapers.

The Copyright Act 1956

SCH. 5

1956 c. 74.

6.—(1) In the proviso to subsection (3) of section 2 of the 1956 Act (copyright in literary, dramatic and musical works) the word “and” immediately preceding paragraph (d) shall be omitted and after that paragraph there shall be inserted the following paragraph—

“(e) the inclusion of the work in a cable programme.”.

(2) In subsection (5) of that section for paragraph (e) there shall be substituted the following paragraph—

“(e) including the work in a cable programme ;”.

(3) In section 3(5) of that Act (copyright in artistic works) for paragraph (d) there shall be substituted the following paragraph—

“(d) including the work in a cable programme.”

(4) In section 6(9) of that Act (general exceptions from protection of literary, dramatic and musical works) for the words “caused to be transmitted to subscribers to a diffusion service” there shall be substituted the words “included in a cable programme”.

(5) In section 7(8) of that Act (special exceptions as regards libraries and archives) for the words “causes it to be transmitted to subscribers to a diffusion service” there shall be substituted the words “includes it in a cable programme”.

(6) In section 9(11) of that Act (general exceptions from protection of artistic works) for the words “television programme which is caused to be transmitted to subscribers to a diffusion service” there shall be substituted the words “cable programme”.

(7) In subsection (10) of section 14 of that Act (copyright in television broadcasts and sound broadcasts) for the words from “the visual images or sounds” to the end there shall be substituted the following paragraphs—

“(a) the visual images or sounds in question, or both, as the case may be, are broadcast ; or

(b) in the case of a television broadcast or sound broadcast made by the technique known as direct broadcasting by satellite, the visual images or sounds in question, or both, as the case may be, are transmitted to the satellite transponder.”

(8) After that subsection there shall be inserted the following subsection—

“(11) The foregoing provisions of this section shall have effect as if references in those provisions and in section 12(9) of this Act to sounds included references to signals serving for the impartation of matter otherwise than in the form of sounds or visual images.”

(9) In subsection (1) of section 16 of that Act (supplementary provisions for purposes of Part II) for the words “and sound broadcasts” there shall be substituted the words “sound broadcasts and cable programmes”.

SCH. 5

(10) In subsection (6) of that section after the word "broadcast" there shall be inserted the words "cable programme".

(11) In section 18(3) of that Act (right of owner of copyright in respect of infringing copies etc.) for the words "a sound broadcast" there shall be substituted the words "a sound broadcast or a cable programme" and for the words "or broadcast" there shall be substituted the words "broadcast or programme".

(12) In section 24(2) of that Act (general provisions as to jurisdiction of tribunal) for the words "cause the work or an adaptation thereof to be transmitted to subscribers to a diffusion service" there shall be substituted the words "include the work or an adaptation thereof in a cable programme" and for the words "or to broadcast it" there shall be substituted the words "to broadcast it or to include it in a cable programme".

(13) In subsection (1) of section 28 of that Act (exercise of jurisdiction of tribunal in relation to diffusion of foreign broadcasts) for the words "cause works to be transmitted to subscribers to a diffusion service" there shall be substituted the words "include works or sound recordings in a cable programme service provided", for the word "distributing", in the first place where it occurs, there shall be substituted the words "including in such a service", after the word "works", in the second place where it occurs, there shall be inserted the words "or recordings" and for the words "distributing those programmes" there shall be substituted the words "including those programmes in a cable programme service".

(14) In subsection (2) of that section after the words "the works", in both places where they occur, there shall be inserted the words "or recordings", for the words "cause those works to be transmitted to subscribers to diffusion services" there shall be substituted the words "include those works or recordings in cable programme services provided" and for the words "cause those works to be so transmitted" there shall be substituted the words "so include those works or recordings".

(15) In subsection (4) of that section after the word "works", in the first place where it occurs, there shall be inserted the words "or sound recordings".

(16) At the end of section 31(3) of that Act (extension of Act to Isle of Man, Channel Islands, colonies and dependencies) there shall be added the words "or—

(e) in the case of a cable programme, it was sent from a place in that country."

(17) At the end of section 32(1) of that Act (application of Act to countries to which it does not extend) there shall be added the following paragraph—

"(f) apply in relation to cable programmes sent from places in that country as they apply in relation to cable programmes sent from places in the United Kingdom."

(18) In subsection (4) of section 40 of that Act (broadcasts of sound recordings and cinematograph films and diffusion of broadcast programmes) for the words "the programme to be transmitted"

there shall be substituted the words “including the programme in a cable programme service”.

SCH. 5

(19) In subsection (5) of that section after the words “a work” there shall be inserted the words “or sound recording” and after the words “the work” there shall be inserted the words “or recording”.

(20) In section 41(5) of that Act (use of copyright material for education) for the words “and television broadcasts” there shall be substituted the words “television broadcasts and cable programmes”.

(21) In section 43(2)(d) of that Act (false attribution of authorship) for the words “or broadcasts” there shall be substituted the words “broadcasts or includes in a cable programme”.

(22) In subsection (1) of section 48 of that Act (interpretation) after the definition of “building” there shall be inserted the following definition—

“‘cable programme’, ‘cable programme service’ and ‘programme’ have the meanings assigned to them by section 14A of this Act;”.

(23) For subsection (3) of that section there shall be substituted the following subsections—

“(3) References in this Act to the inclusion of a programme in a cable programme service are references to its inclusion in such a service by the person providing that service.

(3A) For the purposes of this Act no account shall be taken of a cable programme service if, and to the extent that, it is provided for—

- (a) a person providing another such service ;
- (b) the Corporation ; or
- (c) the Authority ;

and for the purposes of this subsection a cable programme service provided for the Welsh Fourth Channel Authority, the subsidiary mentioned in section 12(2) of the Broadcasting Act 1981 or a programme contractor within the meaning of that Act shall be treated as provided for the Authority.

(3B) For the purposes of this Act no account shall be taken of a cable programme service which is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein.”

(24) In subsection (5) of that section for the words “the causing of a work or other subject matter to be transmitted to subscribers to a diffusion service” there shall be substituted the words “including a work or other subject matter in a cable programme”.

(25) In paragraph 36(3) of Schedule 7 to that Act (transitional provisions) for paragraph (c) there shall be substituted the following paragraph—

“(c) including the work or an adaptation thereof in a cable programme.”

SCH. 5

The Dramatic and Musical Performers' Protection Act 1958

1958 c. 44.

7.—(1) In section 6 of the Dramatic and Musical Performers' Protection Act 1958 (special defences) for the word "transmission", in each place where it occurs, there shall be substituted the words "cable programme" and after the word "made" there shall be inserted the words "or included".

(2) In section 7 of that Act (consent on behalf of performers) for the word "transmission", in each place where it occurs, there shall be substituted the words "cable programme", after the word "made" there shall be inserted the words "or included" and after the word "making", in both places where it occurs, there shall be inserted the words "or including".

(3) In subsection (1) of section 8 of that Act (interpretation), after the definition of "broadcast" there shall be inserted the following definitions—

" 'cable programme' means a programme included in a cable programme service, and references to the inclusion of a cable programme shall be construed accordingly ;

'cable programme service' means a cable programme service within the meaning of the Cable and Broadcasting Act 1984 or a service provided outside the United Kingdom which would be such a service if subsection (7) of section 2 of that Act and references in subsection (1) of that section to the United Kingdom were omitted ;".

(4) Also in that subsection after the definition of "performers" there shall be inserted the following definition—

" 'programme', in relation to a cable programme service, includes any item included in that service ;".

1956 c. 74.

(5) After subsection (2) of that section there shall be inserted the following subsection—

" (3) Section 48(3) of the Copyright Act 1956 (which explains the meaning of references in that Act to the inclusion of a programme in a cable programme service) shall apply for the purposes of this Act as it applies for the purposes of that Act."

1959 c. 66.

The Obscene Publications Act 1959

8.—(1) Proceedings for an offence under section 2 of the Obscene Publications Act 1959 (prohibition of publication of obscene matter) for publishing an obscene article—

(a) shall not be instituted in any case where the relevant publication took place in the course of including a programme in a cable programme service ; and

(b) shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the only other publication which followed from the relevant publication took place in the course of including a programme in such a service ;

and in this sub-paragraph "the relevant publication" means the publication in respect of which the defendant would be charged if the proceedings were brought.

SCH. 5

(2) It is hereby declared that a person who has an obscene article in his ownership, possession or control with a view to its being shown, played or projected in the course of a cable programme service shall be taken for the purposes of subsection (1) of that section to have that article for publication for gain.

(3) Proceedings for an offence under that section for having an obscene article for publication for gain shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the relevant publication or the only other publication which could reasonably have been expected to follow from the relevant publication was to take place in the course of including a programme in a cable programme service; and in this sub-paragraph "the relevant publication" means the publication which, if the proceedings were brought, the defendant would be alleged to have had in contemplation.

(4) Without prejudice to the duty of a court to make an order for the forfeiture of an article under section 1(4) of the Obscene Publications Act 1964 (orders on conviction), in a case where by virtue of sub-paragraph (3) above proceedings under the said section 2 for having an article for publication for gain could not be instituted except by or with the consent of the Director of Public Prosecutions, no order for the forfeiture of the article shall be made under section 3 of the said Act of 1959 (power of search and seizure) unless the warrant under which the article was seized was issued on an information laid by or on behalf of the Director of Public Prosecutions. 1964 c. 74.

(5) In this paragraph expressions used in the said Act of 1959 have the same meanings as in that Act.

The Public Bodies (Admission to Meetings) Act 1960

1960 c. 67.

9. In section 1(7) of the Public Bodies (Admissions to Meetings) Act 1960 (admission of public to meetings of local authorities and other bodies) after the word "broadcasts" there shall be inserted the words "or for programmes to be included in a cable programme service which is or does not require to be licensed".

The Betting, Gaming and Lotteries Act 1963

1963 c. 2.

10. For paragraphs (a) and (b) of paragraph 5 of Schedule 4 to the Betting, Gaming and Lotteries Act 1963 (exclusion of facilities for seeing or hearing certain broadcasts) there shall be substituted the following paragraphs—

"(a) seeing any television programme which is broadcast by wireless telegraphy within the meaning of the Wireless Telegraphy Act 1949 or is included in a cable programme service; or

SCH. 5

(b) hearing any sound programme which is so broadcast or so included and which—

(i) is intended to be received by the general public ;
or

(ii) comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises.”.

1963 c. 16.

The Protection of Depositors Act 1963

11. In section 26(3) of the Protection of Depositors Act 1963 (definition of “advertisement”) after the word “television” there shall be inserted the words “or by inclusion in a cable programme service”.

1963 c. 37.

The Children and Young Persons Act 1963

12. For paragraph (d) of section 37(2) of the Children and Young Persons Act 1963 (restriction on persons under 16 taking part in certain performances) there shall be substituted the following paragraphs—

“(d) any performance included in a cable programme service ;

(e) any performance recorded (by whatever means) with a view to its use in a broadcast or such a service or in a film intended for public exhibition ;”.

1963 c. 53.

The Performers' Protection Act 1963

13.—(1) In section 3(1) of the Performers' Protection Act 1963 (re-laying of performances) after the word “reception” there shall be inserted the words “and immediate re-transmission” and for the words from “causes” to “public” there shall be substituted the words “includes a performance to which the principal Act applies, or any part of such performance, in a cable programme without the consent in writing of the performers”.

(2) In section 4(1)(a) of that Act (giving of consent without authority) for the words “broadcast or transmission is made” there shall be substituted the words “or broadcast is made or a cable programme is included”.

1964 c. 26.

The Licensing Act 1964

14. In section 182(1) of the Licensing Act 1964 (relaxation, with respect to licensed premises, of law relating to music and dancing licences) after the word “broadcasts” there shall be inserted the words “or by the use of a cable programme service which is or does not require to be licensed”.

1964 c. 22
(N.I.).*The Protection of Depositors Act (Northern Ireland) 1964*

15. In section 26(3) of the Protection of Depositors Act (Northern Ireland) 1964 (definition of “advertisement”) after the word “television” there shall be inserted the words “or by inclusion in a cable programme service”.

The Private Places of Entertainment (Licensing) Act 1967

SCH. 5

1967 c. 19.

16. At the end of section 2(3) of the Private Places of Entertainment (Licensing) Act 1967 (certain private places of entertainment to require licences) there shall be inserted the words “or of being included in a cable programme service which is or does not require to be licensed”.

The Wireless Telegraphy Act 1967

1967 c. 72.

17. In section 6(1) of the Wireless Telegraphy Act 1967 (interpretation of Part I)—

(a) after the definition of “television dealer” there shall be inserted the following definition—

“ ‘television programme’ means a television programme broadcast for general reception or included in a licensable cable programme service ”; and

(b) in the definition of “television set” the words “wireless telegraphy” and “broadcast for general reception” shall be omitted.

The London Cab Act 1968

1968 c. 7.

18. In section 4(5) of the London Cab Act 1968 (restrictions on advertising in connection with private hire-cars) after the word “television” there shall be inserted the words “or by inclusion in a cable programme service”.

The Trade Descriptions Act 1968

1968 c. 29.

19. In section 39(2) of the Trade Descriptions Act 1968 (interpretation) after the word “broadcast” there shall be inserted the words “or in a programme included in a cable programme service”.

The Social Work (Scotland) Act 1968

1968 c. 49.

20. In section 58(1) of the Social Work (Scotland) Act 1968 (prohibition of publication of proceedings in a children’s hearing) after the word “broadcast” in both places where it occurs there shall be inserted the words “or a programme included in a cable programme service”.

The Theatres Act 1968

1968 c. 54.

21.—(1) In subsection (2)(b)(iii) of section 7 of the Theatres Act 1968 (exceptions for performances given in certain circumstances) for the words “transmitted to subscribers to a diffusion service” there shall be substituted the words “included in a cable programme service which is or does not require to be licensed”.

(2) In subsection (3) of that section the words from “and section” to the end shall be omitted.

SCH. 5

The Gaming Act 1968

1968 c. 65.

22. In section 42(8) of the Gaming Act 1968 (definition of "advertisement") after the word "television" there shall be inserted the words "or by inclusion in a cable programme service".

1968 c. 67.

The Medicines Act 1968

23.—(1) In subsection (1) of section 92 of the Medicines Act 1968 (definition of "advertisement") after the word "television" there shall be inserted the words "or by inclusion in a cable programme service".

(2) In subsection (2)(b) of that section for the words "transmitted to subscribers to a diffusion service" there shall be substituted the words "included in a cable programme service".

(3) In subsection (6) of that section the words from "and section" to the end shall be omitted.

1968 c. 34
(N.I.).*The Children and Young Persons Act (Northern Ireland) 1968*

24.—(1) For paragraph (d) of section 40(2) of the Children and Young Persons Act (Northern Ireland) 1968 (restriction on persons under 16 taking part in certain performances) there shall be substituted the following paragraphs—

"(d) any performance included in a cable programme service ;

(e) any performance recorded (by whatever means) with a view to its use in a broadcast or such a service or in a film intended for public exhibition ;".

(2) In subsection (2)(a) of section 45 of that Act (powers of entry) after the words "broadcasting studio" there shall be inserted the words "a cable programme studio" and after the word "broadcast" there shall be inserted the words "in a cable programme".

(3) At the end of that section there shall be added the following subsection—

"(5) In this section 'cable programme' means a programme included in a cable programme service and 'cable programme studio' shall be construed accordingly."

(4) Sections 59 and 68 of that Act (which restrict newspaper reports of court proceedings involving children and young persons) shall with the necessary modifications apply in relation to reports or matters included in a cable programme service as they apply in relation to newspapers.

1972 c. 9 (N.I.).

The Local Government Act (Northern Ireland) 1972

25. In section 148 of the Local Government Act (Northern Ireland) 1972 (interpretation) at the end of the definition of "newspaper" there shall be added the words "or for programmes to be included in a cable programme service which is or does not require to be licensed".

The Education and Libraries (Northern Ireland) Order 1972 SCH. 5

26. In Article 2(2) of the Education and Libraries (Northern Ireland) Order 1972 (interpretation) at the end of the definition of "newspaper" there shall be added the words "or for programmes to be included in a cable programme service which is or does not require to be licensed". S.I. 1972/1263 (N.I.12).

The Employment Agencies Act 1973 1973 c. 35.

27. In section 13(4) of the Employment Agencies Act 1973 (interpretation) the word "or" immediately following paragraph (b) shall be omitted and after paragraph (c) there shall be inserted the words "or

(d) to providing a licensable cable programme service."

The Northern Ireland Constitution Act 1973 1973 c. 36.

28. In paragraph 14 of Schedule 3 to the Northern Ireland Constitution Act 1973 (minimum reserved matters) for the words "including sound broadcasting and television" there shall be substituted the words "(including sound broadcasting and television) and the provision of cable programme services".

The Fair Trading Act 1973 1973 c. 41.

29. In Part I of Schedule 7 to the Fair Trading Act 1973 (goods and services wholly excluded from section 50 of that Act) after paragraph 8 there shall be inserted the following paragraph—

"9. The provision of a licensed cable programme service."

The Criminal Procedure (Scotland) Act 1975 1975 c. 21.

30. In subsection (2) of sections 169 and 374 of the Criminal Procedure (Scotland) Act 1975 (restrictions on reporting of criminal proceedings involving persons under 16) after the word "broadcasts" there shall be inserted the words "and any programme included in a cable programme service".

The Industry Act 1975 1975 c. 68.

31.—(1) At the end of subsection (1) of section 9 of the Industry Act 1975 (the National Enterprise Board and the media) there shall be added the words "or

(c) provide a licensed cable programme service".

(2) At the end of subsection (3) of that section there shall be added the words "or

(iii) activities connected with the provision of a licensed cable programme service".

(3) After subsection (9) of that section there shall be inserted the following subsection—

"(9A) If the Board or any of the Board's subsidiaries acquire any of the share capital of a body corporate which

SCH. 5 provides a licensed cable programme service, they shall consult the Cable Authority as to the steps that they are to take with regard to that share capital and obey any direction given by that Authority."

1975 c. 69.

The Scottish Development Agency Act 1975

32. In section 17 of the Scottish Development Agency Act 1975 (the Scottish Development Agency and the media) after "1975" there shall be inserted the words "as amended by the Cable and Broadcasting Act 1984".

1975 c. 70.

The Welsh Development Agency Act 1975

33.—(1) At the end of subsection (1) of section 19 of the Welsh Development Agency Act 1975 (the Welsh Development Agency and the media) there shall be added the words "or

(c) provide a licensed cable programme service".

(2) At the end of subsection (3) of that section there shall be added the words "or

(iii) activities connected with the provision of a licensed cable programme service".

(3) After subsection (9) of that section there shall be inserted the following subsection—

"(9A) If the Agency or any of the Agency's subsidiaries acquire any of the share capital of a body corporate which provides a licensed cable programme service, they shall consult the Cable Authority as to the steps that they are to take with regard to that share capital and obey any direction given by that Authority."

1976 c. 82.

The Sexual Offences (Amendment) Act 1976

34.—(1) In subsection (1) of section 4 of the Sexual Offences (Amendment) Act 1976 (anonymity of complainant in rape etc. cases) after the word "broadcast" there shall be inserted the words "or included in a cable programme".

(2) In subsection (5) of that section for the words "or broadcast" there shall be substituted the words "broadcast or included in a cable programme", the word "and" immediately following paragraph (b) shall be omitted and after paragraph (c) there shall be inserted the words "and

(d) in the case of an inclusion in a cable programme, any body corporate which sends or provides the programme and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,".

(3) In subsection (6) of that section after the definition of "a broadcast" there shall be inserted—

"'cable programme' means a programme included in a cable programme service ;".

(4) In subsection (7) of that section for the words “or broadcasting” there shall be substituted the words “broadcasting or inclusion in a cable programme” and for the words “or broadcast” there shall be substituted the words “broadcast or inclusion in a cable programme”.

(5) In section 5(5) of that Act (provisions supplementary to section 4) for the words “or broadcast” there shall be substituted the words “broadcast or cable programme”.

(6) In section 6(1) of that Act (anonymity of defendants in rape etc. cases) after the word “broadcast” there shall be inserted the words “or included in a cable programme”.

The Sexual Offences (Northern Ireland) Order 1978

S.I. 1978/460
(N.I. 5).

35.—(1) In paragraph (1) of Article 6 of the Sexual Offences (Northern Ireland) Order 1978 (anonymity of complainant in rape etc. cases) after the word “broadcast” there shall be inserted the words “or included in a cable programme”.

(2) In paragraph (5) of that Article for the words “or broadcast” there shall be substituted the words “broadcast or included in a cable programme”, the word “and” immediately following sub-paragraph (b) shall be omitted and after sub-paragraph (c) there shall be inserted the words “and—

(d) in the case of an inclusion in a cable programme, any body corporate which sends or provides the programme and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.”

(3) In paragraph (6) of that Article after the definition of “a broadcast” there shall be inserted—

“‘cable programme’ means a programme included in a cable programme service;”.

(4) In paragraph (7) of that Article for the words “or broadcasting” there shall be substituted the words “broadcasting or inclusion in a cable programme” and for the words “or broadcast” there shall be substituted the words “broadcast or inclusion in a cable programme”.

(5) In Article 7(3) of that Order (provisions supplementary to Article 6) for the words “or broadcast” there shall be substituted the words “broadcast or cable programme”.

(6) In Article 8(1) of that Order (anonymity of defendants in rape etc. cases) after the word “broadcast” there shall be inserted the words “or included in a cable programme”.

The Banking Act 1979

1979 c. 37.

36. In section 34(4) of the Banking Act 1979 (definition of “advertisement”) after the word “television” there shall be inserted the words “or by inclusion in a cable programme service”.

SCH. 5

1980 c. 43.

The Magistrates' Courts Act 1980

37.—(1) In subsection (1) of section 8 of the Magistrates' Courts Act 1980 (restrictions on reports of committal proceedings) after the word "broadcast" there shall be inserted the words "or include in a cable programme".

(2) In subsections (2B), (4), (5) and (8) of that section for the words "or broadcast", in each place where they occur, there shall be substituted the words "broadcast or included in a cable programme".

(3) In subsection (3) of that section for the words "or broadcast", in each place where they occur, there shall be substituted the words "broadcast or include in a cable programme".

(4) After paragraph (c) of subsection (5) of that section there shall be inserted the following paragraph—

"(d) in the case of an inclusion of a report in a cable programme, any body corporate which sends or provides the programme and any person having functions in relation to the programme corresponding to those of an editor of a newspaper."

(5) In subsection (10) of that section after the definition of "broadcast" there shall be inserted—

"cable programme" means a programme included in a cable programme service ;".

1981 c. 42.

The Indecent Displays (Control) Act 1981

38. In section 1(4)(a) of the Indecent Displays (Control) Act 1981 (indecent displays) for the words from "transmitted" to "State" there shall be substituted the words "included in a cable programme service which is or does not require to be licensed".

1981 c. 49.

The Contempt of Court Act 1981

39.—(1) In section 2(1) of the Contempt of Court Act 1981 (limitation of scope of strict liability) after the word "broadcast" there shall be inserted the words "cable programme".

(2) In section 19 of that Act (interpretation) immediately before the definition of "court" there shall be inserted the following definition—

"'cable programme' means a programme included in a cable programme service ;".

1981 c. 68.

The Broadcasting Act 1981

40.—(1) For paragraph (c) of section 3(1) of the 1981 Act (powers of Authority) there shall be substituted the following paragraph—

"(c) by arrangements made for the purpose with persons providing cable programme services, to provide for the inclusion in the services of programmes broadcast by the Authority."

(2) In section 9(1) of that Act (code for advertisements), at the beginning of paragraph (a) there shall be inserted the words "after consultation with the Cable Authority".

(3) In subsection (3) of section 14 of that Act (provision of tele-text services) for the words "TV programme contractor" there shall be substituted the words "TV or DBS programme contractor".

(4) In subsections (2) and (3) of section 33 of that Act (provisions supplementary to section 32), for the words "from stations", in each place where they occur, there shall be substituted the words "for reception in areas or localities" and for the word "stations", in the third place where it occurs in subsection (2) and in the fourth place where it occurs in subsection (3), there shall be substituted the words "areas or localities".

(5) For subsection (2) of section 42 of that Act (accounts and audit) there shall be substituted the following subsections—

"(2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Secretary of State.

(2A) A person shall not be qualified to be appointed as an auditor in pursuance of subsection (2) above unless he is a member of one or more of the following bodies—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Secretary of State ;

but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed."

(6) In section 63(1) of that Act (interpretation) after the definition of "local sound broadcast" there shall be inserted the following definition—

"'programme', in relation to a television or sound broadcasting service, includes any item broadcast in that service ;".

(7) After paragraph 1 of Schedule 4 to that Act (rental payments) there shall be inserted the following paragraph—

"1A. In the principal sections (other than section 33(1)) and the following provisions of this Schedule references to advertising receipts—

(a) in relation to a DBS programme contractor, and in relation to any period, include references to payments received or to be received by that contractor in respect of charges made for the reception of programmes provided by him and broadcast in a DBS service in that period ; and

SCH. 5

(b) in relation to a teletext contractor, and in relation to any period, include references to payments received or to be received by that contractor in respect of charges made for the reception of programmes provided by him and broadcast in a DBS or additional teletext service in that period."

(8) In paragraph 2 of that Schedule—

(a) after sub-paragraph (5) there shall be inserted the following sub-paragraph—

"(5A) Without prejudice to the generality of sub-paragraph (5) "relevant expenditure" includes, in relation to a DBS programme contractor, any expenditure incurred by the contractor in connection with the provision of the satellite transponder."; and

(b) in sub-paragraph (7) for the words "the provisions of paragraph 1" there shall be substituted the words "the foregoing provisions of this Schedule"; and

(c) in sub-paragraph (8) after the words "in the case of" there shall be inserted the words "a DBS programme contractor, of".

(9) In paragraph 3(2) of that Schedule after the words "TV programme contractors," there shall be inserted the words "DBS programme contractors,".

(10) At the end of paragraph 8(2) of Schedule 7 to that Act (the Broadcasting Complaints Commission: supplementary provisions) there shall be inserted the words "but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed".

S.I. 1981/839
(N.I. 20).

The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981

41. In Article 11(4) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (interpretation) the word "or" immediately following sub-paragraph (b) shall be omitted and after sub-paragraph (c) there shall be inserted the words "or

(d) to providing a licensable cable programme service".

1982 c. 33.

The Cinematograph (Amendment) Act 1982

42. In section 1 of the Cinematograph (Amendment) Act 1982 (extension of Cinematograph Act 1909 to certain other exhibitions of moving pictures) the words "under Part IV of the Telecommunications Act 1984" shall be omitted.

1982 c. 50.

The Insurance Companies Act 1982

43. In section 72(6) of the Insurance Companies Act 1982 (definition of "advertisement") after the word "television" there shall be inserted the words "or by inclusion in a cable programme service".

The Representation of the People Act 1983

SCH. 5

44.—(1) In section 75(1)(i) of the Representation of the People Act 1983 (prohibition of expenses not authorised by election agent) after the word “Authority” there shall be inserted the words “or in a programme included in a cable programme service which is or does not require to be licensed”.

(2) At the end of section 93 of that Act (broadcasting during elections) there shall be added the following subsection—

“(3) References in this section to items being broadcast from a television or other wireless telegraphy transmitting station in the United Kingdom include references to items being included in a cable programme service; and references in this section to the making of broadcasts shall be construed accordingly”.

The Telecommunications Act 1984

1984 c. 12.

45.—(1) After subsection (10) of section 7 of the 1984 Act (power to licence telecommunication systems) there shall be inserted the following subsections—

“(10A) Before the Secretary of State or the Director decides whether to grant or revoke a licence under this section which authorises the running of a telecommunication system to which subsection (10B) below applies, he shall consult with the Cable Authority.

(10B) A telecommunication system is one to which this subsection applies if—

(a) any person proposes to provide or is providing, by means of the system, a licensable cable programme service; and

(b) notice of that fact has been given to the Secretary of State or the Director.”

(2) In subsection (1) of section 42 of that Act (fraudulent use of telecommunication system) for the words “service provided by means of a licensed telecommunication system” there shall be substituted the words “service to which this subsection applies”.

(3) In subsection (2) of that section for the words “In this section ‘licensed telecommunication system’ means” there shall be substituted the words “Subsection (1) above applies to any service (other than a service to which section 53 of the Cable and Broadcasting Act 1984 applies) which is provided by means of”.

(4) In section 43(2) of that Act (improper use of public telecommunication system) the words “(within the meaning of Part IV of this Act)” shall be omitted.

The Video Recordings Act 1984

1984 c. 39.

46. For paragraph (b) of section 3(8) of the Video Recordings Act 1984 (exempted supplies) there shall be substituted the following paragraph—

“(b) a cable programme service which is or does not require to be licensed.”

SCHEDULE 6

REPEALS

Chapter	Short title	Extent of repeal
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 1(3), the words "under Part IV of the Telecommunications Act 1984".
12, 13 & 14 Geo. 6. c. 54.	The Wireless Telegraphy Act 1949.	In section 19(1), the proviso.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 66.	The Defamation Act 1952.	Section 16(4).
1955 c. 11. (N.I.).	The Defamation Act (Northern Ireland) 1955.	Section 14(3).
4 & 5 Eliz. 2. c. 74.	The Copyright Act 1956.	In section 2(3), the word "and" immediately preceding paragraph (d).
1963 c. 53.	The Performers' Protection Act 1963.	Section 3(2).
1967 c. 72.	The Wireless Telegraphy Act 1967.	In section 6(1), in the definition of "television set", the words "wireless telegraphy" and "broadcast for general reception".
1968 c. 54.	The Theatres Act 1968.	In section 7(3), the words from "and section" to the end.
1968 c. 67.	The Medicines Act 1968.	In section 92(6), the words from "and section" to the end.
1969 c. 48.	The Post Office Act 1969.	In Schedule 4, paragraph 53.
1973 c. 35.	The Employment Agencies Act 1973.	In section 13(4), the word "or" immediately following paragraph (b).
1976 c. 82.	The Sexual Offences (Amendment) Act 1976.	In section 4(5), the word "and" immediately following paragraph (b).
S.I. 1978/460 (N.I. 5).	The Sexual Offences (Northern Ireland) Order 1978.	In Article 6(5), the word "and" immediately following sub-paragraph (b).
1981 c. 68.	The Broadcasting Act 1981.	In section 25, subsections (1) to (3) and (5). In section 63(1) the definition of "broadcast relay station". In Schedule 3, in Part I, the entry relating to section 63(1).
S.I. 1981/839 (N.I. 20).	The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981.	In Article 11(4), the word "or" immediately following sub-paragraph (b).
1982 c. 33.	The Cinematograph (Amendment) Act 1982.	In section 1, the words "under Part IV of the Telecommunications Act 1984".

SCH. 6

Chapter	Short title	Extent of repeal
1984 c. 12.	The Telecommunications Act 1984.	In section 43(2), the words “(within the meaning of Part IV of this Act)”. Section 92(3). Part IV. In Schedule 4, paragraphs 30 and 32.

The repeal in the Cinematograph Act 1909 does not extend to Northern Ireland.

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