[GB] Eurotica Rendez Vous Proscribed

IRIS 1998-9:1/31

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A section 177 order which proscribes Eurotica Rendez Vous came into force at Friday 11 September 1998. It is now a criminal offence to supply dedicated equipment (e.g., smartcards) and programme material, advertise for or on Eurotica Rendez Vous, or to provide any other service in support of the channel within the UK. Section 177 of the Broadcasting Act 1990 enables the Secretary of State to "proscribe" or declare a foreign satellite service as unacceptable if the following conditions are met: (i) the Independent Television Commission has notified the Secretary of State it believes the service is unacceptable; (ii) the Secretary of State believes the order would be in the public interest; and (iii) that the order is compatible with the United Kingdom's international obligations. Concerning the latter, Article 2.2 of the Television without Frontiers Directive gives Member States the power to take measures against a service which "manifestly, gravely and seriously" breaches Article 22 (the protection of minors article). Again certain conditions must be met: (i) the broadcaster must have breached the article in this way at least twice in the previous 12 months; (ii) the Member State has notified the European Commission as well as the broadcaster of its intention to take measures if such an infringement occurs again; and (iii) consultations with the transmitting State and the European Commission do not produce an amicable settlement within 15 days. In accordance with these terms the Danish authorities and the European Commission have been notified that the UK Government considers this service to have manifestly, seriously and gravely infringed the Directive's provisions on the protection of children. A section 177 order comes into force 21 days after it is laid. This Order was laid before Parliament on 30 July. It is subject to negative resolution.

Eurotica Rendez Vous has however been granted leave for judicial review on the basis that the Judge thought that there were complex issues that needed to be substantially addressed. There is no date for a hearing at this time. In the past, four hard-core pornographic satellite services - Red Hot Television, TV Erotica, Rendez-Vous Television and Satisfaction Club TV - have already been proscribed in the United Kingdom (see IRIS 1997-4: 12 and IRIS 1996-10:18).

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