[GB] Government publishes proposals for the Regulation of Conditional Access Services for Digital Television

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The Government's proposals follow on the commitments set out in the 1995 document 'Digital Terrestrial Broadcasting: the Government's Proposals' and the general obligations as regards digital broadcasting contained in the EC Directive 'on the use of standards for the transmission of television signals' (95/47/EC). Comments are invited by 15 March 1996 and it is planned that the (revised?) proposals will be implemented into law by statutory instrument, the draft of which will be published during May.

The proposals cover 'the two technical systems and services necessary for the commercial transactions associated with conditional access to be completed', namely, scrambling and encryption and subscription management services (SMS). Thus, there would be two class licences aimed at regulating the competitive behaviour directly associated with the technology used for subscription of 'pay-perview' television.

The relevant licence conditions would include measures on: an obligation to provide services and a prohibition on undue preference or discrimination; a power to determine charges and conditions; a condition governing linked sales; a requirement to furnish all requisite and relevant information; prevention of evasion of licence conditions through the licencee's group; a requirement to keep separate accounts for the conditional access service business; power to require the licensee to interconnect and for the Director-General of OFTEL to determine the terms and conditions of interconnection (including essential interfaces); and, particularly for SMSs, a requirement in respect of data protection. (David Goldberg, University of Glasgow School of Law)

The Regulation of Conditional Access Services for Digital Televison.

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