[GB] Broadcasting Act

IRIS 1996-8:1/18

Tony Prosser
University of Bristol Law School

The Broadcasting Act 1996 received the Royal Assent thus finishing the legislative process in July. The Act makes a number of important changes to the broadcasting law, mainly designed to catch up with developments in the media sector since the Broadcasting Act 1990. The main provisions are as follows.

Part I of the Act creates a framework for the development of digital terrestrial television. This provides for the licensing of multiplexes, frequency bands on which several programme services and also data services can be combined. Six such multiplexes will be provided nationally and licensed by the Independent Television Commission, the major criterion for selecting them being the promotion of digital terrestrial broadcasting. In order to safeguard existing public service broadcasting, each existing broadcaster will be offered half a multiplex for each existing channel; digital cable companies will also be required to carry the public service channels. This will pave the way for an eventual switch-off of existing analogue broadcasting. Part II of the Act makes similar arrangements for digital terrestrial radio, in this case licensed by the Radio Authority.

The Act also makes important changes in the rules relating to concentration of media ownership; these are complex and only the briefest summary can be given here. It clarifies the notion of 'control' of a company, leaving more discretion to the regulator in determining this. The limit of two general Channel 3 licenses is abolished and replaced by a limit of 15% of total television audience. The restriction of newpaper holdings to 20% in television licence holders has also been abolished; newspaper groups with 20% or more of national circulation may not have more than a 20% holding in Channel 3 or 5 licensees, but other newspapers are free to own any broadcasting licenses subject to their passing a public interest test administered by the ITC and involving examination of the effects of the holding on diversity of information sources and competition. Further provisions apply to local newspapers and radio. Other changes in the Act include amendment of the formula which funds Channel 4 and the Welsh Fourth Channel, extension of the protection of important sporting events (the 'listed events') to prevent them being shown only on a subscription or pay-to-view basis, and a merger form April 1997 of the Broadcasting Standards Council and the Broadcasting Complaints Commission into a new Broadcasting Standards Commission.

© European Audiovisual Observatory (Council of Europe) 2026

Broadcasting Act 1996.

http://www.hmso.gov.uk

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026