[GB] Satellite Television Service Regulations

IRIS 1997-8:1/28

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The Broadcasting Act 1990 (s. 43) made a distinction between domestic, non-domestic and foreign satellite services. The first two required a licence from the Independent Television Commission (ITC) and there were several restrictions on the ownership of licenses to provide domestic satellite services. However the Court of Justice of the EC found, in a judgement dated 10 September 1996 (Case C-222/94, see IRIS 1996-10: 5-6 and IRIS 1997-3: 14), that the UK had failed to fulfil its obligations under the `Television without Frontiers' Directive by misinterpreting the basis on which satellite broadcasters fell within UK jurisdiction (uplinking instead of establishment), by applying different licensing regimes to domestic and non-domestic satellite services and by exercising control over broadcasts transmitted by broadcasters falling within the jurisdiction of other member states.

As a response the House of Lords adopted on the 8th of July 1997 a statutory order to implement the CJEC's decision. One consequence of the Satellite Television Service Regulations 1997 is the abolishment of the domestic satellite service regime. The distinction between the two types has been removed and a new service known as satellite television service is created (based upon the non-domestic satellite service regime). The provider of such a service will be licensable by the ITC if he is either established in the UK or, not being established anywhere in the EEA, he makes use of a UK frequency or UK satellite capacity or an uplink situated in the UK.

The Satellite Television Service Regulations 1997. Statutory Instrument 1997 No 1682, 10 July 1997

http://194.128.65.3/si/si1997/97168201.htm

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