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STATUTORY INSTRUMENTS

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**2013 No. 2217**

**BROADCASTING  
ELECTRONIC COMMUNICATIONS**

The Broadcasting and Communications  
(Amendment) Regulations 2013

*Made* - - - - *3rd September 2013*  
*Laid before Parliament* *5th September 2013*  
*Coming into force* - - *1st October 2013*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The Secretary of State is a Minister designated for the purposes of the 1972 Act in relation to electronic communications<sup>(2)</sup>, information society services<sup>(3)</sup> and measures relating to television broadcasting<sup>(4)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Broadcasting and Communications (Amendment) Regulations 2013 and come into force on 1st October 2013.

**Audiovisual Media Services Regulations 2009**

2.—(1) The Audiovisual Media Services Regulations 2009<sup>(5)</sup> are amended as follows.

(2) In regulation 11, omit paragraph (a).

(3) In regulation 13, omit paragraph (6).

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).  
(2) S.I. 2001/3495.  
(3) S.I. 2001/2555.  
(4) S.I. 1997/1174.  
(5) S.I. 2009/2979.

### Broadcasting Act 1990

3. In section 202 of the Broadcasting Act 1990(6), in subsection (1), for the definitions of “EEA Agreement” and “EEA State” substitute—

““EEA Agreement” and “EEA State” have the meaning given by Schedule 1 to the Interpretation Act 1978;(7)

### Broadcasting Act 1996

4.—(1) The Broadcasting Act 1996(8) is amended as follows.

(2) In section 12(3A), for “Council [Directive 89/552/EEC](#)” substitute “the Audiovisual Media Services Directive”.

(3) In section 39(1)—

(a) after the definition of “ancillary service” insert—

““the Audiovisual Media Services Directive” means Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;”;

(b) after the definition of “digital sound programme service” insert—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

(4) In section 98(6)(b), for “Council [Directive 89/552/EEC](#)” substitute “the Audiovisual Media Services Directive”.

(5) In section 99(3)(a), for “Council [Directive 89/552/EEC](#)” substitute “the Audiovisual Media Services Directive”.

(6) In section 101A—

(a) for “Article 3a(1) of Council [Directive 89/552/EEC](#)” substitute “Article 14(1) of the Audiovisual Media Services Directive”; and

(b) for “Article 3a(2)” substitute “Article 14(2)”.

(7) In section 101B, for “Article 3a(1) of Council [Directive 89/552/EEC](#)” substitute “Article 14(1) of the Audiovisual Media Services Directive”.

(8) In section 105(1)—

(a) before the definition of “Channel 4” insert—

““the Audiovisual Media Services Directive” means Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;”;

(b) after the definition of “designated event” insert—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

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(6) 1990 c. 42, as amended by [S.I. 1997/1682](#); there are other amending instruments but none is relevant.

(7) 1978 c. 30, as amended by section 26(1) of the Legislative and Regulatory Reform Act 2006; there are other amending instruments but none is relevant.

(8) 1996 c. 55, as amended by the Communications Act 2003 (2003 c. 21), [S.I. 1998/3196](#), [S.I. 2000/54](#), [S.I. 2006/2131](#) and [S.I. 2011/1043](#); there are other amending instruments but none is relevant.

### **Broadcasting (Independent Productions) Order 1991**

5.—(1) Article 3 of the Broadcasting (Independent Productions) Order 1991<sup>(9)</sup> is amended as follows.

(2) In paragraph 4A(a), for the words “a state for the time being bound by the agreement on the European Economic Area signed at Oporto on 2 May 1992” substitute “an EEA State (within the meaning given by Schedule 1 to the Interpretation Act 1978)”.

(3) For paragraph 4A(b), substitute—

“(b) the television services which the broadcaster provides are provided exclusively for reception in states other than EEA States and are not received directly or indirectly in any EEA State.”.

### **Broadcasting (Original Productions) Order 2004**

6.—(1) The Broadcasting (Original Productions) Order 2004<sup>(10)</sup> is amended as follows.

(2) In Article 5(5), for the definition of “European work” substitute—

““European work” means a European work within the meaning of paragraphs 1(n), 2, 3 and 4 of Article 1 of Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services”.

(3) The Schedule (Article 6(1) to (4) of Council [Directive 89/552/EEC](#) as amended by [Directive 97/36/EC](#)) is omitted.

### **Communications Act 2003**

7. In section 362 of the Communications Act 2003<sup>(11)</sup>, in subsection (1), for the definitions of “EEA State” and “another EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978, and “another EEA State” means an EEA State other than the United Kingdom;”.

### **Electronic Commerce (EC Directive) Regulations 2002**

8. In regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002<sup>(12)</sup>, in paragraph (1), for the definition of “EEA Agreement” substitute—

““EEA Agreement” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

### **Satellite Television Service Regulations 1997**

9.—(1) The Satellite Television Service Regulations 1997<sup>(13)</sup> are amended as follows.

(2) In regulation 3(b)(ii), after the words “EEA State” insert “(within the meaning given by Schedule 1 to the Interpretation Act 1978)”.

(3) Paragraph 14 of the Schedule is omitted.

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<sup>(9)</sup> [S.I. 1991/1408](#), as amended by [S.I. 1995/1925](#); there are other amending instruments but none is relevant.

<sup>(10)</sup> [S.I. 2004/1652](#).

<sup>(11)</sup> [2003 c. 21](#), to which there are amendments not relevant to these Regulations.

<sup>(12)</sup> [S.I. 2002/2013](#), to which there are amendments not relevant to these Regulations.

<sup>(13)</sup> [S.I. 1997/1682](#), to which there are amendments not relevant to these Regulations.

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3rd September 2013

*Ed Vaizey*  
Parliamentary Under Secretary of State  
Department for Culture, Media and Sport

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to certain broadcasting and communications legislation to ensure correct implementation of the Agreement on the European Economic Area (by amending particular references relating to the European Economic Area) and to reflect the codification of the EU Directives in the field of audiovisual media services.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.