

2010 No. 1883

ELECTRONIC COMMUNICATIONS

**The Audiovisual Media Services (Codification) Regulations
2010**

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| <i>Made</i> - - - - | <i>20th July 2010</i> |
| <i>Laid before Parliament</i> | <i>23rd July 2010</i> |
| <i>Coming into force</i> - - | <i>18th August 2010</i> |

These Regulations are made by the Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to information society services(b) and measures relating to television broadcasting(c), in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Audiovisual Media Services (Codification) Regulations 2010 and come into force on 18th August 2010.

Amendments to the Broadcasting Act 1990

2. In section 177(6) of the Broadcasting Act 1990(d) for “Council Directive 89/552/EEC” substitute “the Audiovisual Media Services Directive”.

3. In section 202(e) of that Act—

(a) after the definition of “advertising agent” 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) omit subsection (4A).

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- (a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and the Schedule, Pt 1.
- (b) European Communities (Designation)(No.2) Order 2001 S.I. 2001/2555.
- (c) European Communities (Designation) Order 1997 S.I. 1997/1174.
- (d) 1990 c.42; section 177(6) was substituted by the Satellite Television Service Regulations 1997, S.I. 1997/1682, reg 2, and the Schedule, para 13 and amended by the Television Broadcasting Regulations 1998, S.I. 1998/3196, reg 2, and the Schedule, para 5 and the Communications Act 2003 (c.21), section 360(3) and Schedule 15, Pt 1, para 61(1), (4), and Schedule 19(1).
- (e) Section 202(4A) was inserted by the Television Broadcasting Regulations 1998, S.I. 1998/3196, reg 2, and the Schedule, para 6(1), (2).

Amendments to the Communications Act 2003

4. In section 335A(1)(a) of the Communications Act 2003(a) for “3” substitute “4”.

5. In section 405(1)(b) of that Act for the definition of “the Audiovisual Media Services Directive” substitute—

““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”.

Amendment to the Gambling Act 2005

6. In section 333(5)(a) of the Gambling Act 2005(c) for “89/552/EEC on the coordination of provisions concerning television broadcasting” substitute “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”.

Amendment to the Wireless Telegraphy Act 2006

7. In section 115(1) of the Wireless Telegraphy Act 2006(d) for the definition of “the Audiovisual Media Services Directive” substitute—

““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”.

20th July 2010

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

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend specified legislation to reflect the codification of the EU Directives in the field of audiovisual media services.

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 (Audiovisual Media Services Directive)(e) repeals Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities(f). Directive 89/552/EEC was amended by Directive 97/36/EC of the

(a) 2003 c.21; section 335A was inserted by the Audiovisual Media Services Regulations 2009, S.I. 2009/2979, reg 7.

(b) Section 405(1) was amended by the Audiovisual Media Services Regulations 2009, S.I. 2009/2979, reg 11.

(c) 2005 c.19.

(d) 2006 c.36; section 115(1) was amended by the Audiovisual Media Services Regulations 2009, S.I. 2009/2979, reg 13 (1), (5), (6).

(e) Directive 2010/13/EU OJ No L95, 15.04.2010, p.1.

(f) Directive 89/552/EEC OJ No L 298, 17.10.1989, p.23.

European Parliament and of the Council**(a)** and Directive 2007/65/EC of the European Parliament and of the Council**(b)**.

Regulations 2 and 3 amend the Broadcasting Act 1990. Regulations 4 and 5 amend the Communications Act 2003. Regulations 6 amends the Gambling Act 2005 and regulation 7 the Wireless Telegraphy Act 2006.

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

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(a) Directive 97/36/EC OJ No L 202, 30.7.1997, p.60.
(b) Directive 2007/65 EC OJ No L 332, 18.12.2007, p.27.

STATUTORY INSTRUMENTS

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