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MR NORGROVE

SATELLITE BROADCAST SERVICES: MISC 128(87)6

You asked why the Home Secretary's paper suggested that new regulatory arrangements were needed for non-DBS satellite services, and not for all satellite broadcasting including DBS.

The short answer, I think, is that DBS is a term of art for high power and high frequency satellite broadcasting on internationally protected channels. It is subject to regulation by the relevant broadcasting authorities in each country. In the case of the UK, DBS comes under the IBA. Non-DBS satellite broadcasting at lower power is not subject to this special regulatory regime.

A J LANGDON

25 September 1987

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ITEM 2: SATELLITE BROADCAST SERVICES: PROGRAMME STANDARDS
MISC 128(87)6

Decisions

1. The conclusion might be to agree with the Home Secretary's proposal that the Cable Authority should be given new powers to regulate the contents of material transmitted to satellites (ie "uplinked") from this country. The Home Secretary might be invited to report back to an early meeting on progress towards an effective convention and on developing powers in domestic law against people advertising on satellite broadcasts from abroad. The Group's next consideration of this topic should take account of advice from the Foreign Secretary and the Attorney General.

Background

2. This paper was commissioned in haste from the Home Secretary to follow up the evident interest in the topic at your Seminar. The paper will probably not tell you much that you did not know already. It identifies the lack of any present control over material that is transmitted to satellites from this country, and suggests a cure for that. But the main problem is obviously that of non-DBS satellite broadcasting from abroad.

3. The Home Secretary's paper briefly rehearses where we stand on the two international initiatives currently in progress, the proposed Council of Europe Convention and the EC draft directive on broadcasting. As he says, there has hitherto been a good deal of suspicion about EC action in this field, and the Council of Europe has been the favoured runner. If we were to go down the Council of Europe route, it would be essential to find some way of enabling participating countries to invoke a speedy machinery to prevent

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offensive material being broadcast from another convention country

Main Issues

4. You will doubtless wish to press the Home Secretary (and the Foreign Secretary when he is brought into this) to ensure that the international negotiations are pressed ahead as quickly and effectively as possible. But, as the Home Secretary acknowledges, a convention is unlikely to be the complete answer. So far, Home Office thinking has not got very far on the new domestic law that would be needed to buttress any convention and to deal with any emerging pirate broadcasting. Although the Marine etc Broadcasting (Offences) Act 1967, which was used against the original pirate broadcasters, might provide some precedent, the Home Secretary acknowledges that there would be considerable evidential problems.

5. There are clearly going to be the most intractable problems about establishing an effective and enforceable sanction against offensive material broadcast from outside the jurisdiction, either lawfully from countries that have very different standards of taste from our own or, perhaps, unlawfully by pirates. The Home Secretary's paper does not pretend to be much more than a situation report. Rather than get too deeply involved in legalistic technicalities at this stage, you may simply wish to emphasise to the Home Secretary the importance of quickly bringing forward proposals that he should work up in consultation with the Foreign Secretary, the Trade and Industry Secretary and the Attorney General. The Home Secretary's proposal that the Cable Authority's powers should be extended to people who transmit material to satellites for broadcast elsewhere seems, however, to be straight-forward.



Handling

6. You may wish to begin by referring to the paper on the new Broadcasting Council which the Home Secretary is taking to H Committee the following day. That represents part of the approach towards enforcing standards of decency on domestic broadcasting. But the Seminar exposed the problem that will face us when satellite broadcasting from abroad gathers momentum.

7. You will then wish to invite the Home Secretary to introduce his paper. The Trade and Industry Secretary, in particular, will have comments.

CONQUEROR