

**The Advanced Television Services  
Regulations 2003**

**Draft regulations**

**A Consultation Document**

**February 2003**

## **Purpose of this Consultation**

The Department for Trade and Industry seeks your comments on the draft Advanced Television Services Regulations 2003 (Annex A). These Regulations implement Article 4(2) of Directive 2002/19/EC of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities (O.J. No. L 108, 24.4.2002, p.7, “the Access Directive”) and Article 24 of and Annex VI to Directive 2002/22/EC of the European Parliament and of the Council on universal service and users’ rights relating to electronic communications networks and services (O.J. No. L 108, 24.4.2002, p.51, “the Universal Service Directive”).

## **The Effect of the Regulations**

Regulation 4 implements Article 4(2) of the Access Directive, which imposes a duty on those transmitting or re-distributing digital television to transmit it in wide-screen (16:9) format.

Regulation 5 implements paragraph 1 of Annex VI to the Universal Service Directive, which requires all television sets to be able to descramble the common scrambling algorithm.

Regulations 6 and 7 implement paragraph 2 of Annex VI to the Universal Service Directive, which creates technical standards for analogue and digital televisions respectively.

Regulation 8 introduces Schedule 1, which provides for enforcement powers in relation to regulations 5, 6 and 7 on descramblers, integrated sockets in analogue televisions and integrated sockets in digital television respectively.

These regulations replace the earlier standards provided for in the Advanced Television Services Regulations 1996, which implemented Directive 95/47/EC of the European Parliament and of the Council on the use of standards for the transmission of television signals (O.J. No. L281, 23.11.95, p. 51).

For further information and details of how the provisions of the new regulations differ from the Advanced Television Services Regulations 1996, please refer to the draft guidance (Annex B).

Like other electronic communications directives the Universal Services Directive and the Access Directive must be transposed into UK law by 25 July 2003.

## **Comments sought**

We would welcome your answers to the following questions:

Q1. Do the draft regulations effectively transpose the relevant provisions of the Access Directive and the Universal Service Directive?

Q2 Does the draft guidance make clear what is required by the regulations?

General comments on the draft regulations are also welcome.

### **Responding to the Consultation**

Responses should be sent to Anthony Segal at the address below. If possible an e-mail response would be preferred. Further hard copies of the consultation document and the draft order can also be obtained from this address.

Comments are required by no later than Friday 2 May 2003.

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Please note that replies will be treated as open unless respondents indicate that they wish them, or any part of them (including the identity of the respondent), to be treated as confidential.

## **The Draft Regulations**

## **Annex A**

See next page.

**2003 No.**

**ELECTRONIC COMMUNICATIONS**

**The Advanced Television Service Regulations 2003**

*Made - - - - -*

*Laid before Parliament*

*Coming into force - - - - - 25<sup>th</sup> July 2003*

The Secretary of State, being a Minister designated<sup>1</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>2</sup> in relation to measures relating to advanced television services, in exercise of the powers conferred on her by that section, hereby makes the following Regulations:-

**Citation and commencement**

1. These Regulations may be cited as the Advanced Television Service Regulations 2003 and shall come into force on the 25<sup>th</sup> July 2003.

**Revocation**

2. The Advanced Television Service Regulations 1996<sup>3</sup> and the Advanced Television Service (Amendment) Regulations 1996<sup>4</sup> are hereby revoked.

**Interpretation**

3. In these regulations:

“analogue television set” means a television set which can receive and display analogue television signals;

“conditional access service” means a service which is provided over a conditional access system;

“conditional access system” has the meaning given by section 71(3) of the Communications Act 2003<sup>5</sup>;

“digital television set” means a television set with an integrated decoder of digital television signals;

“electronic communications network” means:

- (a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and
- (b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals:
  - (i) apparatus comprised in the system;

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<sup>1</sup> SI 1996/266.

<sup>2</sup> 1972 c. 68.

<sup>3</sup> SI 1996/3151.

<sup>4</sup> SI 1996/3197.

- (ii) apparatus used for the switching or routing of the signals; and
- (iii) software and stored data.

“electronic communications service” means any service consisting in, or having as its principal feature, the conveyance by means of an electronic communications network of signals, except in so far as it is a content service.

“public electronic communications network” means an electronic communications network provided wholly or mainly for the purpose of making electronic communications services available to members of the public;

“rent out” in relation to any television set or other equipment means the first supplying of that set or equipment pursuant to the making of a rental agreement, and “offer for rent” and “expose for rent” shall be construed accordingly.

“sell” includes transfer by means of conditional sale or hire purchase, and “offer for sale” and “expose for sale” shall be construed accordingly;

“television programme” means any programme (with or without sounds) which –

- (a) is produced wholly or partly to be seen on television; and
- (b) consists of moving or still images or of legible text or of any combination of those things;

“wide-screen television service” means a television service that consists wholly or partially of programmes produced and edited to be displayed with a height width ratio of 16:9;

#### **Wide-Screen Television Services**

**4.**—(1) Any person operating a public electronic communications network established to distribute digital television shall have a duty to ensure that it is capable of distributing wide-screen television services and television programmes;

(2) Any person who receives and redistributes television services or television programmes to the public shall have a duty to redistribute in wide-screen format all television services and television programmes he receives in that format.

(3) The duties in paragraph (1) and (2) shall be enforced as if they were general conditions set under section 41 of the Communications Act 2003.

#### **The Common Scrambling Algorithm and the transmission of unscrambled images**

**5.**—(1) No person shall sell or rent out, otherwise make available, or offer or expose for sale or rent or otherwise for making available any equipment to which this regulation applies unless that equipment possesses the capability:

- (a) to allow the descrambling of signals according to the common European scrambling algorithm as administered by the European Telecommunications Standards Institute (ETSI);
- (b) to display visual images that have been transmitted unscrambled;

provided that if the equipment is rented, the rentee is in compliance with the relevant rental agreement.

(2) This regulation applies to all consumer equipment intended for the reception of digital television signals and capable of descrambling such signals, except equipment which was first on the market in any member State before the 25<sup>th</sup> July 2003.

#### **Interoperability for analogue television sets**

6. —(1) No person shall sell or rent out, or offer to expose for sale or rent, an analogue television set to which this regulation applies unless it is fitted with at least one standardised open interface socket permitting the simple connection of peripherals.

(2) This regulation applies to any analogue television set with an integral viewing screen of visible diagonal greater than 42cm, except a television set which was put on the market in any member State before the 25<sup>th</sup> July 2003.

(3) In this regulation-

- (a) “a standardised open interface socket” means an interface that would be recognised as such by all member States.
- (b) “peripherals” includes additional decoders and digital receivers.

#### **Interoperability for digital television sets**

7. —(1) No person shall sell or rent out, or offer to expose for sale or rent, a digital television set to which this regulation applies unless it is fitted with at least one standardised open interface socket that permits the:

- (a) simple connection of peripherals; and
- (b) passage of all the elements of a digital television signal.

(2) This regulation applies to any digital television set with an integral viewing screen of visible diagonal greater than 30cm, except a television set which was put on the market in any member State before the 25<sup>th</sup> July 2003.

(3) In this regulation:

- (a) “a standardised open interface socket” means an interface that conforms to an industry-wide specification.
- (b) “digital television signal” includes information relating to interactive and conditionally accessed services.

#### **Enforcement**

8. The Schedule to these Regulations shall have effect for the purpose of enforcement of regulations 5, 6 and 7.

### SCHEDULE

#### **Regulation 8**

#### **ENFORCEMENT OF REGULATIONS 5, 6 AND 7**

#### **Enforcement of the relevant provisions**

1. This Schedule shall have effect for the purposes of providing for the enforcement of regulations 5(1), 6(1) and 7(1), and in this Schedule, each such provision hereinafter referred to as a “relevant provision”.

### **Enforcement authorities**

2. —(1) It shall be the duty of the following authorities to enforce the relevant provisions-

- (a) in Great Britain, weights and measures authorities; and
- (b) in Northern Ireland, the Department of Enterprise, Trade and Investment.

(2) The Secretary of State may enforce the relevant provisions.

(3) In this Schedule, “enforcement authority” means any person who is, pursuant to the provisions of this paragraph, authorised to enforce the relevant provisions.

### **Test purchases**

3. —(1) An enforcement authority shall have the power, for the purposes of ascertaining whether any equipment which is required to comply with a relevant provision does in fact so comply, to make, or authorise an officer of the authority to make, any purchase of equipment.

(2) Where-

- (a) any equipment purchased pursuant to this paragraph by or on behalf of an enforcement authority is submitted to a test;
- (b) the test leads to the bringing of forfeiture proceedings in respect of that equipment or equipment of the same description pursuant to paragraph 7 or 8 below; and
- (c) the authority is requested to do so and it is practicable for the authority to comply with the request,

the authority shall allow the person from whom the equipment was purchased or any person who is a party to the proceedings or has an interest in any equipment to which the notice relates to have the apparatus tested.

(3) In this paragraph, “purchase” includes, where equipment is only available to rent, renting, and where consumer equipment capable of descrambling digital television signals is only made available by a method otherwise than by way of sale or rent, obtaining such equipment by that method, and cognate expressions shall be construed accordingly.

### **Powers of search etc.**

4. —(1) Subject to paragraph 5 below, a duly authorised officer of an enforcement authority may at any reasonable hour and on production, if required, of his credentials exercise any of the powers conferred by the following provisions of this paragraph.

(2) The officer may, for the purposes of ascertaining whether there has been a contravention of a relevant provision-

- (a) inspect any equipment and enter any premises other than premises occupied only as a person's residence; or
- (b) examine any procedure connected with the production of any equipment.

(3) If the officer has reasonable grounds for suspecting that there has been breach of a relevant provision, he may for the purpose of ascertaining (by testing or otherwise) whether there has been any such breach, or for the purposes of bringing proceedings for forfeiture under paragraphs 8 or 9, seize and detain any equipment.

(4) The officer may seize and detain-

- (a) any document, record or information or any other thing which he has reasonable grounds for believing may be required-
  - (i) as evidence in proceedings for forfeiture under paragraph 8 or 9; or

- (ii) by the authorities of a member State other than the United Kingdom for the purposes of the exercise of its functions with regard to the Universal Services Directive 2002/22/EC.
  - (b) any equipment which he has reasonable grounds for suspecting may be liable to be forfeited.
- (5) The officer may, for the purposes of the exercise of his powers under sub-paragraphs (3) or (4) above to seize any equipment, any document, record or information or any other thing-
- (a) require any person having authority to do so to open any container; and
  - (b) himself open or break open any such container where a requirement made under sub-paragraph (a) above in relation to the container has not been complied with.

**Provisions supplemental to paragraph 4**

5. —(1) An officer seizing any equipment, documents, records or information or any other thing under paragraph 4 above shall inform the person from whom they are seized that such equipment, document, record or information or other thing have been so seized.

(2) If a justice of the peace-

- (a) is satisfied by any written information on oath that there are reasonable grounds for believing either-
  - (i) that any equipment, documents, records or information or any other thing which any officer has power to inspect under paragraph 4 above are on any premises (which may be premises occupied only as a person's residence) and that such inspection is likely to disclose evidence that there has been a contravention of a relevant provision; or
  - (ii) that such a contravention has taken place, is taking place or is about to take place on any premises; and
- (b) is also satisfied by any such information either-
  - (i) that admission to the premises has been or is likely to be refused and that notice of an intention to apply for a warrant under this sub-paragraph has been given to the occupier; or
  - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may by warrant under his hand, which shall continue in force for one month, authorise any officer of an enforcement authority to enter the premises, if need be by force.

(3) An officer entering any premises by virtue of paragraph 4 above or a warrant under sub-paragraph (2) of this paragraph may take with him such other persons and such equipment as may appear to him to be necessary.

(4) On leaving any premises which a person is authorised to enter by a warrant under sub-paragraph (2) of this paragraph, that person shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

(5) Where any equipment seized by an officer under paragraph 4 above is submitted to a test, the officer shall inform the person mentioned in sub-paragraph (1) of this paragraph of the result of the test and, if-

- (a) proceedings are brought in respect of a contravention of a relevant provision for the forfeiture of the equipment concerned; and
- (b) the officer is requested to do so and it is practicable to comply with the request,
 

the officer shall allow any person who is a party to the proceedings or has an interest in the equipment to have the equipment tested.

(6) In the application of this section to Scotland, the reference in sub-paragraph (2) above to a justice of the peace shall include a reference to a sheriff and the references to written information on oath shall be construed as references to evidence on oath.

(7) In the application of this paragraph to Northern Ireland, the references in sub-paragraph (2) above to any information on oath shall be construed as references to any complaint on oath.

#### **Exception from paragraphs 4 and 5**

6. Nothing in paragraphs 4 or 5 above shall be taken to authorise the taking of any action in relation to any equipment which has been sold or rented out or otherwise made available as the case may be to any person who has physically taken delivery of the equipment; but -

- (a) this is without prejudice to the taking of any other action authorised by this Schedule in relation to such equipment by an enforcement authority or an officer of such authority; and
- (b) nothing in this Schedule shall prevent a person to whom equipment has been sold, rented out or otherwise made available from taking any action or bringing any proceedings which he might otherwise take or bring.

#### **Appeals against detention of equipment**

7. —(1) Any person having an interest in any equipment, document, record, information or other thing which is for the time being detained under any provision of this Schedule by an enforcement authority or by an officer if such an authority may apply for an order requiring such item to be released to him or to another person.

(2) An application under this paragraph may be made-

- (a) to any magistrates' court in which proceedings for forfeiture have been brought in England and Wales and Northern Ireland; or
- (b) where no such proceedings have been brought, by way of complaint to a magistrates' court.

(3) On an application under this paragraph to a magistrates' court, an order requiring equipment to be released shall be made only if the court is satisfied-

- (a) that proceedings for the forfeiture of the equipment under paragraph 8 or 9 have not been brought, or, having been brought, have been concluded without the equipment being forfeited; and
- (b) where no such proceedings have been brought, that more than six months have elapsed since the equipment was seized.

(4) Sub-paragraphs (1) to (3) apply to Scotland with the substitution for references to the magistrates' court of references to the sheriff.

(5) Any person aggrieved by an order made under this paragraph by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision-

- (a) in England and Wales, to the Crown Court;
- (b) in Northern Ireland, to the county court;

and an order so made may contain such provision as appears to the court appropriate for delaying the coming into force of the order pending the making and determination of any

appeal (including any application under section 111 of the Magistrates' Courts Act 1980<sup>6</sup> or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>7</sup>).

- (6) The appeal to the sheriff is by way of summary application.
- (7) In Scotland a further appeal shall lie –
  - (a) to the sheriff principal from the decision of the sheriff; and
  - (b) with leave of the sheriff principal, to the Court of Session from the decision of the sheriff principal.

### **Proceedings in England and Wales or Northern Ireland for forfeiture**

8. —(1) Where in England and Wales or Northern Ireland any equipment has been seized and detained by an officer of an enforcement authority pursuant to paragraph 4, an officer of that authority may apply to a justice of the peace acting for the petty sessions area in which the equipment was seized (referred to below in this paragraph as the relevant petty sessions area) to initiate proceedings for forfeiture of the equipment under this paragraph.

(2) An application under this paragraph must be made within the period of six months beginning with the date on which the equipment to which it relates was seized.

(3) A justice of the peace to whom an application under this paragraph is made may issue a summons to any person appearing to him to be the owner of or otherwise interested in any equipment to which the application relates requiring him to appear on a day specified in the summons before a magistrates' court acting for the relevant petty sessions area to show cause why the equipment should not be forfeited.

(4) In addition to the person summoned, any other person claiming to be the owner of or otherwise interested in any equipment to which an application under this paragraph relates shall be entitled to appear before the court on the day specified in the summons to show cause why it should not be forfeited.

(5) Where any equipment is brought before a magistrates' court in proceedings under this paragraph the court can only order forfeiture to the enforcement authority if:

- (a) the court is satisfied that the equipment contravenes the relevant provision;
- (b) any person summoned under sub-paragraph (3) appears before the court, or service of the summons is proved; and
- (c) the court are satisfied that there is no good reason why they should not order forfeiture.

(6) Where in any proceedings under this paragraph an order is made for the forfeiture of any equipment, any person who appeared, or who was entitled to appear, to show cause against the making of the order may appeal to the Crown Court.

(7) No order for the forfeiture of any equipment made under this paragraph shall take effect-

- (a) until the end of the period of twenty-one days after the day on which the order is made; or
- (b) if appeal proceedings are brought in respect of the order within that period (whether by way of appeal to the Crown Court or by way of case stated for the opinion of the High Court), until the conclusion of those proceedings.

(8) If a magistrates' court does not order forfeiture of any equipment brought before it in proceedings under this paragraph the court may if it thinks fit order the person on whose application the proceedings were initiated to pay such costs as the court thinks reasonable to any person who has appeared before the court to show cause why the equipment should not be forfeited; and costs ordered to be paid under this sub-paragraph shall be enforceable as a civil debt.

(9) Any equipment ordered to be forfeited under this paragraph may be disposed of by the enforcement authority concerned in such manner as it thinks fit.

(10) This paragraph has effect notwithstanding anything in section 140 of the Magistrates' Courts Act 1980 or article 58 of the Magistrates' Courts (Northern Ireland) Order 1981 (disposal of non-pecuniary forfeitures).

(11) In the application of this paragraph to Northern Ireland references to a petty sessions area shall be read as references to a petty sessions district.

(12) This paragraph applies to England and Wales and Northern Ireland only.

### **Proceedings for forfeiture in Scotland**

**9.** - (1) Where in Scotland any equipment has been seized and detained by an officer of an enforcement authority pursuant to paragraph 4 above, the enforcement authority may apply to the sheriff for forfeiture of the equipment under this paragraph.

(2) An application to the sheriff under sub-paragraph (1) shall be made by summary application and must be made within the period of six months beginning with the date on which the equipment to which it relates was seized.

(3) Where an application is made under this paragraph and the sheriff is satisfied that the equipment breaches the relevant provision, the sheriff shall order the equipment to be forfeited to the enforcement authority concerned, unless cause is shown why the equipment should not be forfeited.

(4) Any equipment ordered to be forfeited under this paragraph may be disposed of by the enforcement authority concerned in such manner as it thinks fit.

(5) This paragraph applies to Scotland only.

### **Power of the court to require matter to be remedied**

**10.** - (1) Where an application is made for the forfeiture of any equipment in respect of any matters which it appears to the court or sheriff as the case may be to be matters which it is in the power of any person who appears or who is entitled to appear to show cause why such equipment should not be forfeited, to remedy, the court or sheriff may, instead of ordering the equipment to be forfeited, order him, within such time as may be fixed by the order, to take such steps as may be specified in the order for remedying the said matters.

(2) The time fixed by an order under sub-paragraph (1) may be extended or further extended by order of the court or sheriff on an application made before the end of that time as originally fixed or as extended under this sub-paragraph as the case may be.

### **Recovery of expenses of enforcement**

**11.** —(1) This paragraph applies where a court or sheriff as the case may be makes an order under paragraph 8, 9 or 10.

(2) The court or sheriff may (in addition to any other order it may make as to costs) order the person appearing to be the owner of or otherwise interested in the equipment or from whom the equipment was seized, to reimburse the enforcement authority for any expenditure which has been or may be incurred by that authority-

- (a) in investigating the contravention, and, without prejudice to the generality of the foregoing, in having the equipment tested; or
- (b) in connection with any seizure or detention of the equipment by or on behalf of the authority.

### **Application in England and Wales of certain provisions of the Police and Criminal Evidence Act 1984**

**12.** —(1) Whilst nothing in these Regulations shall be taken as providing that a contravention of a relevant provision constitutes a criminal offence, sections 15, 16, 20 and 21 of the Police and

Criminal Evidence Act 1984<sup>8</sup> shall apply to the exercise by an officer of an enforcement authority of the powers conferred by this Schedule as they apply to a constable.

(2) This paragraph applies to England and Wales only.

### **Application in Northern Ireland of certain provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989**

**13.**—(1) Whilst nothing in these Regulations shall be taken as providing that a contravention of a relevant provision constitutes a criminal offence, articles 17, 18, 22 and 23 of the Police and Criminal Evidence (Northern Ireland) Order 1989<sup>9</sup> shall apply to the exercise by an officer of an enforcement authority of the powers conferred by this Schedule as they apply to a constable.

(2) This paragraph applies to Northern Ireland only.

### **Interpretation**

**14.** In this Schedule-

“document, record or information” includes any computer disk or other electronic, magnetic or electromagnetic means upon which the document, record or information is or is reasonably believed to be stored;

“equipment” means-

- (a) in relation to regulation 5, consumer equipment capable of descrambling digital television signals;
- (b) in relation to regulation 6, an analogue television set;
- (c) in relation to regulation 7, a digital television set;

“forfeiture” means forfeiture under paragraph 7 above, and “forfeited” shall be construed accordingly; and

“premises” includes any place and, in particular, includes-

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any offshore installation; and
- (c) any tent or movable structure,

and in this definition, “offshore installation” has the meaning given to it by section 1 of the Mineral Workings (Offshore Installations) Act 1971(13)<sup>10</sup>.

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### **Explanatory Note**

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

These Regulations implement Article 4(2) of Directive 2002/19/EC of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities (O.J. No. L 108, 24.4.2002, p.7, “the Access Directive”) and Article 24 of and Annex VI to Directive 2002/22/EC of the European Parliament and of the Council on universal service and users’ rights relating to

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<sup>8</sup> 1984 c. 60.

<sup>9</sup> SI 1989/1341 (NI 12).

<sup>10</sup> 1971 c 61.

electronic communications networks and services (O.J. No. L 108, 24.4.2002, p.51, “the Universal Service Directive”).

Regulation 4 implements Article 4(2) of the Access Directive, which imposes a duty on those transmitting or re-distributing digital television to transmit it in wide-screen (16:9) format.

Regulation 5 implements paragraph 1 of Annex VI to the Universal Service Directive, which requires all television sets to be able to descramble the common scrambling algorithm and Regulations 6 and 7 implement paragraph 2 of Annex VI to the Universal Service Directive, this creates technical standards for analogue and digital televisions respectively.

Regulation 8 introduces Schedule 1, which provides for enforcement powers in relation to regulations 5, 6 and 7 on descramblers, integrated sockets in analogue televisions and integrated sockets in digital television respectively.

These regulations replace the earlier standards provided for in the Advanced Television Services Regulations 1996, which implemented Directive 95/47/EC of the European Parliament and of the Council on the use of standards for the transmission of television signals (O.J. No. L281, 23.11.95, p. 51), and revoke those Regulations.

**THE ADVANCED TELEVISION SERVICES REGULATIONS 2003 - COMPLIANCE GUIDANCE****Introduction****Enforcement Requirements****Differences from the Advanced Television Services Regulations 1996****Trading Standards Departments****If Something Goes Wrong****Enforcement Co-ordination and Consistency****Further Information****Introduction**

The Advanced Television Services Regulations 2003 (SI No.) implement Article 4(2) of Directive 2002/19/EC of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities (O.J. No. L 108, 24.4.2002, p.7, “the Access Directive”) and Article 24 of and Annex VI to Directive 2002/22/EC of the European Parliament and of the Council on universal service and users’ rights relating to electronic communications networks and services (O.J. No. L 108, 24.4.2002, p.51, “the Universal Service Directive”).

These regulations replace the earlier standards provided for in the Advanced Television Services Regulations 1996, which implemented Directive 95/47/EC of the European Parliament and of the Council on the use of standards for the transmission of television signals (O.J. No. L281, 23.11.95, p. 51). This Directive has now been revoked, and the 1996 Regulations have now been revoked likewise.

Authoritative interpretation in a particular case would be a matter for the courts and ultimately for the European Court of Justice. In the absence of any cases giving rise to such an interpretation, this guidance sets out the DTI’s interpretation of the Regulations which will govern DTI in its enforcement role and which local trading standards officers and manufacturers may also find helpful.

**Enforcement Requirements**

The enforcement responsibility of local authorities is confined to Regulations 5, 6 and 7 relating to the performance and capability of television and receiver equipment. Each of these Regulations applies to any item falling within the product categories described for each Regulation put on the market since 25 July 2003.

**Regulation 5**-All consumer electronic equipment intended for the reception of digital television signals must have the capability to descramble standardised digital television signals and to display signals that have been transmitted in clear. Note that this covers all consumer equipment, including, for example computer peripherals, not just televisions and set top decoders. The first requirement can be most readily met by incorporating the DVB Common Descrambling Algorithm (see ETR289) in the conditional access component. The second requirement means that a conditional access operator should not interfere with the viewer’s ability to watch ‘in-clear’ (or unscrambled) programming provided he has paid the relevant sale price for the equipment, or is complying with his rental agreement. A simple way to meet this requirement would be to ensure that the equipment always passed through signals transmitted in-clear.

**Regulation 6** – All Television sets with an analogue tuner and an integral viewing screen of visible diagonal greater than 42cm shall be fitted with at least one open interface socket, as standardised by a recognised European Standards Organisation e.g. as given in the CENELEC EN

50049-1:1997 standard (also known as Peritelevision or SCART) permitting simple connection of peripherals including additional decoders and digital receivers.

**Regulation 7** – All television sets with an integrated decoder of digital television signals and an integral viewing screen of visible diagonal greater than 30 cm shall possess at least one open interface socket (conforming to an industry wide specification) e.g. the DVB common interface connector permitting both the simple connection of peripherals and able to pass all the elements of a digital television signal, including information relating to interactive and conditionally accessed services.

### **Wide Screen Television**

**Regulation 4** – All digital television signals must be able to be transmit television programmes in the wide-screen format. Furthermore, any digital television signal that is transmitted in wide-screen format must be re-transmitted in the same format.

Unlike the other regulations this regulation will be enforced by OFCOM as if it were a general condition under the Communications Act 2003.

### **Differences from the Advanced Television Services Regulations 1996**

Regulation 4 of the 2003 regulations is very similar to regulation 4 of the 1996 regulations. However, the new regulation also applies to re-transmission networks as well as the digital transmission networks. Under the 1996 Regulations this provision was enforced as if it were a condition of a telecommunications licence. Now that telecommunications licences have been abolished, the obligation is imposed under the closest equivalent – a general condition.

Regulation 5 of the 2003 regulations places different requirements on descramblers of digital television signals than Regulation 9 of the 1996 Regulations. The new regulation extends to cover signals that are not subject to conditional access, notably free-to-air services. Also the new regulation 5 is now more narrow in scope and covers only consumer equipment which is *intended* for the reception of digital television signals rather than equipment which is capable of such reception but not so intended.

Regulations 6 and 7. The new regulations make a distinction between the requirements of analogue and digital sets. Regulation 6 of the 2003 regulations applies only to sets, which can receive and display analogue television signals (including integrated digital televisions (iDTVs) that also have this capability) and have a viewing screen of visible diagonal greater than 42cm. Regulation 7 applies to only sets, which have an integrated decoder of digital television signals (iDTVs) and a viewing screen of visible diagonal greater than 30 cm.

### **General Details**

#### **Trading Standards Departments**

The controls include a role for local trading standards authorities (and the Department of Economic Development in Northern Ireland). All of these authorities support the 'LACOTS Home Authority Principle'. This means that every business can turn to one authority for advice on regulation, remedial action and good practice. In most circumstances the home authority will be the local authority in whose area the decision-making offices of your business are based.

#### **If Something Goes Wrong**

There is a need for manufacturers and importers (and enforcement authorities) to work closely to ensure compliance. Retailers are also liable to enforcement action so it is in their interests to ensure their equipment conforms with the regulations. As well as acting as a source of advice on

the new obligations, trading standards departments have a specific enforcement responsibility. Where equipment does not conform, local authorities are able to investigate using powers which enable them to inspect equipment, relevant documents and records, and examine the production process. Where merited by the circumstances, they can detain equipment and apply to the courts for forfeiture.

### **Enforcement Co-ordination and Consistency**

LACOTS, the Local Authorities Co-ordinating Body on Food and Trading Standards, is a central body established by the local authority Associations to help in securing enforcement co-ordination and consistency. It provides regular advice and guidance to authorities, promotes good practice, and liases regularly with trade associations, government departments, consumer organisations and European enforcement agencies.

### **Further Information**

Local trading standards authority - see phone book for details.

The criteria in this code apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

The criteria should be reproduced in consultation documents, with an explanation of any departure, and confirmation that they have otherwise been followed

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage
2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose
3. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain
4. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken
7. Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated