

unexpectedly direct competition for the UK's first DBS operator, British Satellite Broadcasting. There was a particularly bitter rivalry between British Satellite Broadcasting and Sky Television, which was broadcasting four channels on the Astra satellite.¹⁰⁰ The conflict was not sustainable. Towards the end of 1990, shortly before the new Broadcasting Act came into force, a merger was announced between Sky Television and British Satellite Broadcasting. The new venture is called British Sky Broadcasting and has been widely regarded as representing a victory for Sky Television. It was reported that the Independent Broadcasting Authority was considering the revocation of the DBS franchise on the grounds that the merged group contravened both foreign (non-EEC) and cross-media ownership restrictions in the 1981 Broadcasting Act.¹⁰¹ Ultimately, however, the Authority decided that British Sky Broadcasting would be allowed to continue transmitting on the Marco Polo satellite until the end of 1992. This is partly to protect the owners of DBS reception equipment, which cannot be used with the Astra satellite. It was also announced that the ITC would in due course invite applications for use of the DBS frequencies.¹⁰² Meanwhile, British Sky Broadcasting has also been granted a non-domestic satellite service licence.¹⁰³ This is to authorize its transmissions via the Astra satellite, which continue in parallel with transmissions via the Marco Polo satellite.

It remains to mention briefly the third class of satellite broadcasting licence which is provided for under the 1990 Broadcasting Act. This is the licence for a sound broadcasting service transmitted by satellite, which is awarded by the Radio Authority.¹⁰⁴ Generally speaking, the Radio Authority may grant such licences to provide satellite sound broadcasting services as they may determine.¹⁰⁵

Both domestic and non-domestic satellite services are subject to the same general rules relating to programme content as apply to other licensed broadcast services. The ITC has a duty to secure that every licensed service complies with certain specified requirements: for example, that nothing is included in programmes which offends against good taste or decency; that news is presented with impartiality; that due responsibility is exercised with respect to the content of religious programmes; and that subliminal techniques are excluded.¹⁰⁶ The ITC is also required to draw up a general code giving guidance as to the content of programmes and a code relating to advertising and sponsorship.¹⁰⁷ The

100 Raymond Snoddy, *The Satellite Wars*, FINANCIAL TIMES, 16 October 1990, viii.

101 TIMES, 17 November 1990.

102 THE INDEPENDENT, 21 December 1990.

103 TIMES, 21 December 1990.

104 *Supra* note 84.

105 Broadcasting Act 1990 § 85.

106 *Id.* § 6(1).

107 *Id.* § 7, 9.