

## SCHEDULES

### SCHEDULE 13

Section 142.

#### THE BROADCASTING COMPLAINTS COMMISSION: SUPPLEMENTARY PROVISIONS

##### *Status and capacity*

- 1 (1) The BCC shall not be treated for the purposes of the enactments and rules of law relating to the privileges of the Crown as a body exercising functions on behalf of the Crown.
- (2) It shall be within the capacity of the BCC as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the discharge of their functions under this Act.

##### *Appointment of members*

- 2 (1) A person shall be disqualified for being a member of the BCC so long as he is—
  - (a) a governor or employee of the BBC;
  - (b) a member or employee of the Independent Television Commission established by this Act;
  - (c) a member or employee of the Radio Authority established by this Act;
  - (d) a member or employee of the Channel Four Television Corporation established by this Act;
  - (e) a member or employee of the Welsh Authority;
  - (f) a member or employee of the Broadcasting Standards Council established by this Act; or
  - (g) a person who does not fall within any of the preceding paragraphs but who appears to the Secretary of State to be concerned with, or to have an interest in—
    - (i) the preparation or provision of programmes for broadcasting by the BBC or the Welsh Authority; or
    - (ii) the provision of a licensed service or the preparation or provision of programmes for inclusion in such a service.
- (2) Before appointing a person to be a member of the BCC the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the BCC; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the BCC that he has no such interest.
- (3) Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the BCC shall, whenever requested by the Secretary of State to do so, furnish him with such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraph (2).

*Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each member of the BCC shall hold and vacate office in accordance with the terms of his appointment.
- (2) A person shall not be appointed to be a member of the BCC for more than five years at a time.
- (3) Any member of the BCC may at any time resign his office by notice in writing to the Secretary of State.

*Remuneration and pensions of members*

- 4 (1) The BCC may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The BCC may pay or make provision for paying to or in respect of any member such sums by way of pensions, allowances or gratuities as the Secretary of State may determine.
- (3) Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the BCC may make a payment to him of such amount as the Secretary of State may determine.
- (4) The approval of the Treasury shall be required for any determination under this paragraph.

*Proceedings*

- 5 (1) Subject to paragraph 6 and to the provisions of Part V of this Act, the quorum of the BCC and the arrangements relating to their meetings shall be such as the BCC may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the BCC, of any of the BCC's functions by a committee or by one or more of the members or employees of the BCC.
- 6 (1) A member who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the BCC shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting, and
  - (b) (subject to sub-paragraph (2)) the member shall not take any part in any deliberation or decision of the BCC, or of any of their committees, with respect to that matter.
- (2) Sub-paragraph (1)(b) shall not apply in relation to any meeting of the BCC at which all of the other members present resolve that the member's interest should be disregarded for the purposes of that provision.
- (3) For the purposes of sub-paragraph (1), a general notification given at a meeting of the BCC by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any matter involving that company or firm shall be regarded as a sufficient disclosure of his interest in relation to any such matter.

- (4) A member need not attend in person at a meeting of the BCC in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at the meeting.
- (5) In this paragraph references to a meeting of the BCC include references to a meeting of any of their committees.
- 7 The validity of any proceedings of the BCC shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 6.

#### *Employees of the BCC*

- 8 (1) The BCC may appoint such number of employees as they may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the BCC.
- (3) If the BCC determine to do so in the case of any of their employees, the BCC shall pay to or in respect of those employees such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as the BCC may determine.
- (4) Any determination under sub-paragraph (1), (2) or (3) shall require the approval of the Secretary of State given with the consent of the Treasury.
- (5) If any employee of the BCC—
- (a) is a participant in any pension scheme applicable to his employment, and
  - (b) becomes a member of the BCC,
- he may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if his service as a member of the BCC were service as an employee of the BCC.
- (6) The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the BCC.

#### *Financial provisions*

- 9 (1) The Secretary of State shall pay to the BCC—
- (a) any expenses incurred or to be incurred by the BCC by virtue of paragraph 4 or 8; and
  - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the BCC to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under sub-paragraph (1) shall be paid out of money provided by Parliament.

#### *Authentication of BCC's seal*

- 10 The application of the seal of the BCC shall be authenticated by the signature of the chairman or of some other person authorised for the purpose.

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*Status: This is the original version (as it was originally enacted).*

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*Presumption of authenticity of documents issued by BCC*

- 11 Any document purporting to be an instrument issued by the BCC and to be duly executed under the seal of the BCC or to be signed on behalf of the BCC shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

*Accounts and audit*

- 12 (1) The BCC shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury.
- (2) The accounts of the BCC shall be audited by auditors to be appointed by the BCC with the approval of the Secretary of State.
- (3) A person shall not be qualified to be appointed as an auditor in pursuance of subparagraph (2) unless he is a member of one or more of the following bodies—  
the Institute of Chartered Accountants in England and Wales;  
the Institute of Chartered Accountants of Scotland;  
the Chartered Association of Certified Accountants;  
the Institute of Chartered Accountants in Ireland;  
any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 389(1)(a) of the Companies Act 1985 by the Secretary of State,  
but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.
- (4) The BCC shall at all reasonable times upon demand made by the Secretary of State or by any persons authorised by him in that behalf—  
(a) afford to him or them full liberty to examine the accounts of the BCC; and  
(b) furnish him or them with all forecasts, estimates, information and documents which he or they may require with respect to the financial transactions and commitments of the BCC.