

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 14. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 14 **U.K.**

Section 151.

#### THE BROADCASTING STANDARDS COUNCIL: SUPPLEMENTARY PROVISIONS

##### *Status and capacity*

- 1 (1) The Council 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 Council 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 Council so long as he is—
  - (a) a governor or employee of the BBC; or
  - (b) a member or employee of the Independent Television Commission established by this Act; or
  - (c) a member or employee of the Radio Authority established by this Act; or
  - (d) a member or employee of the Channel Four Television Corporation established by this Act; or
  - (e) a member or employee of the Welsh Authority; or
  - (f) a member or employee of the Broadcasting Complaints Commission.
- (2) Before appointing a person to be a member of the Council 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 Council; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Council 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 Council 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 Council shall hold and vacate office in accordance with the terms of his appointment.

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- (2) A person shall not be appointed to be a member of the Council for more than five years at a time.
- (3) Any member of the Council may at any time resign his office by notice in writing to the Secretary of State.

*Remuneration and pensions of members*

- 4 (1) The Council may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Council 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 Council 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.

*Disqualification of members of Council for House of Commons and Northern Ireland Assembly*

- 5 In Part II of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) there shall be inserted at the appropriate place—

“The Broadcasting Standards Council”

and a corresponding amendment shall be made in Part II of Schedule 1 to the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975.

**Marginal Citations**

**M1** 1975 c. 24.

**M2** 1975 c. 25.

*Proceedings*

- 6 (1) Subject to paragraph 7 and to the provisions of Part VI of this Act, the quorum of the Council and the arrangements relating to their meetings shall be such as the Council may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the Council, of any of the Council’s functions by a committee or by one or more of the members or employees of the Council.

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- 7 (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 Council 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 Council, 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 Council 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 Council 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 Council 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 Council include references to a meeting of any of their committees.
- 8 The validity of any proceedings of the Council 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 7.

#### *Employees of the Council*

- 9 (1) The Council 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 Council.
- (3) If the Council determine to do so in the case of any of their employees, the Council 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 Council 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 Council—
- (a) is a participant in any pension scheme applicable to his employment, and
  - (b) becomes a member of the Council,
- 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 Council were service as an employee of the Council.

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- (6) The <sup>M3</sup>Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Council.

**Marginal Citations**

**M3** 1969 c. 57.

*Financial provisions*

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

*Authentication of Council's seal*

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

*Presumption of authenticity of documents issued by Council*

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

*Accounts and audit*

- 13 (1) It shall be the duty of the Council—
- (a) to keep proper accounts and proper records in relation to the accounts,
  - (b) to 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, and
  - (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Council and shall lay a copy of every such statement and of his report before each House of Parliament.

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