



Broadcasting Act 1980

CHAPTER 64

ARRANGEMENT OF SECTIONS

PART I

EXTENSION OF DURATION OF AUTHORITY'S FUNCTION

Section

1. Extension of duration of Independent Broadcasting Authority's function.

PART II

PROVISION OF SECOND TELEVISION SERVICE BY AUTHORITY

2. Preliminary.
3. Nature of the Fourth Channel, and its relation to ITV.
4. Provision of programmes (other than advertisements) for the Fourth Channel.
5. Advertisements on the Fourth Channel.
6. Amendment of main Schedule 2A.
7. Content of annual reports.

PART III

THE FOURTH CHANNEL IN WALES

8. The Fourth Channel in Wales.
9. The Welsh Fourth Channel Authority.
10. Function, powers and duties of Welsh Authority.
11. Sources of programmes (other than advertisements) in Welsh.
12. Advertisements on the Fourth Channel in Wales.
13. Modification of certain provisions relating to the IBA.
14. Advisory bodies.
15. Provisions as to finances of Welsh Authority, accounts, audit and reports.
16. Exercise of power to amend main section 26(3) and (4).

PART IV

THE BROADCASTING COMPLAINTS COMMISSION

Section

17. The Broadcasting Complaints Commission.
18. Function of the Commission.
19. Making and entertainment of complaints.
20. Provisions relating to the consideration of complaints.
21. Publication of Commission's findings.
22. Duty to publicise Commission and their function.
23. Annual reports of Commission.
24. Contributions towards cost of Commission.
25. Power to modify Part IV in relation to programmes broadcast on the Fourth Channel in Wales.

PART V

OTHER PROVISIONS

Local sound broadcasts

26. Rental payments by local sound programme contractors.
27. Grants by Authority to local sound programme contractors.

Teletext services

28. Provision of teletext services by Authority.
29. Code for teletext transmissions.

Miscellaneous and general

30. Power of Secretary of State to repeal Part III and modify Parts II and V by order.
31. Exclusion from programmes of opinions of Authority, their subsidiary and programme contractors.
32. Advisory committees for Scotland, Wales and Northern Ireland.
33. Duties of Authority with respect to programme contracts.
34. Persons disqualified from being programme contractors.
35. Training of persons employed by programme contractors.
36. Newspaper shareholdings in local radio companies.
37. Information as to television programme contracts and applications for such contracts.
38. Pensions etc. of members of Authority.
39. Computation of profits of programme contractors.
40. Interpretation, etc.
41. Short title, extent and commencement.

SCHEDULES:

- Schedule 1—Provisions as to Welsh Fourth Channel Authority.
- Schedule 2—Modifications of main Act etc. in relation to the Fourth Channel in Wales.
- Schedule 3—The Broadcasting Complaints Commission.
- Schedule 4—Modification of provisions of main Act in relation to additional payments by local sound programme contractors.
- Schedule 5—Teletext services.
- Schedule 6—Transitional provisions.
- Schedule 7—Repeals.

ELIZABETH II



Broadcasting Act 1980

1980 CHAPTER 64

An Act to amend and supplement the Independent Broadcasting Authority Act 1973 in connection with the provision by the Independent Broadcasting Authority of a second television service and otherwise in connection with the functions of the Authority; to make provision as to the arrangements for the broadcasting of television programmes for reception in Wales, with power to make different provision as to those arrangements by order; to establish a Broadcasting Complaints Commission; and for connected purposes.

[13th November 1980]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

EXTENSION OF DURATION OF AUTHORITY'S FUNCTION

1.—(1) In section 2(1) of the Independent Broadcasting Authority Act 1973 (which, as amended, makes it the function of the Authority to provide television and local sound broadcasting services until 31st December 1981), for “ 31st December 1981 ” there shall be substituted “ 31st December 1996 ”.

Extension of duration of Independent Broadcasting Authority's function.

(2) For the purpose of extending or further extending the duration of that function the Secretary of State may by order made by statutory instrument substitute for the date specified in main section 2(1), as for the time being amended by or under this section, any date not later than 31st December 2001.

1973 c. 19.

PART I (3) No order shall be made under subsection (2) unless a draft of it has been laid before Parliament and approved by a resolution of each House.

PART II

PROVISION OF SECOND TELEVISION SERVICE BY AUTHORITY

Preliminary. 2.—(1) If the Authority provide a television broadcasting service additional to that already being provided by them under the main Act, the programmes other than advertisements broadcast on the Fourth Channel shall (subject to section 8 and without prejudice to section 4(2)) be provided by the Authority themselves; and accordingly in main section 2(3) (provision of programmes by programme contractors)—

- (a) after “the programmes broadcast by the Authority” there shall be inserted “otherwise than on the Fourth Channel”; and
- (b) after “broadcast”, where last occurring, there shall be inserted “(otherwise than as aforesaid)”.

(2) In this Act, and in the main Act as amended by this Act—

- (a) “ITV” means the television broadcasting service already being provided by the Authority under the main Act, and “on ITV” means in that service;
- (b) “the Fourth Channel” means the additional television broadcasting service referred to in subsection (1), and “on the Fourth Channel” means in that service;
- (c) “TV programme contractor” means a person whose contract as a programme contractor gives him the right and the duty to provide programmes or parts of programmes for broadcasting on ITV;
- (d) references to the area of a TV programme contractor are references to the area for which he has the right and the duty to provide programmes or parts of programmes for broadcasting on ITV;
- (e) references to a TV programme contractor’s contract are references to the contract by virtue of which he is such a contractor.

(3) Nothing in this Part shall be taken to require the variation of any contract between the Authority and a TV programme contractor made before the passing of this Act and relating only to a period or periods ending before 1st January 1982.

(4) In this section “television broadcasting service” does not include a teletext service.

3.—(1) As regards the programmes (other than advertisements) broadcast on the Fourth Channel it shall be the duty of the Authority—

PART II

Nature of the Fourth Channel, and its relation to ITV.

- (a) to ensure that the programmes contain a suitable proportion of matter calculated to appeal to tastes and interests not generally catered for by ITV ;
- (b) without prejudice to so much of main section 2(2)(a) as relates to the dissemination of education, to ensure that a suitable proportion of the programmes are of an educational nature ;
- (c) to encourage innovation and experiment in the form and content of programmes,

and generally to give the Fourth Channel a distinctive character of its own.

(2) While the Authority are providing both ITV and the Fourth Channel it shall be their duty to ensure, so far as is consistent with their duties under subsection (1)—

- (a) that, as regards each of those services, the programmes broadcast in that service by the Authority in each area maintain a proper balance and wide range in their subject-matter, having regard both to the programmes as a whole and also to the days of the week on which, and the times of the day at which, the programmes are broadcast ; and
- (b) that, as between the two services, a proper balance of subject-matter is maintained, having regard both to the programmes broadcast in those services as a whole and also to the days of the week on which, and the times of the day at which, the various programmes are broadcast ;

and so long as the Authority are under the duty imposed by this subsection, so much of main section 2(2)(b) as relates to the maintenance of a proper balance and wide range in the programmes broadcast by the Authority shall not apply in the case of television programmes so broadcast.

(3) Main section 4(1)(d) (requirement that programmes broadcast from any station or stations contain a suitable proportion of matter catering for the tastes and outlook of persons served by the station or stations and, where another language as well as English is in common use among such persons, a suitable proportion of matter in that language) shall not apply in the case of programmes broadcast on the Fourth Channel.

(4) Main section 34 (which would prevent the Authority from broadcasting the same kind of subject-matter at the same time on both ITV and the Fourth Channel) shall cease to have effect.

PART II
Provision of programmes (other than advertisements) for the Fourth Channel.

4.—(1) Without prejudice to the generality of the following provisions of the main Act, namely section 3(1) (powers of Authority) and paragraph 3(3) of Schedule 1 (capacity of Authority as a statutory corporation), and subject to subsection (2), the Authority may, for the purpose of providing programmes (other than advertisements) for broadcasting on the Fourth Channel make such arrangements for obtaining and assembling the necessary material, enter into such contracts, employ such persons, acquire such property and do such things as may appear to them to be necessary or expedient.

(2) The Authority shall arrange for the following activities involved in providing programmes (other than advertisements) for broadcasting on the Fourth Channel to be performed by a subsidiary of the Authority formed by them for the purpose, namely—

- (a) obtaining and assembling the necessary material; and
- (b) such of the other activities involved in providing such programmes as appear to the Authority appropriate.

(3) As regards the selection of programmes (other than advertisements) for broadcasting on the Fourth Channel it shall be the duty of the Authority—

- (a) to have regard, in particular, to their duties under section 3(1); and
- (b) to secure that, so far as is consistent with their duties in relation to the Fourth Channel under section 3 and main section 2(2), a substantial proportion of the programmes broadcast on the Fourth Channel are supplied otherwise than by persons of either of the following descriptions, namely a TV programme contractor and a body corporate under the control of a TV programme contractor.

(4) In consequence of section 2(1) the following provisions of the main Act shall not apply in the case of the Fourth Channel, that is to say—

- (a) section 3(2) (cases in which, exceptionally, programmes may be provided otherwise than by programme contractors); and
- (b) section 6 (submission by programme contractors of programme schedules for Authority's approval).

1948 c. 38. (5) In this section "subsidiary" shall be construed in accordance with section 154 of the Companies Act 1948.

Advertisements on the Fourth Channel.

5.—(1) The programmes broadcast by the Authority on the Fourth Channel for reception in the area of any TV programme contractor may, so long as the provisions of this and the main

Act are complied with in relation thereto, include advertisements provided for insertion therein by that contractor in consideration of payments to him.

PART II

(2) The contract of every TV programme contractor shall be framed so as to give him the right, in consideration of payments made to the Authority and so long as the provisions of this and the main Act are complied with in relation thereto, to provide advertisements for inclusion in the programmes broadcast by the Authority on the Fourth Channel for reception in his area.

(3) For any period in which programmes are to be broadcast on the Fourth Channel for reception in the area of a TV programme contractor it shall be the duty of the Authority to make suitable arrangements—

- (a) for the contractor to receive advance information about the programmes other than advertisements which are to be so broadcast in that period and about the periods which will be available for the broadcasting of advertisements; and
- (b) for the inclusion in the programmes so broadcast in that period of advertisements provided for the purpose by the contractor in the exercise of his right to do so under his contract.

(4) In relation to the programmes broadcast by the Authority on the Fourth Channel, the provisions of main sections 8 and 9 and main Schedule 2 shall have effect with the following modifications, that is to say—

- (a) section 8(1) (of which subsection (1) above is the equivalent) shall not apply;
- (b) section 8(2) (reception of orders for the insertion of advertisements) shall apply to orders for the inclusion by a TV programme contractor of advertisements among those provided by him for insertion in those programmes;
- (c) section 8(8) (partial exclusion of main section 8(6) in relation to programmes broadcast under main section 3(2)(c)), and the reference to main section 8(8) in section 8(6), shall not apply;
- (d) section 9(3) (directions to programme contractors as to times when advertisements are to be allowed) and, in section 9(4), the words from “and directions under subsection (3)” onwards shall not apply.

(5) Where two or more TV programme contractors share the same area, the preceding provisions of this section shall, in the case of each of them, apply as if the only programmes broadcast or to be broadcast by the Authority on the Fourth Channel

PART II for reception in that area were those so broadcast or to be broadcast in periods in respect of which his contract gives him the right and the duty to provide programmes or parts of programmes for reception in that area on ITV.

Amendment
of main
Schedule 2A.

6.—(1) Main Schedule 2A (supplementary provisions relating to rental payments) shall be amended as follows.

(2) In paragraph 1(1) (definition of “advertising receipts”), at the end there shall be inserted “, including programmes consisting of advertisements provided by the programme contractor for broadcasting on the Fourth Channel and so broadcast in the period.”.

(3) In sub-paragraphs (3) and (5) of paragraph 2 (definitions of “relevant income” and “relevant expenditure”)—

(a) in paragraph (a), after “him” there shall be inserted “(including advertisements or other programmes for broadcasting on the Fourth Channel)” ; and

(b) in paragraph (b), after “by the contractor” there shall be inserted “(including such advertisements or other programmes as aforesaid)”.

Content of
annual
reports.

7.—(1) The following provisions of this section shall have effect in relation to any financial year in which the Authority provide both ITV and the Fourth Channel ; and in those provisions—

“programmes” means programmes other than advertisements ;

“the report”, in relation to any such financial year, means the general report of the Authority’s proceedings during that year prepared by them in pursuance of main section 31(3).

(2) The report shall include the following information, that is to say—

(a) a general description of the programmes broadcast on ITV and the Fourth Channel respectively, with particular reference to programmes containing news or news features and programmes of an educational nature, and a general account of how the programmes broadcast on the Fourth Channel differed from those broadcast on ITV, with particular reference as aforesaid ;

(b) an account of the way in which the Authority have discharged their duty under section 3(1)(c) as regards the encouragement of innovation and experiment in the form and content of programmes for broadcasting on the Fourth Channel ;

- (c) a description of the sources from which the programmes broadcast on ITV and the Fourth Channel respectively were obtained, and an account of the extent to which the Authority have discharged their duty under section 4(3)(b) as regards the sources of programmes broadcast on the Fourth Channel ;
- (d) a description of the arrangements made by the Authority with respect to the broadcasting of advertisements on ITV and the Fourth Channel respectively, and a general account of—
- (i) any complaints received by the Authority about those arrangements or about the conduct of TV programme contractors in connection with the sale of advertising time in those services respectively ; and
 - (ii) the action taken by the Authority in relation to those complaints.

PART II

PART III

THE FOURTH CHANNEL IN WALES

8.—(1) The programmes (other than advertisements) broadcast on the Fourth Channel in Wales shall be provided by the Welsh Fourth Channel Authority established by this Part ; and accordingly sections 3(1) to (3), 4(1) to (3) and 7 shall not apply in relation to the broadcasting by the IBA of television programmes, whether on ITV or otherwise, for reception in Wales.

The Fourth Channel in Wales.

(2) In this Part “the Fourth Channel in Wales” means the Fourth Channel so far as it consists of programmes (other than advertisements) broadcast for reception in Wales.

(3) Section 2(3) shall apply to this Part as well as to Part II.

9.—(1) There shall be an authority to be called the Welsh Fourth Channel Authority (in this Act referred to as “the Welsh Authority”) which shall consist of—

The Welsh Fourth Channel Authority.

- (a) a Chairman appointed by the Secretary of State ; and
- (b) four other members so appointed.

(2) The Welsh Authority, unless previously dissolved, shall cease to function if and when the IBA cease to function under main section 2(1).

(3) It is hereby declared that the Welsh Authority are not to 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.

(4) Schedule 1 shall have effect with respect to the Welsh Authority.

PART III
Function,
powers and
duties of
Welsh
Authority.

10.—(1) The function of the Welsh Authority shall be—

- (a) to provide television programmes (other than advertisements) of high quality for broadcasting by the IBA on the Fourth Channel in Wales ; and
- (b) to provide the IBA with programme schedules for those programmes ;

and, subject to the provisions of this and the main Act so far as they apply in relation to the Fourth Channel in Wales, it shall be the duty of the IBA to broadcast on that Channel the programmes provided by the Welsh Authority, and to do so in accordance with the programme schedules so provided.

(2) A substantial proportion of the programmes included in the programme schedules provided by the Welsh Authority shall be in Welsh ; and the programme schedules shall be drawn up so as to secure that the programmes broadcast on the Fourth Channel in Wales between the hours of 6.30 p.m. and 10.00 p.m. consist mainly of programmes in Welsh.

(3) Subject to subsection (2), the programme schedules provided by the Welsh Authority shall be drawn up with a view to securing that, for any period allocated to the broadcasting of a programme not in Welsh, the programme broadcast is normally the same as the programme (or one of the programmes) broadcast on the Fourth Channel in that period for reception otherwise than in Wales.

(4) It shall be the duty of the Welsh Authority—

- (a) to discharge their function as described in subsection (1) so as to secure that the Fourth Channel in Wales is a public service for disseminating information, education and entertainment ; and
- (b) to ensure—
 - (i) that the programmes provided by them maintain a high general standard in all respects, and in particular in respect of their content and quality ; and
 - (ii) that the programmes in Welsh so provided maintain a proper balance and wide range in their subject-matter,

having regard both to the programmes as a whole and also to the days of the week on which, and the times of the day at which, the programmes are broadcast.

(5) The Welsh Authority shall, subject to the provisions of this and the main Act so far as they apply in relation to the Fourth Channel in Wales, have power to do all such things as are in their opinion necessary for, or conducive to, the proper discharge of their function as described in subsection (1).

11.—(1) It shall be the duty of the BBC to supply to the Welsh Authority a proportion of the television programmes in Welsh which that Authority need for compliance with section 10(2), and to do so in a way which meets the reasonable requirements of that Authority.

PART III
Sources of
programmes
(other than
advertisements) in
Welsh.

(2) The aggregate duration of the television programmes in Welsh supplied by the BBC under subsection (1) for inclusion in the Welsh Authority's programme schedules for any period shall be not less than the aggregate duration of the television programmes in Welsh which, if this Part had not come into force, would have been broadcast by the BBC in that period for reception in Wales.

(3) The contract between the IBA and the TV programme contractor whose duty it is to provide programmes for broadcasting on ITV for reception in Wales shall contain all such provisions as the IBA think necessary or expedient to ensure that, while the IBA are providing both ITV and the Fourth Channel in Wales, the programme contractor is under a duty to supply to the Welsh Authority (on commercial terms) a reasonable proportion of the television programmes in Welsh which the Welsh Authority need for compliance with section 10(2), and to do so in a way which meets the reasonable requirements of the Welsh Authority.

(4) Nothing in this section shall be taken to preclude the Welsh Authority from obtaining television programmes in Welsh from sources other than the BBC and the TV programme contractor referred to in subsection (3).

12.—(1) The programme schedules provided by the Welsh Authority under section 10(1) shall include periods available for the broadcasting of advertisements; and it shall be the duty of the Welsh Authority to provide those programme schedules far enough in advance to enable the IBA to operate the arrangements required by section 5(3)(a).

Advertisements on the
Fourth
Channel in
Wales.

(2) In any programme schedule so provided, no period available for the broadcasting of advertisements shall be located in any break in or, without the consent of the BBC, at the beginning or end of any programme supplied or to be supplied to the Welsh Authority by the BBC.

13.—(1) The provisions mentioned in subsection (2) shall, in their operation in relation to the Fourth Channel in Wales, have effect subject to the modifications specified in Schedule 2 (being modifications for substituting the Welsh Authority for the IBA in those provisions and for other purposes arising out of the special arrangements for that Channel); but nothing in this

Modification
of certain
provisions
relating to
the IBA.

PART III section or that Schedule affects those provisions in their operation in relation to the Fourth Channel so far as it consists of advertisements broadcast for reception in Wales.

(2) Those provisions are—

- (a) main section 2(1) and (2) (function and duties of IBA);
- (b) main section 4 (general provisions as to content of programmes);
- (c) main section 5 (code for programmes other than advertisements);
- (d) main section 7 (programme prizes);
- (e) main section 33 (audience research);

1978 c. 43.

- (f) section 2 of the Independent Broadcasting Authority Act 1978 (exclusion of main section 4(2) and (5) as respects proceedings in Parliament etc.).

(3) So long as the Fourth Channel is being provided in Wales, so much of main section 4(1)(d) as relates to cases where another language as well as English is in common use among persons served by the station or stations in question, shall, in the case of programmes broadcast on ITV for reception in Wales, apply only to languages other than Welsh.

(4) Main section 23 (prevention of exclusive arrangements for broadcasting national events) shall have effect as if after “the British Broadcasting Corporation” there were inserted “and to the Welsh Fourth Channel Authority”.

Advisory bodies.

14.—(1) The Welsh Authority may appoint, or arrange for the assistance of, advisory bodies to give advice to that Authority on such matters as that Authority may determine; and a general advisory council may be appointed under this section.

(2) Without prejudice to the generality of subsection (1), the Welsh Authority shall in particular appoint, or arrange for the assistance of, committees of the kinds mentioned in paragraphs (a) and (c) of main section 10(2) respectively (committees to advise in the fields of religion and education).

(3) The advisory bodies for whose assistance the Welsh Authority may arrange under this section include—

- (a) any general advisory council appointed by the IBA under main section 10(1);
- (b) the advisory committee for Wales so appointed under main section 10A;
- (c) any advisory committee whose function is to give to the IBA such advice as is mentioned in the said paragraph (a) or (c);

- (d) the Broadcasting Council for Wales appointed by the BBC ; and
- (e) any other advisory council or committee appointed by the BBC ;

PART III

but the Welsh Authority shall not arrange for the assistance of an advisory body appointed by the IBA or by the BBC without the consent of the IBA or the BBC, as the case may be.

15.—(1) For each financial year ending after the commencement of this section the IBA shall pay to the Welsh Authority such sum or sums as may be agreed between them to be appropriate for enabling the Welsh Authority to meet their reasonable outgoings or, in default of such agreement, such sum or sums as the Secretary of State may determine to be appropriate for that purpose.

Provisions as to finances of Welsh Authority, accounts, audit and reports.

(2) All sums paid by the IBA to the Welsh Authority in pursuance of subsection (1) shall be treated for the purposes of main section 25(2) (duty of IBA as to amount of their revenues) as sums properly chargeable to revenue account in respect of the branch of their undertaking which consists of the provision of television broadcasting services.

(3) Main section 31 (accounts, audit and reports) shall apply in relation to the Welsh Authority as it applies in relation to the IBA.

16. In deciding from time to time whether to make any, and if so what, use of his power under subsection (6) of main section 26 to amend by order subsections (3) and (4) of that section (rates of additional payments) the Secretary of State may have regard to any increase in the aggregate amount of the payments to be made by programme contractors under the head described in subsection (1)(a) of that section (contribution towards expenses of IBA) which is attributable to the provisions of this Part.

Exercise of power to amend main section 26(3) and (4).

PART IV

THE BROADCASTING COMPLAINTS COMMISSION

17.—(1) There shall be a commission named the Broadcasting Complaints Commission (in this Act referred to as “the Commission”) consisting of not less than three members appointed by the Secretary of State.

The Broadcasting Complaints Commission.

(2) A person shall be disqualified for being appointed, or being, a member of the Commission so long as he is—

- (a) a governor, officer or employee of the BBC or a member, officer or employee of the Authority ; or

PART IV

(b) a person not within paragraph (a) who appears to the Secretary of State to be concerned with, or to have an interest in, the preparation or provision of programmes for broadcasting by the BBC or the Authority (including, in the case of the Authority, programmes consisting of advertisements).

(3) The Secretary of State shall appoint one member of the Commission to be chairman, and may appoint another to be deputy chairman.

(4) Schedule 3 shall have effect with respect to the Commission.

Function of the Commission. 18.—(1) Subject to the provisions of this Part, the function of the Commission shall be to consider and adjudicate upon complaints of—

- (a) unjust or unfair treatment in sound or television programmes actually broadcast by a broadcasting body after the commencement of this section; or
- (b) unwarranted infringement of privacy in, or in connection with the obtaining of material included in, sound or television programmes actually so broadcast.

(2) The Commission shall not entertain complaints not falling within subsection (1).

(3) In this Part—

“broadcasting body” means the BBC or the Authority;

“complaint” means a complaint to the Commission of any such unjust or unfair treatment or unwarranted infringement of privacy as is mentioned in subsection (1);

“participant” means—

(a) in the case of a sound programme, a person whose voice was heard in the programme;

(b) in the case of a television programme, a person who appeared, or whose voice was heard, in the programme;

“the person affected”—

(a) in relation to any such unjust or unfair treatment as is mentioned in subsection (1), means a participant in the programme in question who was the subject of that treatment or a person who, whether such a participant or not, had a direct interest in the subject-matter of that treatment;

(b) in relation to any such unwarranted infringement of privacy as is so mentioned, means a person whose privacy was infringed;

PART IV

“the relevant programme”, in relation to a complaint, means the programme in which the alleged unjust or unfair treatment occurred or in which, or in connection with the obtaining of material included in which, the alleged unwarranted infringement of privacy occurred ;

“unjust or unfair treatment” includes treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged.

19.—(1) Complaints must be made in writing.

Making and
entertainment
of complaints.

(2) A complaint may be made by an individual or by a body of persons, whether incorporated or not, but, subject to subsection (3), shall not be entertained by the Commission unless made by the person affected or by a person authorised by him to make the complaint for him.

(3) Where the person affected is an individual who has died or is for any other reason both unable to make a complaint himself and unable to authorise another person to do so for him, a complaint may be made by the personal representative of the person affected, or by a member of his family, or by some other person or body closely connected with him, whether as his employer, or as a body of which he is or was at his death a member, or in any other way.

(4) The Commission shall not entertain, or proceed with the consideration of, a complaint if it appears to them—

- (a) that the complaint relates to the broadcasting of the relevant programme on an occasion more than five years after the death of the person affected ; or
- (b) that the unjust or unfair treatment or unwarranted infringement of privacy complained of is the subject of proceedings in a court of law in the United Kingdom ; or
- (c) that the unjust or unfair treatment or unwarranted infringement of privacy complained of is a matter in respect of which the person affected has a remedy by way of proceedings in a court of law in the United Kingdom, and that in the particular circumstances it is not appropriate for the Commission to consider a complaint about it ; or

(d) that the complaint is frivolous,

or if it appears to them for any other reason inappropriate for them to entertain, or proceed with the consideration of, the complaint.

PART IV

(5) The Commission may refuse to entertain a complaint if it appears to them not to have been made within a reasonable time after the last occasion on which the relevant programme was broadcast by a broadcasting body.

(6) Where, in the case of a complaint, the relevant programme was broadcast within five years after the death of the person affected, subsection (5) shall apply as if at the end there were added " within five years after the death of the person affected. "

(7) The Commission may refuse to entertain—

(a) a complaint of unjust or unfair treatment if the person named as the person affected was not himself the subject of the treatment complained of and it appears to the Commission that he did not have a sufficiently direct interest in the subject-matter thereof to justify the making of a complaint with him as the person affected ; or

(b) a complaint made under subsection (3) by a person other than the person affected or a person authorised by him, if it appears to the Commission that the complainant's connection with the person affected is not sufficiently close to justify the making of the complaint by him.

Provisions relating to the consideration of complaints.

20.—(1) Subject to the provisions of section 19, every complaint made to the Commission shall be considered by them either at a hearing or, if they think fit, without a hearing.

(2) Hearings under this section shall be held in private ; and where such a hearing is held in respect of a complaint, each of the following persons shall be given an opportunity to attend and be heard, namely—

(a) the complainant ;

(b) the broadcasting body by whom the relevant programme was broadcast ; and

(c) any person not within paragraph (a) or (b) who appears to the Commission to have been responsible for the making or provision of that programme.

(3) Before they proceed to consider a complaint the Commission shall send a copy of it to the broadcasting body by whom the relevant programme was broadcast.

(4) Where a broadcasting body receive from the Commission a copy of a complaint, it shall be the duty of that body, if so required by the Commission—

(a) to make suitable arrangements for enabling the complainant and any member or officer of the Commission to view or hear the relevant programme, or any specified

part of it, if and so far as that body have in their possession a visual or sound record of it ;

- (b) to provide the Commission and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as that body are able to do so ;
- (c) to provide the Commission and the complainant with copies of any documents in the possession of that body being the originals or copies of any correspondence between that body and the person affected or the complainant in connection with the complaint ;
- (d) to furnish to the Commission and the complainant a written statement in answer to the complaint.

(5) Where the Commission propose to consider a complaint, it shall be the duty of the broadcasting body by whom the relevant programme was broadcast, if so required by the Commission, to arrange for one or more of the governors, members or officers of that body to attend and assist the Commission in their consideration of the complaint.

(6) Where, in connection with a complaint received by them, the Commission have made to any person (other than the broadcasting body by whom the relevant programme was broadcast) who appears to them to have been responsible for the making or provision of the relevant programme a request to which this subsection applies, it shall be the duty of that broadcasting body to take such steps as they reasonably can to ensure that the request is complied with.

(7) Subsection (6) applies to the following requests by the Commission to any such person as is there mentioned, that is to say a request—

- (a) to make suitable arrangements for enabling the complainant and any member or officer of the Commission to view or hear the relevant programme, or any specified part of it, if and so far as the person requested has in his possession a visual or sound record of it ;
- (b) to provide the Commission and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as the person requested is able to do so ;
- (c) to provide the Commission and the complainant with copies of any documents in the possession of the person requested being the originals or copies of any correspondence between that person and the person affected or the complainant in connection with the complaint ;
- (d) to furnish to the Commission and the complainant a written statement in answer to the complaint ;

PART IV

(e) to attend or, where the person requested is not an individual, to arrange for a representative to attend and assist the Commission in their consideration of the complaint.

(8) Without prejudice to main section 13(1) (provisions to be included in contracts for programmes), every contract between the Authority and a programme contractor shall contain such provisions as the Authority think necessary or expedient to ensure compliance by the programme contractor with any request to which subsection (6) applies which may be made to him by the Commission.

(9) The Commission may, if they think fit, make to any person who attends them in connection with a complaint such payments as they think fit by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him so to attend.

Publication of
Commission's
findings.

21.—(1) Where the Commission have considered and adjudicated upon a complaint, they may give to the broadcasting body by whom the relevant programme was broadcast directions requiring them to publish, in any manner specified in the directions, and within such period as may be so specified ;—

(a) a summary of the complaint approved for the purpose by the Commission ; and

(b) the Commission's findings on the complaint or a summary thereof so approved.

(2) A broadcasting body shall comply with any directions given to them under subsection (1).

(3) The Commission shall publish, at such intervals and in such manner as they think fit, reports each containing, as regards every complaint within this subsection dealt with by them in the period covered by the report, a summary of the complaint and of the action taken by them on it and, where they have adjudicated upon it, a summary of their findings.

(4) A complaint made to the Commission is within subsection (3) unless it is one which they are precluded from entertaining by section 18(2) or 19(2).

(5) The Commission may, if they think fit, omit from any summary included in a report under subsection (3) any information which could lead to the disclosure of the identity of any person connected with the complaint in question other than a broadcasting body or programme contractor.

Duty to
publicise
Commission
and their
function.

22. It shall be the duty of each broadcasting body to publish (by means of broadcasts or otherwise) regular announcements publicising the Commission and their function of considering and adjudicating upon complaints.

23.—(1) As soon as may be after the end of every financial year, the Commission shall prepare a report of their proceedings during that year, and transmit it to the Secretary of State who shall consider it, lay copies of it before each House of Parliament, and cause it to be published. PART IV
Annual reports of
Commission.

(2) The said report shall have attached to it the statement of accounts prepared under paragraph 14 of Schedule 3 for the year and a copy of any report made by the auditor on that statement.

(3) The Commission shall send a copy of the said report to each broadcasting body and every programme contractor.

24.—(1) For the financial year in which the Commission is established and each subsequent financial year the Secretary of State shall notify to the Authority the total sum which he considers to be the appropriate contribution of the programme contractors towards the expenses of the Commission. Contributions
towards cost
of
Commission.

(2) The contracts between the Authority and the various programme contractors shall contain such provisions as the Authority consider necessary for securing that the programme contractors make to the Authority in respect of every such financial year payments (additional to those required by main section 26 or section 26 of this Act) representing what appear to the Authority to be the appropriate contributions of the respective programme contractors towards meeting the sum notified to the Authority for that year under subsection (1).

(3) The payments made to the Authority by virtue of subsection (2) shall not form part of the revenue of the Authority and, when received by the Authority, shall be paid to the Secretary of State.

(4) All sums received by the Secretary of State under subsection (3) shall be paid into the Consolidated Fund.

(5) Any payment made by a programme contractor to the Authority by virtue of subsection (2) in any accounting period shall be treated as relevant expenditure for the purposes of main Schedule 2A.

25.—(1) The Secretary of State may by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament provide for all or any of the provisions of this Part (except section 17, this section and Schedule 3) to apply, with such exceptions, additions or other modifications as may be specified in the regulations, in relation to complaints in cases where the relevant programme was broadcast by the IBA on the Fourth Channel in Wales (and was therefore provided by the Welsh Authority and not by the IBA). Power to
modify
Part IV in
relation to
programmes
broadcast on
the Fourth
Channel in
Wales.

- PART IV (2) Regulations under this section may make different provision for different circumstances.
- (3) In this section “the Fourth Channel in Wales” has the same meaning as in Part III.

PART V

OTHER PROVISIONS

Local sound broadcasts

Rental payments by local sound programme contractors.

26.—(1) The contracts between the Authority and the various programme contractors for the provision of local sound broadcasts shall provide for payments to be made by the programme contractors to the Authority under two heads (corresponding to those in main section 26(1)), namely—

- (a) payments representing what appear to the Authority, in relation to the branch of their undertaking consisting of the provision of local sound broadcasting services, to be the appropriate contributions of the respective programme contractors towards meeting the sums which the Authority regard as necessary in order to discharge their duty under main section 25(2) in relation to that branch of their undertaking; and
- (b) additional payments of amounts determined in accordance with subsections (3) to (7) of main section 26 as applied by this section.

(2) The following provisions of the main Act, namely—

- (a) section 26(2) to (7) (destination, and determination of amount, of additional payments);
- (b) section 27 (provisions supplemental to section 26);
- (c) section 27A (instalments payable on account by programme contractors);
- (d) section 27B (provision for supplementing additional payments); and
- (e) Schedule 2A (rental payments),

shall apply in relation to the additional payments mentioned in subsection (1)(b) as they apply in relation to the additional payments mentioned in main section 26(1)(b), but in their application in relation to the additional payments mentioned in subsection (1)(b) shall have effect with the modifications specified in Schedule 4.

(3) The power of the Secretary of State under subsection (6) of main section 26 to amend subsections (3) and (4) of that section (rates of additional payments) shall include power to amend those subsections as there mentioned—

- (a) only in their application in relation to the additional payments mentioned in main section 26(1)(b); or

- (b) only in their application in relation to the additional payments mentioned in subsection (1) (b) of this section ; or
- (c) differently in their application as mentioned in paragraphs (a) and (b) respectively.

PART V

(4) Main section 28 (which confers power by order to require additional rental payments to be made by local sound programme contractors, and is superseded by this section) shall cease to have effect.

27.—(1) If, in the case of any local sound programme contractor, the Authority consider it necessary or expedient to do so for the purpose of enabling the Authority to discharge more fully the duties mentioned in subsection (2), they may make to that contractor a grant of such amount as they think fit.

Grants by Authority to local sound programme contractors.

(2) Those duties are the duties of the Authority under subsections (1) and (2) of main section 2 in relation to local sound broadcasting services, and in particular their duties under subsection (2)(b) and (c) of that section to ensure that the programmes broadcast in each area maintain a high general standard in respect of their content and quality, and to secure a wide hearing for programmes of merit.

(3) A grant made to a local sound programme contractor under this section may be made on such conditions as the Authority think appropriate for securing that it is used only for specified purposes, being purposes which in the opinion of the Authority will conduce to the achievement of the purpose mentioned in subsection (1).

(4) Any number of grants may be made to the same local sound programme contractor under this section.

(5) The general report of the Authority's proceedings during any financial year prepared by them in pursuance of main section 31(3) shall include an account of the way in which the power to make grants under this section has been exercised during that year.

(6) In this section "local sound programme contractor" means a person who is a programme contractor by virtue of a contract for the provision of local sound broadcasts.

Teletext services

28.—(1) Without prejudice to the generality of main section 3(3) (Authority's power to do things arising out of their other activities), the television broadcasting services provided by the Authority may, if the Authority think fit, include teletext services.

Provision of teletext services by Authority.

PART V

(2) Without prejudice to the powers conferred on the Authority by main section 3(2), teletext transmissions broadcast by the Authority shall be provided not by the Authority but by persons (in this Act referred to as "teletext contractors") who, under contracts with the Authority, have, in consideration of payments to the Authority and subject to such of the provisions of this and the main Act as apply in relation to such transmissions, the right and the duty to provide material (which may include advertisements) to be included in teletext transmissions broadcast by the Authority.

(3) A teletext contractor may, but need not, be a TV programme contractor.

(4) For the purposes of this and the main Act teletext transmissions shall not be treated as programmes, subject however to subsection (5) and to any other provisions of this Act expressly requiring them to be so treated for the purpose of particular provisions.

(5) In Part IV and sections 35 and 37, and in the provisions mentioned in Schedule 5—

(a) references to programmes or to television programmes shall be read as including references to teletext transmissions; and

(b) references to programme contractors shall be read as including references to teletext contractors;

and in main section 3(2), in its application in relation to teletext transmissions or teletext contractors by virtue of this subsection, the reference to main section 2(3) shall be read as a reference to subsection (2) of this section.

(6) In the case of a programme contractor who is also a teletext contractor, his profits for any accounting period shall be computed for the purposes of main section 26 as if the teletext transmissions provided by him were television programmes provided by him in his capacity as a programme contractor.

(7) In relation to a teletext contractor who is not a programme contractor, main Schedule 2A shall apply without the amendments made by section 6.

(8) The power of the Secretary of State under subsection (6) of main section 26 to amend subsections (3) and (4) of that section (rates of additional payments) in their application in relation to the additional payments mentioned in main section 26(1)(b) shall include power to amend those subsections as mentioned in the said subsection (6)—

(a) only in relation to persons who are programme contractors (including persons who are both programme contractors and teletext contractors); or

- (b) only in relation to persons who are teletext contractors but are not programme contractors ; or
- (c) differently in relation to persons within paragraphs (a) and (b) respectively.

PART V

(9) In this Act “teletext transmission” means a television transmission intended for general reception and consisting of a succession of visual displays (with or without accompanying sound) each capable of being selected and held for separate viewing or other use, and “teletext service” means a service consisting of teletext transmissions.

29.—(1) The Authority—

Code for
teletext
transmissions.

- (a) shall draw up, and from time to time review, a code giving guidance as to such matters concerning standards and practice for teletext transmissions (including advertisements) broadcast by the Authority as the Authority may consider suitable for inclusion in the code ; and
- (b) shall secure that the provisions of the code are observed in relation to all teletext transmissions broadcast by the Authority.

(2) Before drawing up or revising a code under this section the Authority shall consult the Secretary of State.

(3) The Authority may, in the discharge of their general responsibility for television broadcasting services provided by them, impose requirements as to standards and practice for teletext transmissions broadcast by them which go beyond, or relate to matters not covered by, the provisions of the code.

(4) The methods of control exercisable by the Authority—

- (a) for the purpose of securing that the provisions of the code are observed ; and
- (b) for the purpose of securing compliance with requirements imposed under subsection (3) which go beyond, or relate to matters not covered by, the code,

shall include a power to give directions to a teletext contractor imposing prohibitions or restrictions as respects items of a specified class or description or as respects a particular item.

Miscellaneous and general

30.—(1) The Secretary of State may by order—

- (a) repeal Part III (including Schedules 1 and 2) as from a specified date ; and
- (b) make such modifications of Parts II and V as he thinks appropriate for securing that as from that date there are suitable arrangements for the broadcasting of television

Power of
Secretary of
State to
repeal Part III
and modify
Parts II and
V by order.

PART V

programmes for reception in Wales, and in particular of television programmes in Welsh.

(2) Without prejudice to the generality of subsection (1)(b), an order under this section may modify Part II or V by the addition of provisions whose purpose is—

- (a) to require the Authority to ensure that the programmes broadcast on the Fourth Channel for reception in Wales contain a suitable proportion of matter in Welsh ;
- (b) to make provision corresponding to that made by section 13(3) ;
- (c) to provide for consultation between the BBC and the Authority with a view to ensuring that their respective arrangements for broadcasting television programmes in Welsh for reception in Wales are such as will together best serve the interests of persons residing in Wales ;
- (d) to provide for the appointment of a person to advise the BBC and the Authority on matters of programme scheduling arising out of such consultation as is mentioned in paragraph (c) ;
- (e) to secure that, so far as is practicable, the television programmes in Welsh broadcast by the BBC and the Authority for reception in Wales, taken together, maintain a proper balance and wide range in their subject-matter and that, as between the television programmes in Welsh so broadcast by them respectively, a proper balance of subject-matter is maintained, having regard as mentioned in main section 2(2)(b) ;
- (f) to establish a committee to keep under review, and report to the Secretary of State on, the extent to which the arrangements for the broadcasting by the BBC and the Authority respectively of television programmes in Welsh for reception in Wales are serving the interests of persons residing in Wales.

(3) An order under this section may include such incidental, supplemental and transitional provisions as the Secretary of State thinks fit (including provisions involving the payment by the Secretary of State out of money provided by Parliament of such fees and allowances as he may, with the approval of the Minister for the Civil Service, determine), and in particular may make provision for keeping the Welsh Authority temporarily in existence for purposes connected with their activities and finances prior to the repeal of Part III and for winding up the affairs of, and dissolving, that Authority.

(4) The power to make an order under this section shall be exercisable by statutory instrument.

(5) No order shall be made under this section unless a draft of it has been laid before Parliament and approved by a resolution of each House.

PART V

(6) In this section “modifications” includes additions, omissions and alterations, and related expressions shall be construed accordingly.

31. For main section 4(2) (which provides for the exclusion from programmes of all expressions of the opinion of the Authority or of their members or officers, or of any programme contractor or of certain persons connected with a programme contractor, on matters of political or industrial controversy or relating to current public policy) there shall be substituted—

Exclusion from programmes of opinions of Authority, their subsidiary and programme contractors.

“ (2) Without prejudice to the generality of subsection (1) of this section, it shall be the duty of the Authority to secure the exclusion from the programmes broadcast by them of all expressions of opinion by the Authority or their subsidiary mentioned in section 4(2) of the Broadcasting Act 1980, or by any programme contractor, on matters other than broadcasting which are of political or industrial controversy or relate to current public policy.” ;

and accordingly in section 2(1) of the Independent Broadcasting Authority Act 1978 for the words from “ and of certain persons ” to “ public policy ” (which describe main section 4(2) as originally enacted) there shall be substituted “ and of the subsidiary of the Authority mentioned in section 4(2) of the Broadcasting Act 1980, on matters other than broadcasting which are of political or industrial controversy or relate to current public policy ”.

1978 c. 43.

32. After section 10 of the main Act there shall be inserted the following section:—

Advisory committees for Scotland, Wales and Northern Ireland.

“ 10A.—(1) In addition to the committees which are to be, or may be, appointed under section 10 of this Act, the Authority shall appoint—

- (a) an advisory committee for Scotland ;
- (b) an advisory committee for Wales ; and
- (c) an advisory committee for Northern Ireland.

(2) The person for the time being holding office as the member of the Authority appointed under paragraph 1(1) of Schedule 1 to this Act to make the interests of Scotland, Wales or Northern Ireland, as the case may be, his special care shall be the chairman of the advisory committee appointed under this section for the part of the United Kingdom with which he is specially concerned.

PART V

(3) Subject to subsection (2) of this section, each advisory committee appointed under this section (in this section referred to as a "national committee")—

(a) shall be so constituted ; and

(b) shall consist of persons selected by reference to such qualifications,

as in the opinion of the Authority would be appropriate for reflecting, so far as is reasonably practicable, the range of tastes and interests of persons residing in the part of the United Kingdom for which the committee is appointed (in this section referred to, in relation to a national committee, as its area).

(4) Before appointing a person to be a member of a national committee the Authority shall satisfy themselves that he—

(a) will have no financial or other interest in any advertising agency ; and

(b) will have no such other financial or other interest in advertising as is in the opinion of the Authority likely to prejudice his independence as a member of that committee ;

and the Authority shall also satisfy themselves from time to time that each member of a national committee has no such interest as is described in paragraph (a) or (b) of this subsection.

(5) The function of a national committee shall be—

(a) to give to the Authority, with respect to the conduct of their television broadcasting services for the area of the committee, such advice as in the opinion of the committee would be appropriate for reflecting, so far as is reasonably practicable, the range of tastes and interests of persons residing in that area ; and

(b) to give to the Authority advice on such matters relating to the conduct of their local sound broadcasting services in that area as the Authority may from time to time specify."

Duties of Authority with respect to programme contracts.

33. For main section 12(1) (which provides that the Authority shall not enter into a contract for the provision of programmes for a period of more than six years) there shall be substituted—

"(1) The Authority shall not—

(a) enter into any contract with a programme contractor for the provision of programmes for a period exceeding the relevant maximum period ; or

- (b) extend any contract with a programme contractor so that the period for which programmes are provided under the contract exceeds the relevant maximum period ;

PART V

but, subject to subsection (1D) of this section, nothing in this subsection precludes the Authority from entering into successive contracts with the same programme contractor.

(1A) For the purposes of subsection (1) of this section the relevant maximum period is—

- (a) ten years in the case of a contract taking effect on or after 1st January 1980 for the provision of local sound broadcasts in a locality—
- (i) in which such broadcasts have not previously been provided by a programme contractor ; or
 - (ii) in which such broadcasts have previously been so provided, but only in so much of it as in the opinion of the Authority does not amount to a substantial part of it ;
- (b) eight years in every other case.

(1B) Before entering into any contract with a programme contractor for the provision of programmes in any area or locality, the Authority shall take such steps as appear to them appropriate (including if they think fit the holding of public meetings)—

- (a) to ascertain the opinions of the public in that area or locality about the service proposed to be provided there by the Authority ; and
- (b) to encourage the making of comments and suggestions about that service by members of the public in that area or locality,
- and shall take into account those opinions and any such comments and suggestions received by them.

(1C) Before entering into any contract with a programme contractor for the provision of programmes in any area or locality the Authority shall publish, in such manner as they think fit, a notice—

- (a) stating that they propose to enter into a contract for the provision of television programmes or, as the case may be, local sound broadcasts in that area or locality ;
- (b) stating the date from which it is proposed that the contract will take effect ; and
- (c) inviting applications for the contract.

PART V

(ID) Where the Authority and a programme contractor enter into a succession of contracts for the provision of programmes, each succeeding contract being entered into in pursuance of a provision to that effect in a preceding contract—

- (a) each succeeding contract entered into shall be treated for the purposes of subsection (1) of this section as an extension, or further extension, of the first of those contracts; and
- (b) the Authority need not comply with subsection (1B) or (1C) of this section in relation to any of those contracts other than the first.”.

Persons disqualified from being programme contractors,

34.—(1) For main section 12(5)(a) (which disqualifies from being TV programme contractors individuals ordinarily resident, and companies incorporated, outside the British Islands) there shall be substituted—

“ (a) being an individual is neither—

- (i) a national of a member State who is ordinarily resident within the Economic Community, nor
- (ii) ordinarily resident in the United Kingdom, the Isle of Man or the Channel Islands ;

(aa) being a body corporate is neither—

- (i) a body formed under the law of a member State which has its registered or head office or principal place of business within the Economic Community, nor
- (ii) a body incorporated under the law of the Isle of Man or the Channel Islands ;”.

(2) In main section 12(5)(c) (which disqualifies from being TV programme contractors certain bodies corporate connected with persons themselves disqualified)—

- (a) for “ paragraph (a) or (b) ” there shall be substituted “ paragraph (a), (aa) or (b) ”; and
- (b) for “ paragraph (a) ” there shall be substituted “ paragraph (a) or (aa) ”.

(3) In main section 12(6) (which amongst other things disqualifies in relation to local sound broadcasting those who are disqualified from being television programme contractors) for “ paragraph (a), (b) or (c) of subsection (5) ” there shall be substituted “ paragraph (a), (aa), (b) or (c) of subsection (5) ”.

(4) At the end of main section 12 there shall be added the following subsection—

PART V

“(9) For the purposes of subsection (5)(a)(i) of this section “national”, in relation to the United Kingdom, means a person—

- (a) who is a citizen of the United Kingdom and Colonies or a British subject not possessing that citizenship or the citizenship of any other Commonwealth country or territory, who, in either case, has the right of abode in the United Kingdom ; or
- (b) who is a citizen of the United Kingdom and Colonies by birth or by registration or naturalisation in Gibraltar, or whose father was so born, registered or naturalised.”.

35.—(1) The contracts between the Authority and the various programme contractors shall contain such provisions as the Authority think necessary or expedient to ensure that each programme contractor makes adequate provision for the training of persons employed by him in the preparation or making of programmes.

Training of persons employed by programme contractors.

(2) The general report of the Authority's proceedings during any financial year prepared by them in pursuance of main section 31(3) shall include a description of the provision made by the various programme contractors for the training of persons employed by them in the preparation or making of programmes.

36. Main sections 18 and 19 (which give a local newspaper adversely affected by the introduction or extension of local radio the right to acquire a shareholding in the local radio company concerned) shall cease to have effect.

Newspaper shareholdings in local radio companies.

37. Main section 20 (information as to sound programme contracts and applications for such contracts) shall with the necessary modifications apply in relation to contracts for the provision of television programmes and applications for such contracts as it applies in relation to contracts for the provision of local sound broadcasts and applications for such contracts.

Information as to television programme contracts and applications for such contracts.

38.—(1) Main Schedule 1 (provisions as to the Authority) shall be amended as follows.

Pensions etc. of members of Authority.

(2) In paragraph 2 (remuneration of members), after subparagraph (2) there shall be inserted—

“(2A) The Authority may pay or make provision for paying to or in respect of any of their members such pensions, allowances or gratuities as the Secretary of State

PART V

may, with the approval of the Minister for the Civil Service, determine in the case of those members respectively.

(2B) Where a person ceases to be a member of the Authority 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 Authority may make to him a payment of such amount as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.”.

(3) For paragraph 2(3) (statement of determination to be laid before Parliament in certain circumstances) there shall be substituted—

“ (3) As soon as possible after making a determination under this paragraph, the Secretary of State shall lay a statement thereof before each House of Parliament.”.

(4) In paragraph 7(3) (under which an officer or employee of the Authority who becomes a member of the Authority may have his service as a member treated for pension purposes as service as an officer or employee), after “ may ” there shall be inserted “ , if the Secretary of State so determines,”.

Computation
of profits of
programme
contractors.

39.—(1) In main Schedule 2A (rental payments), after paragraph 2 there shall be inserted the following paragraph:—

“ 2A.—(1) It shall be the duty of the Authority—

- (a) to draw up, and from time to time review, a statement setting out the principles to be followed in ascertaining relevant income and relevant expenditure for the purpose of computing under paragraph 2 above the profits of a programme contractor for an accounting period ; and
- (b) in computing under that paragraph the profits of a programme contractor for any accounting period beginning after the passing of the Broadcasting Act 1980, to take account of that statement (including any revision thereof which has taken effect before the end of that period).

(2) A statement under this paragraph may set out different principles for TV programme contractors, programme contractors for the provision of local sound broadcasting and teletext contractors (within the meaning of the Broadcasting Act 1980) respectively.

(3) Before drawing up or revising a statement under this paragraph the Authority shall consult the Secretary of State and the Treasury.

(4) The Authority shall—

PART V

(a) publish the statement drawn up under this paragraph and every revision of that statement ; and

(b) transmit a copy of the statement, and of every revision of it, to the Secretary of State ;

and the Secretary of State shall lay copies of the statement and of every such revision before each House of Parliament.”.

(2) The statement required to be drawn up and published by virtue of subsection (1) shall be drawn up and published by the Authority as soon as practicable after the passing of this Act.

40.—(1) In this Act, unless the context otherwise requires—^{Interpretation, etc.}
“ the Authority ” and “ the IBA ” mean the Independent Broadcasting Authority ;

“ the BBC ” means the British Broadcasting Corporation ;

“ the Commission ” means the Broadcasting Complaints Commission ;

“ ITV ” and “ the Fourth Channel ” have the meaning given by section 2(2) ;

“ for reception in Wales ” means for reception wholly or mainly in Wales ;

“ the main Act ” means the Independent Broadcasting Authority Act 1973, and any reference to a section, subsection, paragraph, sub-paragraph or Schedule which is preceded by the word “ main ” is a reference to that section, subsection, paragraph or sub-paragraph of, or Schedule to, the main Act ; ^{1973 c. 19.}

“ teletext transmission ” and “ teletext service ” have the meaning given by section 28(9) ;

“ TV programme contractor ” has the meaning given by section 2(2) ;

“ the Welsh Authority ” means the Welsh Fourth Channel Authority ;

and subsection (1) of main section 37 (interpretation) shall apply for the interpretation of expressions defined in that subsection and used in this Act.

(2) In the following provisions of the main Act, namely sections 2(1), 3(1), 13(1), 17(2), 21(5), 22(7), 25(1), 35, 36(1) and 37(2) and (3) and paragraph 3(3) of Schedule 1, references to that Act shall be read as including references to this Act.

PART V

(3) Nothing in this Act affects the power of the Secretary of State under main section 31(4) to give directions as to the information to be included in any report prepared under main section 31(3); and that power shall include power to direct the Authority to include in any such report such information relating to any matter required by this Act to be dealt with in the report as may be specified in the directions.

(4) This Act shall have effect subject to the transitional provisions contained in Schedule 6.

1979 c. 35.

(5) The Independent Broadcasting Authority Act 1979 shall cease to have effect.

(6) The enactments mentioned in Schedule 7 are hereby repealed to the extent specified in the third column of that Schedule.

Short title,
extent and
commence-
ment.

41.—(1) This Act may be cited as the Broadcasting Act 1980.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) Her Majesty may by Order in Council direct that any provision of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

(4) The following provisions of this Act shall come into force on the passing of this Act, namely—

(a) sections 1, 31, 32, 34, 36 to 39, 40(1) to (3) and this section; and

(b) section 40(6) and Schedule 7, so far as they relate to main sections 18 and 19, the Independent Broadcasting Authority (No. 2) Act 1974 and section 1 of the Independent Broadcasting Authority Act 1978.

1974 c. 42.

1978 c. 43.

(5) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.

SCHEDULES

SCHEDULE 1

Section 9 (4).

PROVISIONS AS TO WELSH FOURTH CHANNEL AUTHORITY

Appointment and removal of members

1. Paragraph 1(5) to (7) of main Schedule 1 shall apply in relation to the Chairman and other members of the Welsh Authority as it applies in relation to members of the IBA.

Remuneration of members

2. Paragraph 2 of main Schedule 1 shall apply in relation to the Chairman and other Members of the Welsh Authority as it applies in relation to the Chairman and other members of the IBA, but with the omission of the reference to the Deputy Chairman in paragraph 2(1).

Incorporation and capacity of Welsh Authority

3. Paragraph 3 of main Schedule 1 shall apply to the Welsh Authority as it applies to the IBA, the reference in paragraph 3(3) to the main Act being read for this purpose as a reference to this Act.

Quorum of Welsh Authority

4. The quorum of the Welsh Authority shall be two or such number not less than two as that Authority may from time to time determine.

Duty of members to disclose interest in contracts

5. Paragraph 5 of main Schedule 1 shall apply in relation to the Welsh Authority as it applies in relation to the IBA.

Power of Welsh Authority to regulate own procedure

6. Subject to paragraph 4 above and to paragraph 5 of main Schedule 1 as applied by paragraph 5 above, the Welsh Authority may regulate their own procedure.

Officers and employees of Welsh Authority

7. Paragraph 7 of main Schedule 1 shall apply in relation to the Welsh Authority as it applies in relation to the IBA.

Machinery for settling terms and conditions of employment of Welsh Authority's staff, etc.

8. Subsections (1) and (2) of main section 32 shall apply in relation to the Welsh Authority as they apply in relation to the IBA.

Authentication of Welsh Authority's seal, and presumption of authenticity of documents issued by them

9. Paragraphs 8 and 9 of main Schedule 1 shall apply in relation to the Welsh Authority as they apply in relation to the IBA, but with

SCH. 1 the omission of the reference to the Deputy Chairman in paragraph 8(a).

*Disqualification of members of Welsh Authority
for House of Commons*

1975 c. 24. 10. In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified under that Act) there shall be inserted at the appropriate place in alphabetical order—

“ The Welsh Fourth Channel Authority. ”.

Section 13 (1).

SCHEDULE 2

MODIFICATIONS OF MAIN ACT ETC. IN RELATION TO THE
FOURTH CHANNEL IN WALES

Main section 2

1.—(1) So much of main section 2(1) as relates to the quality of the matter transmitted shall not apply.
(2) Main section 2(2) shall not apply.

Main section 4

2.—(1) References in main section 4 to programmes broadcast by the Authority shall be read as references to programmes provided by the Welsh Authority for broadcasting on the Fourth Channel in Wales.

(2) In main section 4(1)—

(a) the first reference to the Authority shall be read as a reference to the Welsh Authority ; and

(b) so much of paragraph (d) as relates to cases where another language as well as English is in common use among persons served by the station or stations in question shall not apply.

(3) In main section 4(2), as substituted by section 31—

(a) the first reference to the Authority shall be read as a reference to the Welsh Authority ; and

(b) after “ opinion ” insert “ by the Welsh Fourth Channel Authority or the British Broadcasting Corporation, or ”.

(4) In main section 4(3), the first reference to the Authority shall be read as a reference to the Welsh Authority.

(5) In main section 4(4), omit “ whether in an advertisement or not ”.

(6) In main section 4(5), the first reference to the Authority shall be read as a reference to the Welsh Authority and in paragraph (b) “ whether in an advertisement or not ” shall be omitted.

(7) In main section 4(6)—

SCH. 2

- (a) for the words from “(including advertisements) broadcast by them the Authority” substitute “provided by them the Welsh Fourth Channel Authority”; and
- (b) the subsequent reference to the Authority shall be read as a reference to the Welsh Authority.

Main sections 5 and 7

3. In main sections 5 and 7—

- (a) references to programmes broadcast by the Authority shall be read as provided in paragraph 2(1); and
- (b) other references to the Authority shall be read as references to the Welsh Authority.

Main section 33

4. In main section 33—

- (a) references to programmes broadcast by the Authority shall be read as provided in paragraph 2(1);
- (b) other references to the Authority shall be read as references to the Welsh Authority; and
- (c) “(including advertisements)” shall be omitted in both places where it occurs.

Independent Broadcasting Authority Act 1978 s. 2(1)

5. In section 2(1) of the Independent Broadcasting Authority Act 1978, as amended by section 31—

1978 c. 43.

- (a) for “the exclusion from programmes broadcast by the said Authority of the opinions of the Authority” substitute “the exclusion from programmes provided by the Welsh Fourth Channel Authority of the opinions of that Authority, the British Broadcasting Corporation, the Independent Broadcasting Authority”; and
- (b) for “a programme broadcast by the said Authority” substitute “a programme provided by the Welsh Fourth Channel Authority”.

SCHEDULE 3

Section 17(4).

THE BROADCASTING COMPLAINTS COMMISSION

Incorporation and status

1. The Commission shall be a body corporate.
2. The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Commission's property shall not be regarded as property of or property held on behalf of the Crown.

Members

- 3.—(1) Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or as chairman or

SCH. 3. deputy chairman of the Commission in accordance with the terms of his appointment.

(2) A person shall not be appointed as a member of the Commission for more than five years at a time.

(3) A person may at any time resign his office as a member or as chairman or deputy chairman.

4. The Commission may pay to each member such remuneration and allowances as the Secretary of State may determine.

5. The Commission 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.

6. 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 Commission may make to him a payment of such amount as the Secretary of State may determine.

1975 c. 24.
1975 c. 25.

7. In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order—

“The Broadcasting Complaints Commission.”.

Staff

8. The Commission may appoint such officers and servants as the Commission may determine with the consent of the Secretary of State as to numbers and terms of employment.

9. The Commission may pay or make provision for paying to or in respect of any of their employees such sums by way of pensions, allowances or gratuities as the Secretary of State may determine.

1969 c. 57.

10. The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commission.

Proceedings

11.—(1) Subject to the provisions of Part IV of this Act, the arrangements for the proceedings of the Commission (including the quorum for meetings) shall be such as the Commission may determine.

(2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general direction of the Commission, of any of the Commission's functions by a committee or by one or more of the members, officers or servants of the Commission.

12. The validity of any proceedings of the Commission shall not be affected by any defect in the appointment of a member or by any vacancy among the members or in the office of chairman.

Finance

SCH. 3

13. The Secretary of State shall pay to the Commission expenses incurred or to be incurred by the Commission under paragraphs 4 to 6, 8 and 9 above and, with the consent of the Minister for the Civil Service and the Treasury, shall pay to the Commission such sums as the Secretary of State thinks fit for enabling the Commission to meet other expenses.

14.—(1) It shall be the duty of the Commission—

- (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 cause the accounts kept and the statement prepared for each financial year to be audited by auditors appointed by the Commission with the approval of the Secretary of State.

(2) A person shall not be qualified to be appointed as an auditor in pursuance of sub-paragraph (1) 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 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 161(1)(a) of the Companies Act 1948 by the Secretary of State.

15. Any sums required by the Secretary of State for making payments under this Schedule shall be defrayed out of money provided by Parliament.

Supplementary

16. The approval of the Minister for the Civil Service shall be required for any determination under paragraph 4, 5 or 6.

SCHEDULE 4

Section 26(2).

MODIFICATIONS OF PROVISIONS OF MAIN ACT IN RELATION TO
ADDITIONAL PAYMENTS BY LOCAL SOUND PROGRAMME CONTRACTORS

1. In the Table contained in main section 26(3) (rates of additional payments), for “66·7 per cent.” substitute “40 per cent.”

2. In main section 26(7) (introduction of main Schedule 2A, and meaning in that Schedule of “the principal sections”), the references to main section 26 shall be read as including section 26 of this Act but as not including main section 26(1).

3. In main section 27, the references in subsections (2) and (3) to television programmes shall be read as references to local sound

SCH. 4 broadcasts, and the reference in subsection (6) to local sound broadcasts shall be read as a reference to television programmes.

4. In main section 27B—

- (a) the reference in subsection (1)(a) to main section 26 shall be read as including section 26 of this Act but as not including main section 26(1);
- (b) the reference in subsection (5) to television programmes shall be read as a reference to local sound broadcasts; and
- (c) the reference in subsection (8) to local sound broadcasts shall be read as a reference to television programmes.

5. In main Schedule 2A—

- (a) references to television programmes shall be read as references to local sound broadcasts;
- (b) the words inserted in paragraphs 1(1) and 2(3) and (5) by section 6 shall be omitted;
- (c) the references in paragraph 4 to the commencement of the Independent Broadcasting Authority Act 1974 shall be read as references to the commencement of section 26 of this Act; and
- (d) in paragraph 8, for the definition of “additional payments” substitute—
 - ““additional payments” means additional payments payable by virtue of section 26(1)(b) of the Broadcasting Act 1980.”.

1974 c. 16
Section 28(5)

SCHEDULE 5

TELETEXT SERVICES

PART I

PROVISIONS OF MAIN ACT APPLIED BY SECTION 28(5)

<i>Provision</i>	<i>Subject-matter</i>
Section 3(1) and (2), except subsection (2)(a) and (c).	General powers of Authority, and provision of programmes in cases where no programme contractor is available.
Section 4(6).	Making and use by the Authority of visual and sound records of programmes broadcast by them.
Section 8(1) and (2).	Inclusion of advertisements in programmes, reception of orders for their insertion, and provision precluding the Authority or any programme contractor from acting as an advertising agent.
Section 10(1).	Advisory committees.

<i>Provision</i>	<i>Subject-matter</i>	SCH. 5
Section 12, except subsections (2), (3)(b) and (4).	Duties of Authority in relation to contracts for programmes.	
Sections 13 to 16, except section 13(6).	Other provisions applying to all contracts for programmes.	
Section 21.	Government control over the Authority as to hours of broadcasting.	
Sections 26 to 27B.	Rental payments by television programme contractors, instalments payable by them on account, and provision for supplementary additional payments.	
Section 33.	Audience research.	
Section 35.	Approvals by Authority.	
In section 37(1), the definition of "broadcast relay station".	Interpretation.	
Schedule 2A.	Supplementary provisions about rental payments.	

PART II

OTHER PROVISIONS APPLIED BY SECTION 28(5)

<i>Provision</i>	<i>Subject matter</i>
Paragraph 8 of Part I of Schedule 7 to the Fair Trading Act 1973 (c. 41).	Services in respect of which no monopoly reference may be made to the Monopolies and Mergers Commission.
Section 9 of the Industry Act 1975 (c. 68).	Restrictions on activities of National Enterprise Board in relation to news media.
Section 19 of the Welsh Development Agency Act 1975 (c. 70).	Restrictions on activities of Welsh Development Agency in relation to news media.

SCHEDULE 6

Section 40(4).

TRANSITIONAL PROVISIONS

1.—(1) The provisions to which this paragraph applies are the following provisions of this Act, namely section 20, section 24, section 26 and section 35.

(2) In this paragraph—

"contract" means a contract between the Authority and a programme contractor under which television programmes

SCH. 6

or, as the case may be, local sound broadcasts are to be provided by the programme contractor ;

“ the existing statutory provisions ”, in relation to the commencement of any provision to which this paragraph applies, means the provisions of the main Act as in force immediately before that commencement, together with such of the provisions of this Act as are in force immediately before that commencement ;

“ the new statutory provisions ”, in relation to the commencement of any provision to which this paragraph applies, means the provisions of the main Act as in force immediately after that commencement, together with such of the provisions of this Act as are in force immediately after that commencement.

(3) Subject to the following provisions of this Schedule, any contract which is in force immediately before the commencement of any provision to which this paragraph applies shall, until it is varied or superseded by a further contract or expires or is otherwise terminated, whichever first occurs, be deemed to be modified by virtue of this Schedule so as—

- (a) to substitute provisions in conformity with the new statutory provisions for so much (if any) of the contract as is in accordance with the existing statutory provisions and is not in conformity with the new statutory provisions ; and
- (b) to incorporate in the contract such additional provisions as a contract of that kind is required to include in accordance with the new statutory provisions ;

and (subject to paragraph 3 of main Schedule 2A) any provisions of the contract which provide for arbitration as to any matters contained in the contract in accordance with the existing statutory provisions shall be construed (with the necessary modifications) as making the like provision for arbitration in relation to matters deemed to be included in the contract by virtue of the preceding provisions of this sub-paragraph.

(4) Where it appears to the Authority that the new statutory provisions call for the inclusion of additional terms in any contract which is in force immediately before the commencement of any provision to which this Schedule applies, but do not afford sufficient particulars of what those terms should be, the Authority may, after consulting the programme contractor, decide what those terms are to be.

2. For the purposes of main section 27B in its application in accordance with section 26 in relation to the additional payments mentioned in section 26(1)(b), account may be taken of any expenditure which is referable to any period before the commencement of section 26.

3. In its application to contracts for the provision of local sound broadcasts for a period beginning before 1st January 1980, main section 12(1)(b) as substituted by section 33 shall have effect as if the reference to the relevant maximum period were a reference to a

period of eleven years or the period ending with 31st December 1986, whichever is the shorter.

SCH. 6

4. In relation to contracts for the provision of teletext transmissions for a period beginning on or before 1st January 1982—

- (a) subsections (1B) and (1C) of main section 12 (as amended by section 33) shall not apply; and
- (b) subsection (1D) shall have effect as if the words “ other than the first ” were omitted.

SCHEDULE 7

Section 40(6)

REPEALS

Chapter	Short title	Extent of repeal
1973 c. 19.	Independent Broadcasting Authority Act 1973.	Sections 18 and 19. Section 25(3). Section 28. In section 29, in subsection (1), the words from “ (but subject ” to “ this section) ”, and subsection (4). Section 34.
1974 c. 42.	Independent Broadcasting Authority (No. 2) Act 1974.	The whole Act.
1978 c. 43.	Independent Broadcasting Authority Act 1978.	Section 1.
1979 c. 35.	Independent Broadcasting Authority Act 1979.	The whole Act.

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