



Broadcasting Act 1981

1981 CHAPTER 68

PART I

THE INDEPENDENT BROADCASTING AUTHORITY

The Authority

1 The Independent Broadcasting Authority

- (1) The authority called the Independent Broadcasting Authority shall continue in existence as a body corporate.
- (2) The Authority shall consist of—
 - (a) a Chairman and a Deputy Chairman, and
 - (b) such number of other members, not being less than five, as the Secretary of State may from time to time determine.
- (3) Unless and until the Secretary of State otherwise determines by notice in writing to the Authority, a copy of which shall be laid before each House of Parliament, the number of those other members shall be ten.
- (4) Schedule 1 shall have effect with respect to the Authority.

2 Function and duties of Authority

- (1) The function of the Authority shall be to provide, in accordance with this Act and until 31st December 1996, television and local sound broadcasting services, additional in each case to those of the BBC and of high quality (both as to the transmission and as to the matter transmitted), for so much of the United Kingdom, the Isle of Man and the Channel Islands as may from time to time be reasonably practicable.
- (2) It shall be the duty of the Authority—
 - (a) to provide the television and local sound broadcasting services as a public service for disseminating information, education and entertainment;

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- (b) to ensure that the programmes broadcast by the Authority in each area maintain a high general standard in all respects (and in particular in respect of their content and quality), and 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
 - (c) to secure a wide showing or (as the case may be) hearing for programmes of merit.
- (3) Without prejudice to the powers conferred on the Authority by this Act, the programmes broadcast by the Authority shall, so far as may be consistent with the observance of the requirements of this Act, be provided not by the Authority but by persons (referred to in this Act as " programme contractors ") who, under contracts with the Authority, have, in consideration of payments to the Authority and subject to the provisions of this Act, the right and the duty to provide programmes or parts of programmes to be broadcast by the Authority, which may include advertisements.
- (4) The following provisions, namely subsections (2)(b) and (3) of this section and sections 3, 4, 6, 8 and 9, have effect subject to the provisions of sections 10 to 13 (special provisions relating to the Fourth Channel); and further modifications of the provisions of this Act are contained—
- (a) in section 14(5) and Schedule 3 as respects teletext services ; and
 - (b) in section 50 and Schedule 6 as respects the Fourth Channel in Wales.
- (5) For the purpose of extending or further extending the duration of the function of the Authority under subsection (1) the Secretary of State may by order substitute for the date specified in that subsection, as for the time being in force, any date not later than 31st December 2001.
- (6) Any order under subsection (5) shall be made by statutory instrument; but no such order shall be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.

3 Powers of Authority

- (1) The Authority shall (subject to the provisions of this Act) have power to do all such things as are in their opinion necessary for or conducive to the proper discharge of their function under section 2(1) and, in particular, they shall for the purpose of discharging that function have power—
- (a) to establish, install and use stations for wireless telegraphy ;
 - (b) to arrange for the provision and equipment of, or (if need be) themselves to provide and equip, studios and other premises for television and sound broadcasting purposes;
 - (c) by arrangements made for the purpose with British Telecommunications and persons carrying on broadcast relay stations, to provide for the distribution from broadcast relay stations of programmes broadcast by the Authority.
- (2) Notwithstanding section 2(3) the Authority may—
- (a) arrange for the provision of parts of programmes other wise than by programme contractors for the purpose of securing the inclusion in the programmes broadcast by the Authority of items of particular classes which in their opinion are necessary for securing a proper balance in the subject-

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matter of the programmes and cannot, or cannot as suitably, be provided by programme contractors;

- (b) apart from the provision of such items, arrange for the provision (by programme contractors or otherwise) of, or (if need be) themselves provide, programmes or parts of programmes so far as may be necessary—
 - (i) by reason of any temporary lack of suitable persons able and willing to become or continue as programme contractors on suitable terms and to perform their obligations as such, or
 - (ii) by reason of any interval between the expiration or termination of one contract with a programme contractor and the commencement of another contract with that or another programme contractor; and
- (c) with the consent of the Secretary of State, arrange for the provision, otherwise than by programme contractors, of educational broadcasting services of an experimental nature to be broadcast in addition to education programmes provided for the purpose of the public service referred to in section 2(2)(a) by programme contractors;

and the Authority may, for the purpose of so providing programmes or parts of programmes or putting themselves into a position to do so if necessity arises, make such arrangements for obtaining 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.

- (3) Without prejudice to the generality of subsections (1) and (2), the powers of the Authority shall extend to the carrying on of such businesses and the doing of such things as arise out of the other activities of the Authority or are necessary or expedient for the purpose of turning to account any property or rights of the Authority.
- (4) Notwithstanding anything in this section the Authority shall not carry on business as sellers of, or (except with the approval of the Secretary of State) themselves engage in the manufacture or sale of, apparatus for wireless telegraphy or any other telegraphic equipment.
- (5) Notwithstanding anything in this section, the Authority shall not have power—
 - (a) to provide broadcasting services other than television services and local sound broadcasting services; or
 - (b) (except as provided by this section) to acquire any exclusive or other rights in respect of the broadcasting of any matters in sound only otherwise than as part of a local sound broadcast.
- (6) Nothing in subsection (5) shall be construed as precluding the inclusion in any television programme broadcast by the Authority of matter transmitted in sound only—
 - (a) by way of relays of any of the BBC's party political broadcasts which is so transmitted ;
 - (b) in compliance with a notice given to the Authority under section 29(1); or
 - (c) by way of news items, announcements or other items incidental or ancillary to the television services provided by the Authority,or as precluding the acquisition by the Authority of rights in respect of any matters to be so transmitted.
- (7) Nothing in this section shall be construed as authorising the Authority to do, otherwise than under and in accordance with a licence under section 1 of the Wireless Telegraphy

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Act 1949 or section 15 of the British Telecommunications Act 1981, anything for the doing of which such a licence is requisite under those Acts respectively; and those Acts shall have effect in relation to the Authority accordingly.