



# Broadcasting Act 1981

## 1981 CHAPTER 68

### PART II

#### THE FOURTH CHANNEL IN WALES

#### **46 The Welsh Fourth Channel Authority**

- (1) The authority called the Welsh Fourth Channel Authority shall continue in existence as a body corporate.
- (2) The Welsh Authority shall consist of—
  - (a) a Chairman appointed by the Secretary of State; and
  - (b) four other members so appointed.
- (3) The Welsh Authority, unless previously dissolved, shall cease to function if and when the IBA cease to function under section 2(1).
- (4) Schedule 5 shall have effect with respect to the Welsh Authority.

#### **47 Function, powers and duties of Welsh Authority**

- (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 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) 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) 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

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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.

- (4) Subject to subsection (3), 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.
- (5) It shall be the duty of the Welsh Authority—
  - (a) to discharge their function under 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 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 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.
- (6) The Welsh Authority shall, subject to the provisions of this 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 under subsection (1).

#### **48 Sources of programmes (other than advertisements) in Welsh**

- (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 47(3), and to do so in a way which meets the reasonable requirements of that Authority.
- (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 were not in 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 47(3), 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).

#### **49 Advertisements on the Fourth Channel in Wales**

- (1) The programme schedules provided by the Welsh Authority under section 47(1)(b) 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 13(3)(a).
- (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.

#### **50 Modification of certain provisions relating to the IBA**

- (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 6 (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 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) section 2(1) and (2) (function and duties of IBA);
  - (b) section 4 (general provisions as to content of programmes) ;
  - (c) section 5 (code for programmes other than advertisements) ;
  - (d) section 7 (programme prizes);
  - (e) section 45 (audience research).
- (3) So long as the Fourth Channel is being provided in Wales, so much of 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.

#### **51 Advisory bodies**

- (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 section 16(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 section 16(1);
  - (b) the advisory committee for Wales so appointed under section 17 ;
  - (c) any advisory committee whose function is to give to the IBA such advice as is mentioned in section 16(2) (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;

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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.

## **52 Finances of Welsh Authority and accounts, audit and reports**

- (1) By virtue of section 39(1) sums are payable by the IBA to the Welsh Authority for enabling the Welsh Authority to meet their reasonable outgoings.
- (2) Sections 42 and 43(1) and (2) (accounts, audit and reports) shall apply in relation to the Welsh Authority as they apply in relation to the IBA.