



Broadcasting Act 1981

1981 CHAPTER 68

PART IV

GENERAL

61 Approvals by Authority

The Authority may—

- (a) for the purposes of any provision in this Act which makes anything subject to the approval of the Authority, or
- (b) for the purposes of provisions included in the contracts between the Authority and the various programme contractors in pursuance of section 24(2),

give an approval in general terms applying to all cases within the terms in which the approval is given.

62 Variation and revocation of directions and notices

Any direction or notice given by the Secretary of State or by the Authority under any provision in this Act may be varied or revoked by a subsequent direction or notice under that provision.

63 Interpretation

(1) In this Act, unless the context otherwise requires—

" associate ", in relation to a body corporate (including a programme contractor which is a body corporate), means a body corporate which is a member of the same group as that body corporate, and for this purpose any two bodies corporate are to be treated as members of the same group if one of them is a body corporate of which the other is a subsidiary (within the meaning of section 154 of the Companies Act 1948) or if both of them are subsidiaries (within the meaning of that section) of one and the same body corporate ;

" the Authority " and " the IBA " mean the Independent Broadcasting Authority;

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" the BBC " means the British Broadcasting Corporation ;

"broadcast relay station" means a station for the re-transmission by cable or wire, to the customers of the persons maintaining the station, of broadcast programmes which those persons receive either by cable or wire or by wireless from the persons who broadcast the programmes;

" the Commission" means the Broadcasting Complaints Commission;

" control ", in relation to a body corporate, means the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person;

" financial year" means the twelve months ending with 31st March;

" the Fourth Channel", and references to programmes broadcast thereon, shall be construed in accordance with section 10(2);

" for reception in Wales " means for reception wholly or mainly in Wales;

" ITV ", and references to programmes broadcast thereon, shall be construed in accordance with section 10(2);

" local sound broadcast" means a programme which is broadcast (otherwise than as part of a television broadcast) from a station so constructed and operated as to have a range of transmission limited to that which is sufficient, in normal circumstances, to ensure adequate reception throughout a particular locality, or from two or more stations so constructed and operated as to have collectively such a range of transmission, and " local sound broadcasting services" means services consisting of programmes so broadcast; and, where a programme is so broadcast, the fact that—

- (a) as so broadcast it is received outside that particular locality, or
- (b) it is also broadcast (whether simultaneously or not) from one or more other stations for reception in other localities, shall not prevent it from being regarded as a local sound broadcast within the meaning of this Act;

" programme contractor" has the meaning given by section 2(3);

" teletext contractor" has the meaning given by section 14(2);

" teletext transmission " and " teletext service " have the meaning given by section 14(6);

" TV programme contractor " has the meaning given by section 10(2);

" the Welsh Authority " means the Welsh Fourth Channel Authority;

" wireless telegraphy ", " station for wireless telegraphy " and " apparatus for wireless telegraphy" have the same meaning as in the Wireless Telegraphy Act 1949.

- (2) Any reference in this Act to a contract for the provision by a programme contractor of local sound broadcasts shall be construed as including a reference to a contract which is—
- (a) partly for the provision by that contractor of local sound broadcasts for reception in a particular locality, and
 - (b) partly for the provision of news, information, music or other material to be supplied to other programme contractors for the purposes of local sound broadcasts to be provided by them ;

but, in relation to any such contract, the locality, where the reference is to the provision of local sound broadcasts for reception in a particular locality, shall be taken to be the locality referred to in paragraph (a).

- (3) For the purposes of this Act—
- (a) a person shall not be regarded as carrying on business as an advertising agent, or as acting as such an agent, unless he carries on a business involving the selection and purchase of advertising space or time for persons wishing to advertise;
 - (b) a person who carries on such a business shall be regarded as carrying on business as an advertising agent irrespective of whether he is in law the agent of those for whom he acts ;
 - (c) a person who is the proprietor of a newspaper shall not be regarded as carrying on business as an advertising agent by reason only that he makes arrangements on behalf of advertisers whereby advertisements appearing in the newspapers are also to appear in one or more other newspapers ; and
 - (d) a company or other body corporate shall not be regarded as carrying on business as an advertising agent by reason only that its objects or powers include or authorise that activity;
- and any reference in this Act to an advertising agency shall be construed accordingly.
- (4) References in this Act to programmes or television programmes or to programme contractors have effect in relation to teletext transmissions and teletext contractors respectively subject to the provisions of section 14(4) and (5) and Schedule 3.

64 Power to repeal or modify provisions of Act which relate to television in Wales

- (1) The Secretary of State may by order—
- (a) repeal as from a specified date so much of this Act as re-enacts Part III of the Broadcasting Act 1980 (including Schedules 1 and 2 of that Act); and
 - (b) make such modifications of so much of this Act as re enacts Parts II and V of that Act as he thinks appropriate for securing that as from that date there are suitable arrangements for the broadcasting of television 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 so much of this Act as is there mentioned 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 50(3) of this Act;
 - (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

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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 section 2(2)(b) of this Act;

- (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 so much of this Act as is mentioned in subsection (1)(a) of this section and for winding up the affairs of, and dissolving, that Authority.
 - (4) An order under this section 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.
 - (5) In this section " modifications " includes additions, omissions and alterations, and related expressions shall be construed accordingly.

65 Consequential and transitional provisions and savings

- (1) At the end of paragraph 8 of Part I of Schedule 7 to the Fair Trading Act 1973, there shall be added " (including, by virtue of section 14(5) of the Broadcasting Act 1981, the provision by teletext contractors of teletext transmissions for transmission by that Authority). "
- (2) In subsection (11) of each of section 9 of the Industry Act 1975 and section 19 of the Welsh Development Agency Act 1975, for "the Independent Broadcasting Authority Act 1973 " there shall be substituted " the Broadcasting Act 1981, but also includes, by virtue of section 14(5) of that Act, teletext contractors as defined in section 14(2) of that Act. "
- (3) This Act shall have effect subject to the transitional provisions and savings contained in Schedule 8.
- (4) The enactments mentioned in Schedule 9 are hereby repealed to the extent specified in the third column of that Schedule.
- (5) Nothing in this section is to be taken as prejudicing the operation of the provisions of the Interpretation Act 1978 as respects the effect of repeals.

66 Short title, extent and commencement

- (1) This Act may be cited as the Broadcasting Act 1981.
- (2) It is hereby declared that this Act extends to Northern Ireland.

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- (3) Her Majesty may by Order in Council direct that all or any of the provisions 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) This Act shall come into force immediately after the coming into force of the last of the provisions of the Broadcasting Act 1980.