



# Broadcasting Act 1981

## 1981 CHAPTER 68

### PART I

#### THE INDEPENDENT BROADCASTING AUTHORITY

##### *Provisions applying to all contracts for programmes*

#### **20 Programme contractors.**

- (1) The Authority shall not enter into any contract with a programme contractor whereby (whether by virtue of that contract alone or by virtue of that contract together with one or more other contracts) the contractor is to provide television programmes for an area and is to provide local sound broadcasts for reception in a locality which, in the opinion of the Authority, is comprised in that area.
- (2) It shall be the duty of the Authority to do all that they can to secure—
  - (a) that persons who are disqualified persons as defined in subsection (6) or (8) do not become or continue as programme contractors, either alone or in partnership with other persons, and
  - (b) that there is adequate competition to supply programmes between a number of programme contractors independent of each other both as to finance and as to control.
- (3) In the performance of their duty under subsection (2)(b) the Authority shall do all that they can to secure—
  - (a) that no programme contractor with whom the Authority enter into a contract for the provision of television programmes for an area, and no associate of such a programme contractor, has, or during the period of the contract will acquire, control over any programme contractor with whom the Authority enter into a contract for the provision of local sound broadcasts for reception in any locality which in the opinion of the Authority is comprised in that area; and
  - (b) that no programme contractor with whom the Authority enter into a contract for the provision of local sound broadcasts for reception in a particular locality,

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and no associate of such a programme contractor, has, or during the period of contract will acquire, control over any programme contractor for the provision of television programmes for an area which in the opinion of the Authority includes that locality.

- (4) No contract and no interest in a contract between a programme contractor and the Authority shall be assignable either in whole or in part without the previous consent in writing of the Authority.
- (5) Every contract concluded between the Authority and a programme contractor shall, where the programme contractor is a body corporate, contain all such provisions as the Authority think necessary or expedient to ensure that if any change affecting the nature or characteristics of the body corporate, or any change in the persons having control over or interests in the body corporate, takes place after the conclusion of the contract, which, if it had occurred before the conclusion of the contract, would have induced the Authority to refrain from entering into the contract, the Authority may by notice in writing to the programme contractor, taking effect forthwith or on a date specified in the notice, determine the contract.
- (6) In subsection (2)(a) “disqualified person”, in relation to contracts for the provision of television programmes, means a person who—
  - (a) being an individual is neither—
    - (i) a national of a member State who is ordinarily resident within the European Economic Community, nor
    - (ii) ordinarily resident in the United Kingdom, the Isle of Man or the Channel Islands;
  - (b) 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 European Economic Community, nor
    - (ii) a body incorporated under the law of the Isle of Man or the Channel Islands;
  - (c) being an individual or a body corporate, carries on business as an advertising agent (whether alone or in partnership), or has control over any body corporate which carries on business as an advertising agent, or is a director or officer of any such body corporate, or is employed by any person who carries on business as an advertising agent; or
  - (d) being a body corporate, is under the control of any such person as is mentioned in paragraph (a), (b) or (c) of this subsection, or of any two or more such persons together, or has among its directors, officers or servants any person who is a disqualified person otherwise than by virtue of paragraph (a) or (b) of this subsection.
- (7) For the purposes of subsection (6)(a)(i) “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.

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(8) In subsection (2)(a) “disqualified person”, in relation to contracts for the provision of local sound broadcasts, means a person who either falls within paragraph (a), (b), (c) or (d) of subsection (6) or, being an individual or body corporate, carries on (whether alone or in partnership) a business which (either wholly, or to an extent which in the opinion of the Authority is substantial)—

- (a) consists of the manufacture of records or of the publication of musical works, or
- (b) consists of promoting the broadcasting of sound recordings or of promoting the broadcasting or performance of musical works, or
- (c) consists of obtaining employment for theatrical performers or for persons to take part as performers in programmes broadcast (whether by the Authority or otherwise) by way of television or sound broadcasting.

or has control over any body corporate which carries on such a business, or is a director or officer of any such body corporate, or is employed by any person who carries on such a business.

(9) For the purposes of subsection (8)—

- (a) ..... <sup>F1</sup>
- (b) “theatrical performer” has the same meaning as in the <sup>M1</sup>Theatrical Employers Registration Act 1925.

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#### Textual Amendments

**F1** S. 20(9)(a) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1)(2), Sch. 7 para. 29(3), **Sch. 8**

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#### Modifications etc. (not altering text)

- C1** S. 20(1)(2)(b)(3) excluded by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 37(2)(c)
  - C2** S. 20(2)–(9) modified by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, **Sch. 11 Pt. IV para. 2(3)(a)(4)**
  - C3** S. 20(2)–(9) modified (*temp.* ending with 31.12.1992) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, Sch. 11 Pt. II paras. 2(2)(a), 4(4), **5**
  - C4** S. 20(9) modified (*temp.* ending with 31.12.1992) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, Sch. 11 Pt. II paras. 2(2)(a), 4, **5**
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#### Marginal Citations

**M1** 1925 c. 50.

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1981, Section 20.