



Broadcasting Act 1981

1981 CHAPTER 68

PART I

THE INDEPENDENT BROADCASTING AUTHORITY

The Authority

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;
 - [^{F1}(c) by arrangements made for the purpose with persons providing cable programme services, to provide for the inclusion in the services of programmes broadcast by the Authority.]
- (2) Notwithstanding section 2(3) the Authority may—
 - (a) arrange for the provision of parts of programmes otherwise 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-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—

*Changes to legislation: There are currently no known outstanding effects
for the Broadcasting Act 1981, Section 3. (See end of Document for details)*

- (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 ^{M1}Wireless Telegraphy Act 1949 or [^{F2}section 7 of the Telecommunications Act 1984], 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.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981, Section 3. (See end of Document for details)

Textual Amendments

- F1** S. 3(1)(c) substituted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), **Sch. 5 para. 40(1)**
- F2** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 4 para. 81(b)**, Sch. 5 para. 45

Modifications etc. (not altering text)

- C1** S. 3 modified by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, Sch. 11 Pt. II paras. 1(3)(b)(4)(5), 3(3), 5 Pt. IV para. 1(3)(b)(4)(5)
- C2** Ss. 2(2)(a)(b), 3(1)(a)(b)(3)(4)(7), 4, 5, 8, 9, 14(1), 15, 16(1), 42, 61, 62 extended (*prosp.*) by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), ss. 44(1), 51(1), 59(4), **Sch. 4**
- C3** S. 3(2) modified by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, **Sch. 11 Pt. II para. 4(3)**
- C4** S. 3(3) extended by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), **s. 48(3)(7)**

Marginal Citations

- M1** 1949 c. 54.

Changes to legislation:

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