



# Broadcasting Act 1990

## 1990 CHAPTER 42

### <sup>F1</sup>PART I

#### INDEPENDENT TELEVISION SERVICES

#### CHAPTER VI

##### TELEVISION BROADCASTING BY WELSH AUTHORITY

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

- C1** Pt. I: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 3\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### **56 Welsh Authority to continue in existence as Sianel Pedwar Cymru.**

- (1) The authority which at the commencement of this section is called the Welsh Fourth Channel Authority shall continue in existence as a body corporate but—
  - (a) shall be known as Sianel Pedwar Cymru (or S4C); and
  - (b) shall be constituted in accordance with <sup>F1</sup>... this Act;and in this Act references to the Welsh Authority are references to that authority.
- (2) The Welsh Authority shall consist of—
  - (a) a chairman appointed by the Secretary of State; and
  - (b) such number of other members appointed by the Secretary of State, not being less than four nor more than eight, as he may from time to time determine.
- (3) Schedule 6 to this Act shall have effect with respect to the Welsh Authority.

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Chapter VI. (See end of Document for details)*

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**Textual Amendments**

- F1** Words in s. 56(1)(b) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**F2 57 Function and duties of Welsh Authority.**

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**Textual Amendments**

- F2** S. 57 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), 206(8), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**58 Sources of programmes for S4C.**

- [<sup>F3</sup>(1) For the purpose mentioned in subsection (1A) the BBC shall—
- (a) provide to the Welsh Authority (free of charge) sufficient television programmes in Welsh to occupy not less than ten hours' transmission time per week; and
  - (b) do so in a way which meets the reasonable requirements of the Authority.
- (1A) The purpose is to enable the Welsh Authority to fulfil—
- (a) so much of the public service remit for S4C as is contained in paragraph 3(2) (a) and (b) of Schedule 12 to the Communications Act 2003; and
  - (b) so much of the public service remit for S4C Digital as is contained in paragraph 3(3) of that Schedule.]

(2) It shall be the duty of the Channel Four Television Corporation—

    - (a) to provide the Welsh Authority with programme schedules for the programmes broadcast on Channel 4, including information as to the periods available for the broadcasting of advertisements, far enough in advance to enable the Welsh Authority to [<sup>F4</sup>fulfil so much of their public service remit in relation to S4C under paragraph 3 of Schedule 12 to the Communications Act 2003 as is contained in sub-paragraph (2)(c) of that paragraph]; and
    - (b) to provide the Welsh Authority (free of charge) with any programmes which are required by the Authority for the purpose of complying with that provision.

(3) The programmes broadcast on S4C may, to the extent that they are not provided under subsection (1) or (2), be obtained by the Welsh Authority from such persons as they think fit.

(4) Where any programmes provided under subsection (2) each form part of a series of programmes, the Welsh Authority shall ensure that the intervals between those programmes when broadcast on S4C normally correspond to the intervals between them when broadcast on Channel 4.

(5) The Welsh Authority shall publish, in such manner as they consider appropriate, advance notice of the programme schedules for the programmes to be broadcast on S4C.

*Changes to legislation:* There are currently no known outstanding effects for the Broadcasting Act 1990, Chapter VI. (See end of Document for details)

[<sup>F5</sup>(6) In this section “programme” does not include an advertisement.]

**Textual Amendments**

- F3** S. 58(1)(1A) substituted for s. 58(1) (12.8.2009) by [The Welsh Authority \(Digital Switchover\) Order 2009 \(S.I. 2009/1968\)](#), arts. 1, **4(2)**
- F4** Words in s. 58(2)(a) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 28(3)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F5** S. 58(6) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 28(4)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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

- C2** S. 58(5) applied (1.10.1996) by [1996 c. 55](#), s. **29(2)** (with s. 43(1)(6)); [S.I. 1996/2120](#), art. 4, **Sch. 1**

<sup>F6</sup>**59 Requirements to be complied with in relation to S4C programmes.**

**Textual Amendments**

- F6** S. 59 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**60 Advertising on S4C.**

<sup>F7</sup>(1) .....

<sup>F7</sup>(2) .....

<sup>F7</sup>(3) .....

(4) The Welsh Authority shall—

(a) from time to time consult the Secretary of State as to the classes and descriptions of advertisements which must not be broadcast on S4C and the methods of advertising or sponsorship which must not be employed in, or in connection with, the provision of S4C;

[<sup>F8</sup>(aa) from time to time consult the Secretary of State as to the forms and methods of product placement that should not be employed in the provision of S4C (including the descriptions of products, services or trade marks for which product placement should not be employed);] and

(b) carry out any directions which he may give to them in respect of such matters.

(5) The Welsh Authority shall not act as an advertising agent.

<sup>F9</sup>(6) .....

**Textual Amendments**

- F7** S. 60(1)-(3) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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**F8** S. 60(4)(aa) inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **10(1)**

**F9** S. 60(6) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

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

**C3** S. 60 applied (1.10.1996) by [1996 c. 55, s. 29\(2\)](#) (with [s. 43\(1\)\(6\)](#)); [S.I. 1996/2120](#), art. 4, **Sch. 1**

**[<sup>F10</sup>61 Funding of Welsh Authority.**

- (1) The Secretary of State shall secure that in 2012 and each subsequent year the Welsh Authority are paid an amount which he considers sufficient to cover the cost to the Authority during that year of—
  - (a) providing the Authority's public services (within the meaning of section 207 of the Communications Act 2003), and
  - (b) arranging for the broadcasting or distribution of those services.
- (2) The Secretary of State may discharge the duty in subsection (1) by making payments himself or entering into an agreement with another person for that person to do so (or both).
- (3) If under this section the Welsh Authority are paid an amount for any year which exceeds the cost referred to in subsection (1), the Authority may pay the difference from the public service fund referred to in section 61A to the person (or pro rata to the persons) from whom payments were received.
- (4) Any sums required by the Secretary of State under this section shall be paid out of money provided by Parliament.]

**Textual Amendments**

**F10** S. 61 substituted (14.2.2012) by [Public Bodies Act 2011 \(c. 24\)](#), **ss. 31, 38(1)**

**[<sup>F11</sup>61A Welsh Authority public service fund.**

<sup>F12</sup>(1) .....

- (2) All amounts received by the Welsh Authority under section 61 <sup>F13</sup>... shall be kept by the Authority in a separate fund (in this section referred to as “the public service fund”) which may be applied only for the purposes of [<sup>F14</sup>their functions in relation to the provision of the services that are public services of the Authority (within the meaning of section 207 of the Communications Act 2003).]
- (3) No S4C company shall receive any direct or indirect subsidy from the public service fund.
- (4) The Welsh Authority shall secure that no television programme which has been wholly or partly financed out of the public service fund is included in a television programme service provided by an S4C company before it is first broadcast [<sup>F15</sup> on a television programme service that is one of their public services (within the meaning of section 207 of the Communications Act 2003)].

<sup>F16</sup>(5) .....

*Changes to legislation:* There are currently no known outstanding effects for the Broadcasting Act 1990, Chapter VI. (See end of Document for details)

F16(6)] .....

**Textual Amendments**

- F11** S. 61A inserted (1.10.1996) by 1996 c. 55, s. 81(1); S.I. 1996/2120, art. 4 Sch. 1
- F12** S. 61A(1) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F13** Words in s. 61A(2) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F14** Words in s. 61A(2) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 207(8)(a), 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F15** Words in s. 61A(4) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 207(8)(b), 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F16** S. 61A(5)(6) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F17 62 **Information to be supplied to Commission by Welsh Authority.**

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**Textual Amendments**

- F17** S. 62 repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

**63 Government control over S4C.**

- (1) If it appears to him to be necessary or expedient to do so in connection with his functions as such, the Secretary of State or any other Minister of the Crown may at any time by notice require the Welsh Authority to broadcast, at such times as may be specified in the notice, any announcement specified in the notice, with or without visual images of any picture, scene or object mentioned in the announcement; and it shall be the duty of the Authority to comply with the notice.
- (2) Where the Welsh Authority broadcast any announcement in pursuance of a notice under subsection (1), they may announce that they are doing so in pursuance of such a notice.
- (3) The Secretary of State may at any time by notice require the Welsh Authority to refrain from broadcasting any matter or classes of matter specified in the notice; and it shall be the duty of the Authority to comply with the notice.
- (4) Where the Secretary of State has given the Welsh Authority a notice under subsection (3), the Authority may broadcast an announcement of the giving of the notice or, when it has been revoked or has expired, of its revocation or expiration.
- (5) The powers conferred by this section are in addition to any power specifically conferred on the Secretary of State by any other provision of this Act.

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*Changes to legislation:* There are currently no known outstanding effects for the Broadcasting Act 1990, Chapter VI. (See end of Document for details)

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#### **64 Audience research by Welsh Authority.**

- (1) The Welsh Authority shall make arrangements for ascertaining—
- (a) the state of public opinion concerning programmes broadcast on S4C;
  - (b) any effects of such programmes on the attitudes or behaviour of persons who watch them; and
  - (c) the types of programme that members of the public would like to be broadcast on S4C.
- (2) Those arrangements shall—
- (a) secure that, so far as is reasonably practicable, any research undertaken in pursuance of the arrangements is undertaken by persons who are neither members nor employees of the Welsh Authority; and
  - (b) include provision for full consideration by the Authority of the results of any such research.

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

**C4** S. 64 applied (1.10.1996) by 1996 c. 55, s. 29(2) (with s. 43(1)(6)); S.I. 1996/2120, art. 4, Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Chapter VI.