



# Broadcasting Act 1996

## 1996 CHAPTER 55

### PART VI

#### THE BRITISH BROADCASTING CORPORATION

##### *Transfer of property, rights and liabilities relating to BBC transmission network*

#### **131 Power of BBC to make transfer schemes relating to its transmission network**

- (1) The BBC may make a scheme or schemes providing for the transfer to any person or persons of such property, rights and liabilities of the BBC as are specified in, or determined in accordance with the scheme, being property, rights and liabilities which, immediately before the day on which the scheme comes into force, subsist for the purposes of or in connection with or are otherwise attributable to the BBC transmission network.
- (2) In subsection (1) “the BBC transmission network” means so much of the undertaking of the BBC as is concerned with the provision of broadcasting transmission services or services related to those services.
- (3) In this Part “transfer scheme” means a scheme made under subsection (1).
- (4) Schedule 5 shall have effect with respect to transfer schemes.

#### **132 Powers of Secretary of State in relation to transfer schemes**

- (1) A transfer scheme shall not take effect unless it is approved by the Secretary of State; and where such a scheme is submitted to the Secretary of State for his approval, he may modify the scheme before approving it.
- (2) Subject to subsection (3), the Secretary of State shall not approve a transfer scheme containing any provision in accordance with which any person other than a wholly-owned subsidiary of the BBC becomes entitled or subject to any property, rights and liabilities unless it appears to the Secretary of State that the person has consented to the provisions of the scheme so far as they relate to him.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Subsection (2) shall not require the consent of any person to so much of a transfer scheme as—
- (a) relates to property, rights or liabilities to which that person is already entitled or subject, and
  - (b) appears to the Secretary of State to be made for purposes that are no more than supplemental or incidental to the other provisions of the scheme.
- (4) Before—
- (a) declining to approve a transfer scheme, or
  - (b) modifying such a scheme,
- the Secretary of State shall consult the BBC and every person who is a transferee under the scheme.
- (5) It shall be the duty of the BBC and every person who is a transferee under a transfer scheme to provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any power conferred on him by this paragraph.
- (6) In this section “wholly-owned subsidiary” has the meaning given by section 736 of the Companies Act 1985.

### **133 Agreements with respect to transfer schemes**

- (1) The BBC may enter into any such agreement with another person as they think fit for the purpose of accepting or imposing contractual obligations with respect to, or to anything connected with, the manner in which their powers by virtue of section 131 are to be exercised.
- (2) Any agreement may, in particular, provide for the making of payments, or the issue of shares or securities, to the BBC (by way of consideration or otherwise) in respect of anything created or transferred in accordance with a transfer scheme.
- (3) The consent of the Secretary of State shall be required for the making by the BBC of an agreement under this section.

### **134 Transfer schemes: successor companies**

Schedule 6 (which makes provision about the accounts etc. of wholly-owned subsidiaries of the BBC to which any property, rights or liabilities are transferred in accordance with a transfer scheme) shall have effect.

### **135 Taxation provisions with respect to transfer schemes**

Schedule 7 (which makes provision about tax in connection with transfer schemes) shall have effect.