

SCHEDULES

SCHEDULE 8

Section 136.

AMENDMENTS OF BROADCASTING ACT 1990 RELATING TO SERVICES PROVIDED BY BBC COMPANIES

Television services

1 In section 3 of the 1990 Act (licences under Part I) after subsection (3) there is inserted—

“(3A) Where the Commission are not satisfied that a BBC company which has applied for a licence is a fit and proper person to hold it, they shall, before refusing the application, notify the Secretary of State that they are not so satisfied.”

2 (1) Section 5 of that Act (restrictions on the holding of licences) is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) Before revoking in pursuance of subsection (2)(b) the award of a licence to a BBC company, the Commission shall give the Secretary of State notice of their intention to do so, specifying the relevant change.”

(3) After subsection (6B) there is inserted—

“(6C) The Commission shall not serve any such notice as is mentioned in subsection (5) on a BBC company unless they have given the Secretary of State notice of their intention to do so, specifying the relevant change.

(6D) Where the Commission receive any written representations from a BBC company under subsection (6), they shall send a copy of the representations to the Secretary of State.”

3 After section 66 of that Act there is inserted—

“66A Enforcement of licences held by BBC companies

(1) Where the Commission—

- (a) give a direction to a BBC company under section 40(1),
- (b) serve a notice on a BBC company under any provision of section 41 or 42, or
- (c) receive any written representations from a BBC company under section 40(2), 41(3) or 42(8),

the Commission shall send a copy of the direction, notice or representations to the Secretary of State.

(2) References in subsection (1) to any of the provisions of sections 40 to 42 are references to that provision as applied—

- (a) by section 42B(2), in relation to a licence to provide a restricted service,
- (b) by section 44(3), in relation to a licence to provide a domestic satellite service,
- (c) by section 45(5), in relation to a licence to provide a non-domestic satellite service,
- (d) by section 47(8), in relation to a licence to provide a licensable programme service, or
- (e) by section 55(4), in relation to an additional services licence.”

4 In section 81 of that Act (enforcement of local delivery service licences), after subsection (2) there is inserted—

“(2A) Where the Commission—

- (a) serve a notice on a BBC company under any provision of section 41 or 42 (as applied by subsection (1)), or
- (b) receive any representations from a BBC company under section 40(2), 41(3) or 42(8) (as so applied),

the Commission shall send a copy of the notice or representations to the Secretary of State.”

Radio services

5 In section 86 of that Act (licences under Part III) after subsection (4) there is inserted—

“(4A) Where the Authority are not satisfied that a BBC company which has applied for a licence is a fit and proper person to hold it, they shall, before refusing the application, notify the Secretary of State that they are not so satisfied.”

6 (1) Section 88 of that Act (restrictions on the holding of licences) is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) Before revoking in pursuance of subsection (2)(b) the award of a licence to a BBC company, the Authority shall give the Secretary of State notice of their intention to do so, specifying the relevant change.”

(3) After subsection (6B) there is inserted—

“(6C) The Authority shall not serve any such notice as is mentioned in subsection (5) on a BBC company unless they have given the Secretary of State notice of their intention to do so, specifying the relevant change.

(6D) Where the Authority receive any written representations from a BBC company under subsection (6), they shall send a copy of the representations to the Secretary of State.”

7 After section 111 of that Act there is inserted—

“111A Enforcement of licences held by BBC companies

Where the Authority—

- (a) serve a notice on a BBC company under any provision of section 109, 110 or 111, or

(b) receive any written representations from a BBC company under section 109(4), 110(4) or 111(8),
the Authority shall send a copy of the direction, notice or representations to the Secretary of State.”

Meaning of “BBC company” for purposes of Broadcasting Act 1990

8 In section 202 of that Act (interpretation), after the definition of “the BBC” there is inserted—

““a BBC company” means—

- (a) any body corporate which is controlled by the BBC, or
- (b) any body corporate in which the BBC or any body corporate falling within paragraph (a) above is (to any extent) a participant (as defined in paragraph 1(1) of Part I of Schedule 2);”.