



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES

CHAPTER 1

THE BBC, C4C THE WELSH AUTHORITY AND THE GAELIC MEDIA SERVICE

C4C

199 Functions of C4C

- (1) The activities that C4C are able to carry on include any activities which appear to them—
 - (a) to be activities that it is appropriate for them to carry on in association with the carrying out of their primary functions; and
 - (b) to be connected, otherwise than merely in financial terms, with activities undertaken by them for the carrying out of those functions.
- (2) C4C's primary functions are—
 - (a) securing the continued provision of Channel 4; and
 - (b) the fulfilment of the public service remit for that Channel under section 265.
- (3) Section 24(5)(b) and (6) of the 1990 Act (power of C4C to establish, acquire an interest in or assist a qualifying company) shall cease to have effect.
- (4) For sub-paragraphs (3) and (4) of paragraph 1 of Schedule 3 to the 1990 Act (power of C4C to do things incidental or conducive to the carrying out of their functions) there shall be substituted—
 - (3) The Corporation may do anything which appears to them to be incidental or conducive to the carrying out of their functions.

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- (4) The powers of the Corporation under sub-paragraph (3) include power, to the extent that it appears to them incidental or conducive to the carrying out of their functions to do so—
- (a) to borrow money;
 - (b) to carry on activities (other than those comprised in their duty to carry out their primary functions) through Channel 4 companies; and
 - (c) to participate with others in the carrying on of any such activities.”
- (5) Schedule 9 (which makes provision for the approval by OFCOM, and for the enforcement, of arrangements made by C4C about the carrying on of their activities) shall have effect.

200 Removal of members of C4C

- (1) In paragraph 3 of Schedule 3 to the 1990 Act (term of office of members of C4C), after sub-paragraph (2) there shall be inserted—
- “(2A) OFCOM may at any time, by notice to a member of the Corporation, terminate the appointment of that member.
- (2B) Before terminating a person’s appointment under sub-paragraph (2A), OFCOM must consult the Secretary of State.”
- (2) This section applies only to a member whose appointment was made, or last renewed, after the coming into force of this section.

201 Deficits and surpluses of C4C

- (1) Sections 26 and 27 of the 1990 Act (revenue deficits of C4C to be funded by providers of Channel 3 services and application of excess revenues of C4C) shall cease to have effect.
- (2) This section has effect in relation to a deficit or excess for a year ending after the commencement of this section.

202 Borrowing limit for C4C

- (1) The Secretary of State may by order provide for a limit on the borrowing that C4C is allowed to undertake.
- (2) The order may fix the limit either—
- (a) by specifying the sum which the outstanding borrowing of C4C must not at any time exceed; or
 - (b) by providing a method of determining the sum which that borrowing must not exceed.
- (3) C4C are not to borrow money if the effect of the borrowing would be to cause the amount of their outstanding borrowing to be, or to remain, in excess of the limit (if any) that is for the time being in force.
- (4) For the purposes of this section the amount of C4C’s outstanding borrowing at any time is the aggregate amount outstanding at that time in respect of the principal of

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sums borrowed by them, but after allowing sums borrowed to repay existing loans to be applied for that purpose.

- (5) Before making an order under this section, the Secretary of State must consult C4C.
- (6) The consent of the Treasury is required for the making of an order under this section.