



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART V

#### THE BROADCASTING COMPLAINTS COMMISSION

#### **145 Consideration of complaints**

- (1) Subject to the provisions of section 144, every complaint made to the BCC shall be considered by them either at a hearing or, if they think fit, without a hearing.
- (2) Hearings under this section shall be held in private; and where such a hearing is held in respect of a complaint, each of the following persons shall be given an opportunity to attend and be heard, namely—
  - (a) the complainant;
  - (b) the relevant person;
  - (c) where the relevant programme was included in a licensed service, the appropriate regulatory body;
  - (d) any person not falling within any of paragraphs (a) to (c) who appears to the BCC to have been responsible for the making or provision of that programme; and
  - (e) any other person who the BCC consider might be able to assist at the hearing.
- (3) Before they proceed to consider a complaint the BCC shall send a copy of it—
  - (a) to the relevant person, and
  - (b) where the relevant programme was included in a licensed service, to the appropriate regulatory body.
- (4) Where the relevant person receives from the BCC a copy of the complaint, it shall be the duty of that person, if so required by the BCC—
  - (a) to provide the BCC with a visual or sound recording of the relevant programme or of any specified part of it, if and so far as the relevant person has such a recording in his possession;

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- (b) to make suitable arrangements for enabling the complainant to view or hear the relevant programme, or any specified part of it, if and so far as the relevant person has in his possession a visual or sound recording of it;
  - (c) to provide the BCC and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as the relevant person is able to do so;
  - (d) to provide the BCC and the complainant with copies of any documents in the possession of the relevant person being the originals or copies of any correspondence between that person and the person affected or the complainant in connection with the complaint;
  - (e) to furnish to the BCC and the complainant a written statement in answer to the complaint.
- (5) For the purposes of this section, section 155 and section 167 it shall be the duty of each broadcasting body to retain a recording of every television or sound programme which is broadcast by that body—
- (a) where it is of a television programme, during the period of 90 days beginning with the broadcast, and
  - (b) where it is of a sound programme, during the period of 42 days beginning with the broadcast.
- (6) Where the relevant person receives from the BCC a copy of a complaint, it shall be the duty of that person, if so required by the BCC—
- (a) where the relevant person is a broadcasting body, to arrange for one or more of the governors, members or employees of the body to attend the BCC and assist them in their consideration of the complaint, or
  - (b) where the relevant person is a body other than a broadcasting body, to arrange for one or more of the following, namely—
    - (i) the persons who take part in the management or control of the body, or
    - (ii) the employees of the body,to attend the BCC and assist them in their consideration of the complaint, or
  - (c) where the relevant person is an individual, to attend, or to arrange for one or more of his employees to attend, the BCC and assist them in their consideration of the complaint.
- (7) Where the relevant person receives from the BCC a copy of a complaint and, in connection with the complaint, the BCC make to any other person a request to which this subsection applies, it shall be the duty of the relevant person to take such steps as he reasonably can to ensure that the request is complied with.
- (8) Subsection (7) applies to the following requests by the BCC to any such other person as is there mentioned, namely—
- (a) a request to make suitable arrangements for enabling the complainant and any member or employee of the BCC to view or hear the relevant programme, or any specified part of it, if and so far as the person requested has in his possession a visual or sound recording of it;
  - (b) a request to provide the BCC and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as the person requested is able to do so;
  - (c) a request to provide the BCC and the complainant with copies of any documents in the possession of the person requested, being the originals or

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- copies of any correspondence between that person and the person affected or the complainant in connection with the complaint;
- (d) a request to furnish to the BCC and the complainant a written statement in answer to the complaint;
  - (e) a request to attend, or (where the person requested is not an individual) to arrange for a representative to attend, the BCC and assist them in their consideration of the complaint.
- (9) The BCC may, if they think fit, make to any person who attends them in connection with a complaint such payments as they think fit by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him so to attend.
- (10) In this section “the relevant person” means—
- (a) in a case where the relevant programme was broadcast by a broadcasting body, that body; and
  - (b) in a case where the relevant programme was included in a licensed service, the licence holder providing the service.