



Broadcasting Act 1981

1981 CHAPTER 68

PART I

THE INDEPENDENT BROADCASTING AUTHORITY

Advertisements

8 Advertisements

- (1) The programmes broadcast by the Authority may, so long as the provisions of this Act are complied with in relation thereto, include advertisements inserted therein in consideration of payments to the relevant programme contractor or (in the case of an advertisement included in a programme or part of a programme provided under section 3(2)(b)) to the Authority.
- (2) Orders for the insertion of the said advertisements may be received either through advertising or other agents or direct from the advertiser, but neither the Authority nor any programme contractor shall act as an advertising agent.
- (3) It shall be the duty of the Authority to secure that the provisions of Schedule 2 are complied with in relation to the advertisements included in the programmes broadcast by the Authority.
- (4) After consultation with the Authority the Secretary of State may make regulations amending, repealing, or adding to the provisions of Schedule 2.
- (5) Without prejudice to any of the duties incumbent on the Authority otherwise than under this subsection in relation to advertisements, it shall be the duty of the Authority—
 - (a) to consult from time to time with the Secretary of State as to the classes and descriptions of advertisements which must not be broadcast and the methods of advertising which must not be employed ; and
 - (b) to carry out any directions which he may give them in those respects.

Status: This is the original version (as it was originally enacted).

- (6) Subject to subsections (7) to (9), nothing shall be included in any programmes broadcast by the Authority, whether in an advertisement or not, which states, suggests or implies (or could reasonably be taken to state, suggest or imply) that any part of any programme broadcast by the Authority which is not an advertisement has been supplied or suggested by any advertiser; and, except as an advertisement, nothing shall be included in any programme broadcast by the Authority which could reasonably be supposed to have been included in the programme in return for payment or other valuable consideration to the relevant programme contractor or the Authority.
- (7) Nothing in subsection (6) shall be construed as prohibiting the inclusion of any of the following matters in any part of a programme broadcast by the Authority which is not an advertisement, namely—
- (a) items designed to give publicity to the needs or objects of any association or organisation conducted for charitable or benevolent purposes;
 - (b) reviews of literary, artistic or other publications or productions, including current entertainments;
 - (c) items consisting of factual portrayals of doings, happenings, places or things, being items which in the opinion of the Authority are proper for inclusion by reason of their intrinsic interest or instructiveness and do not comprise an undue element of advertisement;
 - (d) announcements of the place of any performance included in the programme, or of the name and description of the persons concerned as performers or otherwise in any such performance, announcements of the number and description of any record so included, and acknowledgments of any permission granted in respect of any such performance, persons or record;
 - (e) items inserted at the request, or under the authority, of a Minister of the Crown (including the head of a Northern Ireland department);
 - (f) such other matters (if any) as may be prescribed by regulations made by the Secretary of State after consultation with the Authority.
- (8) Nothing in subsection (6) shall be construed as prohibiting the inclusion of an advertisement in any programme broadcast by the Authority by reason only of the fact that it is related in subject-matter to any part of that programme which is not an advertisement.
- (9) So much of subsection (6) as prohibits the inclusion in programmes (other than advertisements) broadcast by the Authority of anything which could reasonably be supposed to have been included therein in return for payment or other valuable consideration to the Authority shall not apply to any programme so broadcast in an educational service provided under section 3(2)(c).
- (10) Any regulations under this section shall be made by statutory instrument; but no such regulations shall be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

9 Code for advertisements

- (1) It shall be the duty of the Authority—
- (a) to draw up, and from time to time review, a code governing standards and practice in advertising and prescribing the advertisements and methods of advertising to be prohibited, or prohibited in particular circumstances; and

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- (b) to secure that the provisions of the code are complied with as regards the advertisements included in the programmes broadcast by the Authority.
- (2) The Authority may, in the discharge of their general responsibility for advertisements and methods of advertising, impose requirements as to advertisements and methods of advertising which go beyond the requirements imposed by the code under this section.
 - (3) The methods of control exercisable by the Authority for the purpose of securing that the provisions of the code under this section are complied with, and for the purpose of securing compliance with requirements imposed under subsection (2) which go beyond the requirements of the code, shall include a power to give directions to a programme contractor with respect to the classes and descriptions of advertisements and methods of advertising to be excluded, or to be excluded in particular circumstances, or with respect to the exclusion of a particular advertisement, or its exclusion in particular circumstances.
 - (4) The Authority may give directions to a programme contractor with respect to the times when advertisements are to be allowed.
 - (5) Directions under this section may be, to any degree, either general or specific and qualified or unqualified; and directions under subsection (4) may, in particular, relate to—
 - (a) the greatest amount of time to be given to advertisements in any hour or other period,
 - (b) the minimum interval which must elapse between any two periods given over to advertisements and the number of such periods to be allowed in any programme or item in a programme or in any hour or day,
 - (c) the exclusion of advertisements from a specified broadcast,and may make different provision for different parts of the day, different days of the week, different types of programmes or for other differing circumstances.