



Broadcasting Act 1981

1981 CHAPTER 68

PART I

THE INDEPENDENT BROADCASTING AUTHORITY

Sound programme contracts

26 Accumulation of interests in sound programme contracts.

- (1) Before entering into a sound programme contract the Authority shall seek to ascertain—
- (a) whether the person or any of the persons with whom the contract is proposed to be made is (either alone or in partnership with one or more other persons) entitled to the benefit of one or more existing sound programme contracts; and
 - (b) where the person or any of the persons with whom the contract is proposed to be made is a body corporate, whether that body corporate, or any associate of that body corporate, or any participant in that body corporate or in any such associate, is—
 - (i) a person or one of the persons entitled to the benefit of one or more existing sound programme contracts, or
 - (ii) a participant in a body corporate so entitled or included among the persons so entitled, or
 - (iii) a participant in an associate of a body corporate so entitled or so included;

and, having regard to any matters ascertained by them under this subsection, the Authority shall consider whether, if the proposed contract were made, any one person would, in any one or more of the capacities mentioned in paragraphs (a) and (b) or in any combination of any such capacities, have an aggregate interest in the benefit of two or more sound programme contracts.

- (2) If, in the circumstances mentioned in subsection (1) it appears to the Authority that a person would have such an aggregate interest and that, having regard to—
- (a) the nature and extent of that aggregate interest, and

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(b) any other circumstances appearing to the Authority to be material, the existence of that aggregate interest might prejudice the performance by the Authority of any duty imposed on them by this Act in relation to local sound broadcasting services, the Authority shall refrain from entering into the proposed contract.

(3) In this section—

" sound programme contract " means a contract for the provision of local sound broadcasts;

" existing sound programme contract", in relation to any contract proposed to be entered into by the Authority, means a sound programme contract which is in force at the time when the Authority are considering entering into the proposed contract; and

" participant", in relation to a body corporate, means a person who (whether alone or jointly with one or more other persons, and whether directly or through one or more nominees) holds or is beneficially entitled to not less than one-twentieth of the shares in that body corporate.