



Broadcasting Act 1990

1990 CHAPTER 42

PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER VI

TELEVISION BROADCASTING BY WELSH AUTHORITY

56 Welsh Authority to continue in existence as Sianel Pedwar Cymru

- (1) The authority which at the commencement of this section is called the Welsh Fourth Channel Authority shall continue in existence as a body corporate but—
 - (a) shall be known as Sianel Pedwar Cymru (or S4C); and
 - (b) shall be constituted in accordance with, and have the functions conferred by, this Act;and in this Act references to the Welsh Authority are references to that authority.
- (2) The Welsh Authority shall consist of—
 - (a) a chairman appointed by the Secretary of State; and
 - (b) such number of other members appointed by the Secretary of State, not being less than four nor more than eight, as he may from time to time determine.
- (3) Schedule 6 to this Act shall have effect with respect to the Welsh Authority.

57 Function and duties of Welsh Authority

- (1) The function of the Welsh Authority shall be to provide a television broadcasting service of high quality for reception wholly or mainly in Wales to be known as Sianel Pedwar Cymru (or S4C); and in this Part references to S4C are references to that service.
- (2) It shall be the duty of the Welsh Authority—

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- (a) to provide S4C as a public service for disseminating information, education and entertainment;
 - (b) to ensure that a substantial proportion of the programmes broadcast on S4C are in Welsh and that the programmes broadcast on S4C between 6.30 pm and 10 pm consist mainly of programmes in Welsh; and
 - (c) to ensure that the programmes in Welsh which are broadcast on S4C maintain—
 - (i) a high general standard in all respects (and, in particular, in respect of their content and quality), and
 - (ii) a wide range in their subject matter, having regard both to the programmes as a whole and also to the days of the week on which, and the times of the day at which, the programmes are broadcast.
- (3) The Welsh Authority shall secure that, during any period allocated by them to the broadcasting of a programme not in Welsh, the programme broadcast by them on S4C is normally a programme which is being, has been or is to be broadcast on Channel 4.
- (4) The Welsh Authority may use part of the signals carrying S4C to provide—
- (a) subtitling in connection with programmes on S4C, and
 - (b) other services which are ancillary to such programmes and directly related to their contents;
- and in this subsection “subtitling” means any subtitling provided by means of a teletext service.
- (5) In this section and section 58 “programme” does not include an advertisement.

58 Sources of programmes for S4C

- (1) For the purpose of enabling the Welsh Authority to comply with their duty under section 57(2)(b) it shall be the duty of the BBC to provide the Authority (free of charge) with sufficient television programmes in Welsh to occupy not less than ten hours' transmission time per week, and to do so in a way which meets the reasonable requirements of the Authority.
- (2) It shall be the duty of the Channel Four Television Corporation—
 - (a) to provide the Welsh Authority with programme schedules for the programmes broadcast on Channel 4, including information as to the periods available for the broadcasting of advertisements, far enough in advance to enable the Welsh Authority to comply with section 57(3); and
 - (b) to provide the Welsh Authority (free of charge) with any programmes which are required by the Authority for the purpose of complying with that provision.
- (3) The programmes broadcast on S4C may, to the extent that they are not provided under subsection (1) or (2), be obtained by the Welsh Authority from such persons as they think fit.
- (4) Where any programmes provided under subsection (2) each form part of a series of programmes, the Welsh Authority shall ensure that the intervals between those programmes when broadcast on S4C normally correspond to the intervals between them when broadcast on Channel 4.

- (5) The Welsh Authority shall publish, in such manner as they consider appropriate, advance notice of the programme schedules for the programmes to be broadcast on S4C.

59 Requirements to be complied with in relation to S4C programmes

- (1) The Welsh Authority shall ensure that the following requirements are complied with in relation to S4C, namely—
- (a) that nothing is included in its programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;
 - (b) that any news given (in whatever form) in its programmes is presented with due accuracy and impartiality;
 - (c) that due impartiality is preserved on the part of the Authority as respects matters of political or industrial controversy or relating to current public policy;
 - (d) that due responsibility is exercised with respect to the content of any of its programmes which are religious programmes, and that in particular any such programmes do not involve—
 - (i) any improper exploitation of any susceptibilities of those watching the programmes, or
 - (ii) any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination; and
 - (e) that its programmes do not include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, persons watching the programmes without their being aware, or fully aware, of what has occurred.
- (2) In applying subsection (1)(c) a series of programmes may be considered as a whole.
- (3) Without prejudice to the generality of subsection (1), the Welsh Authority shall ensure that there are excluded from the programmes broadcast on S4C all expressions of the views and opinions of the Authority on matters (other than broadcasting) which are of political or industrial controversy or relate to current public policy.
- (4) The code referred to in section 6(3) shall have effect in relation to the application of subsection (1)(c) above in relation to S4C as it has effect in relation to the application of section 6(1)(c) in relation to a licensed service; and the code referred to in section 7 shall have effect in relation to S4C as it has effect in relation to a licensed service.
- (5) The Welsh Authority shall observe the provisions of those codes (as they have effect in accordance with subsection (4)) in the provision of S4C.

60 Advertising on S4C

- (1) The Welsh Authority shall ensure that the following rules are complied with in relation to S4C, namely—
- (a) S4C must not include—
 - (i) any advertisement which is inserted by or on behalf of any body whose objects are wholly or mainly of a political nature,

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- (ii) any advertisement which is directed towards any political end, or
 - (iii) any advertisement which has any relation to any industrial dispute (other than an advertisement of a public service nature inserted by, or on behalf of, a government department);
 - (b) in the acceptance of advertisements for inclusion in S4C there must be no unreasonable discrimination either against or in favour of any particular advertiser; and
 - (c) (except in the case of any programme to which the Welsh Authority determine that this paragraph is not to apply) S4C must not include a programme which is sponsored by any person whose business consists, wholly or mainly, in the manufacture or supply of a product, or in the provision of a service, which the Welsh Authority are prohibited from advertising by virtue of subsection (2) or (4) below.
- (2) The code under section 9 shall have effect in relation to advertisements broadcast on S4C as it has effect in relation to advertisements broadcast on Channel 4; and the Welsh Authority shall observe the provisions of that code (as it so has effect) in the provision of S4C.
- (3) Where the Commission give any directions under subsection (7) of that section to the Channel Four Television Corporation, they shall send a copy of those directions to the Welsh Authority; and, so long as the directions remain in force, the Welsh Authority shall, in broadcasting advertisements on S4C, give effect to the provisions of the directions as if they were provisions regulating the times when advertisements are to be allowed to be broadcast on S4C.
- (4) The Welsh Authority shall—
- (a) from time to time consult the Secretary of State as to the classes and descriptions of advertisements which must not be broadcast on S4C and the methods of advertising or sponsorship which must not be employed in, or in connection with, the provision of S4C; and
 - (b) carry out any directions which he may give to them in respect of such matters.
- (5) The Welsh Authority shall not act as an advertising agent.
- (6) After consultation with the Welsh Authority the Secretary of State may make regulations amending, repealing or adding to the rules specified in subsection (1); but no such regulations shall be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.

61 Funding of Welsh Authority

- (1) The Secretary of State shall, for the year 1993 and each subsequent year, pay to the Welsh Authority an amount representing 32 per cent. of the total television revenues for the preceding year.
- (2) The Commission shall, before the beginning of each of those years (“the relevant year”)—
- (a) estimate the amount of the total television revenues for the preceding year; and
 - (b) notify the Secretary of State of that estimated amount;
- and the Secretary of State shall at the beginning of the relevant year pay to the Welsh Authority, by way of an interim payment for that year, an amount representing 32 per cent. of that estimated amount.

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- (3) Once the Commission have finally determined the amount of the total television revenues for a particular year, they shall notify the Secretary of State of the amount so determined by them; and on receiving any such notification the Secretary of State shall, in respect of the year following that year—
 - (a) pay to the Welsh Authority any amount payable by him by virtue of subsection (1), after taking into account the interim payment made for that year under subsection (2), or
 - (b) notify the Welsh Authority of the amount of any overpayment made by him by means of any such interim payment.
- (4) The Welsh Authority shall, as soon as reasonably practicable after receiving any notification under subsection (3)(b), pay to the Secretary of State the amount specified in the notification.
- (5) In this section “total television revenues”—
 - (a) in relation to the year 1992, means the aggregate of the qualifying revenues for that year of—
 - (i) the TV programme contractors (as defined by section 10(2) of the 1981 Act), and
 - (ii) the body corporate referred to in section 12(2) of that Act; and
 - (b) in relation to any subsequent year, has the meaning given by section 26(2); and section 19(2) to (6) shall have effect, with any necessary modifications, for the purpose of enabling the Commission to estimate or determine a person’s qualifying revenue for any year for the purposes of this subsection.
- (6) Any sums required by the Secretary of State under this section shall be paid out of money provided by Parliament.
- (7) The Secretary of State may, after consulting the Commission and the Welsh Authority, by order amend each of subsections (1) and (2) by substituting a different percentage for the percentage for the time being specified there; but no such order may be made before the end of the year 1997 unless the Secretary of State is satisfied that it is necessary to make the order having regard to the cost to the Authority of transmitting S4C.
- (8) An order shall not be made under subsection (7) unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

62 Information to be supplied to Commission by Welsh Authority

The Welsh Authority shall provide the Commission with such forecasts, estimates, information and documents as the Commission may reasonably require for the purpose of enabling them to perform their functions under sections 26 and 61.

63 Government control over S4C

- (1) If it appears to him to be necessary or expedient to do so in connection with his functions as such, the Secretary of State or any other Minister of the Crown may at any time by notice require the Welsh Authority to broadcast, at such times as may be specified in the notice, any announcement specified in the notice, with or without visual images of any picture, scene or object mentioned in the announcement; and it shall be the duty of the Authority to comply with the notice.

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- (2) Where the Welsh Authority broadcast any announcement in pursuance of a notice under subsection (1), they may announce that they are doing so in pursuance of such a notice.
- (3) The Secretary of State may at any time by notice require the Welsh Authority to refrain from broadcasting any matter or classes of matter specified in the notice; and it shall be the duty of the Authority to comply with the notice.
- (4) Where the Secretary of State has given the Welsh Authority a notice under subsection (3), the Authority may broadcast an announcement of the giving of the notice or, when it has been revoked or has expired, of its revocation or expiration.
- (5) The powers conferred by this section are in addition to any power specifically conferred on the Secretary of State by any other provision of this Act.

64 Audience research by Welsh Authority

- (1) The Welsh Authority shall make arrangements for ascertaining—
 - (a) the state of public opinion concerning programmes broadcast on S4C;
 - (b) any effects of such programmes on the attitudes or behaviour of persons who watch them; and
 - (c) the types of programme that members of the public would like to be broadcast on S4C.
- (2) Those arrangements shall—
 - (a) secure that, so far as is reasonably practicable, any research undertaken in pursuance of the arrangements is undertaken by persons who are neither members nor employees of the Welsh Authority; and
 - (b) include provision for full consideration by the Authority of the results of any such research.