
Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 128.

SUPPLEMENTARY PROVISIONS RELATING TO DISSOLUTION OF CABLE AUTHORITY

Provisions as to vesting of property etc. of Cable Authority

- 1 (1) Sub-paragraph (2) below shall have effect for the purposes of, or in connection with, the vesting in the Commission by virtue of section 128(1) of this Act of property, rights or liabilities of the Cable Authority.
- (2) Any agreement made, transaction effected or other thing done by or in relation to the Cable Authority which is in force or effective immediately before the transfer date shall have effect as from that date as if made, effected or done by or in relation to the Commission, in all respects as if the Commission were the same person, in law, as the Cable Authority; and accordingly references to the Cable Authority—
- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument,
 - (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority, and
 - (c) in any other document whatever (other than an enactment),
- shall be taken as from the transfer date as referring to the Commission.
- 2 (1) Where immediately before the transfer date there is in force an agreement which—
- (a) confers or imposes on the Cable Authority any rights or liabilities which vest in the Commission by virtue of section 128(1), and
 - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Cable Authority,
- the agreement shall have effect, in relation to anything falling to be done on or after the transfer date, as if for that reference there were substituted a reference to such person as the Commission may appoint or, in default of appointment, to the member or employee of the Commission who corresponds as nearly as possible to the member or officer of the Authority in question.
- (2) References in this paragraph to an agreement include references to a deed, bond or other instrument.

Transfer of employees

- 3 (1) It is hereby declared for the avoidance of doubt that—
- (a) the effect of section 128(1) in relation to any contract of employment with the Cable Authority in force immediately before the transfer date is merely to modify that contract (as from that date) by substituting the Commission as the employer (and not to terminate the contract or vary it in any other way); and

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- (b) that provision is effective to vest the rights and liabilities of the Cable Authority under any agreement or arrangement for the payment of pensions, allowances or gratuities in the Commission along with all the other rights and liabilities of the Authority.
- (2) Accordingly, for the purposes of any such agreement or arrangement as it has effect as from the transfer date, any period of employment with the Cable Authority shall count as employment with the Commission.
- (3) The Transfer of Undertakings ^{M1}(Protection of Employment) Regulations 1981 shall apply to the transfer to the Commission, by virtue of section 128(1), of the undertaking of the Cable Authority, whether or not they would otherwise so apply; and that undertaking shall accordingly (whether or not it would otherwise be so regarded) be regarded for the purposes of those Regulations as an undertaking in the nature of a commercial venture.

Marginal Citations

M1 [S.I. 1981/1794](#).

Final accounts and annual report of Cable Authority

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Textual Amendments

F1 [Sch. 10 para. 4](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 19

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