

SCHEDULES

SCHEDULE 11

TRANSITIONAL PROVISIONS RELATING TO IBA'S BROADCASTING SERVICES

PART V

REPLACEMENT OF PROGRAMME CONTRACTS BY LOCAL LICENCES

Replacement of contracts to which paragraph 2(1) in Part IV applies by local licences

- 1 (1) The Authority may, if the programme contractor under a relevant contract so requests—
- (a) determine the contract as from any time falling on or after the transfer date; and
 - (b) subject to paragraph 3(2) below, grant to the programme contractor as from that time a licence to provide a local service for the locality in which local sound broadcasts were to be provided by him under the contract.
- (2) In sub-paragraph (1) “relevant contract” means a contract which (apart from that sub-paragraph) would continue in force by virtue of paragraph 2(1) in Part IV of this Schedule.
- (3) A licence granted in pursuance of sub-paragraph (1) shall (subject to the provisions of Part III of this Act) continue in force for such period as the Authority may determine, except that the licence shall not expire—
- (a) before the date on which the contract referred to in that sub-paragraph would have expired if it had not been determined under that sub-paragraph, or
 - (b) later than 31st December 1996 or the date which falls three years after the date referred to in paragraph (a), whichever is the earlier.

Replacement by local licences of certain contracts for the provision of local sound broadcasts in localities in which such broadcasts were already provided

- 2 (1) Any contract which—
- (a) the IBA has, at any time on or after 1st September 1989, entered into with a programme contractor for the provision by the contractor of local sound broadcasts in a locality comprised in the locality in which such broadcasts were for the time being to be provided by another programme contractor under a contract entered into before that time, and
 - (b) is effective immediately before the transfer date,
- shall cease to have effect on that date; but, if the first-mentioned programme contractor so requests at any time before that date, the Authority may, subject to paragraph 3(2) below, grant to him as from that date a licence to provide a local service for that locality.

Status: This is the original version (as it was originally enacted).

- (2) A licence granted in pursuance of sub-paragraph (1) shall (subject to the provisions of Part III of this Act) continue in force until 31st December 1994.

*Common provisions applying to licences granted
in pursuance of paragraph 1(1) or 2(1) above*

- 3 (1) A request for the grant of a licence which is made to the Authority by any person in pursuance of paragraph 1(1) or 2(1) above must be in writing and accompanied by—
- (a) his proposals for providing a service that would cater for the tastes and interests of persons living in the locality for which it would be provided or for any particular tastes and interests of such persons; and
 - (b) such information as the Authority may reasonably require as to his present financial position and his projected financial position during the period for which the licence would be in force.
- (2) The Authority shall not grant a licence to any person in pursuance of paragraph 1(1) or 2(1) above unless they are satisfied that the service proposed to be provided by that person would cater for the tastes and interests of persons living in the locality for which it would be provided or for any particular tastes and interests of such persons.
- (3) Section 104 of this Act shall not apply in relation to the grant of any such licence.
- (4) Section 106(1) of this Act shall apply to any such licence as if for “when making his application” there were substituted “in pursuance of paragraph 3(1) in Part V of Schedule 11”.
- (5) In section 86(4) of this Act the reference to Part III of this Act shall include a reference to this Part of this Schedule.
- (6) Except as provided in the preceding provisions of this paragraph, Part III of this Act applies to a licence granted in pursuance of paragraph 1(1) or 2(1) above as it applies to any other local licence granted under that Part.

Saving for liabilities under terminated contracts

- 4 (1) Where the contract of a programme contractor is terminated by the Authority under this Part of this Schedule, the termination of that contract shall not affect any liability of his which has accrued under or by virtue of the contract before its termination.
- (2) Where any such contract is so terminated but the programme contractor is granted a local licence as from the date of its termination, any agreement—
- (a) made before that date between the contractor and any other person, and
 - (b) framed (whether expressly or by implication) by reference to the contract or to the contractor's status as a programme contractor,
- shall (unless it expressly provides otherwise) have effect as from that date with such modifications as are necessary to take account of the replacement of the contract by the licence or of the contractor's new status as the holder of the licence (as the case may require).
- (3) References in sub-paragraph (2) to an agreement include references—
- (a) to an oral agreement, and
 - (b) to a deed, bond or other instrument.