

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 23.

#### THE CHANNEL FOUR TELEVISION CORPORATION: SUPPLEMENTARY PROVISIONS

##### Modifications etc. (not altering text)

- C1** Sch. 3: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 4](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

##### *Status and capacity*

- 1 (1) The Corporation shall be a body corporate.
- (2) The Corporation shall not be treated for the purposes of the enactments and rules of law relating to the privileges of the Crown as a body exercising functions on behalf of the Crown.
- [<sup>F1</sup>(3) The Corporation may do anything which appears to them to be incidental or conducive to the carrying out of their functions.
- (4) The powers of the Corporation under sub-paragraph (3) include power, to the extent that it appears to them incidental or conducive to the carrying out of their functions to do so—
- (a) to borrow money;
  - (b) to carry on activities (other than those comprised in their duty to carry out their [<sup>F2</sup>Channel 4 functions]) through Channel 4 companies; and
  - (c) to participate with others in the carrying on of any such activities.]
- [<sup>F3</sup>(5) In sub-paragraph (4) “Channel 4 functions” means—
- (a) securing the continued provision of Channel 4, and
  - (b) the fulfilment of the public service remit for that Channel under section 265 of the Communications Act 2003.]

##### Textual Amendments

- F1** Sch. 3 para. 1(3)(4) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 199\(4\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F2** Words in [Sch. 3 para. 1\(4\)\(b\)](#) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), [ss. 22\(6\)\(a\)](#), 47(1)
- F3** [Sch. 3 para. 1\(5\)](#) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), [ss. 22\(6\)\(b\)](#), 47(1)

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### *Appointment of members*

- 2 (1) A person shall be disqualified for being a member of the Corporation so long as he is—
- (a) a governor or employee of the BBC; [<sup>F4</sup>or
  - (b) a member or employee of OFCOM.]
- (2) Before appointing a person to be a member of the Corporation, [<sup>F5</sup>OFCOM] shall satisfy themselves that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Corporation; and [<sup>F5</sup>OFCOM] shall also satisfy themselves from time to time with respect to every member of the Corporation that he has no such interest.
- (3) Any person who is, or whom [<sup>F5</sup>OFCOM] propose to appoint to be, a member of the Corporation shall, whenever requested by [<sup>F5</sup>OFCOM] to do so, furnish them with such information as they consider necessary for the performance by them of their duties under sub-paragraph (2).

#### **Textual Amendments**

- F4** Sch. 3 para. 2(1)(b) substituted for Sch. 3 para. 2(1)(b)–(d) (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 70\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))
- F5** Words in Sch. 3 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 70\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

### *Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, each member of the Corporation shall hold and vacate office in accordance with the terms of his appointment.
- (2) A person shall not be appointed to be a member of the Corporation for more than five years at a time.
- [<sup>F6</sup>(2A) OFCOM may at any time, by notice to a member of the Corporation, terminate the appointment of that member.
- (2B) Before terminating a person's appointment under sub-paragraph (2A), OFCOM must consult the Secretary of State.]
- (3) Any member of the Corporation may at any time resign his office by notice to [<sup>F5</sup>OFCOM].
- (4) This paragraph does not apply in relation to ex-officio members of the Corporation.

#### **Textual Amendments**

- F5** Words in Sch. 3 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 70\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))
- F6** Sch. 3 para. 3(2A)(2B) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), ss. 200, 411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

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*Remuneration and pensions of members*

- 4 (1) The Corporation may pay —
- (a) to each member other than an ex-officio member such remuneration and allowances, and
  - (b) to each ex-officio member such allowances,
- as [F5OFCOM] may determine.
- (2) The Corporation may pay or make provision for paying to or in respect of any member such sums by way of pensions, allowances or gratuities as [F5OFCOM] may determine.
- (3) Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to [F5OFCOM] that there are special circumstances which make it right for him to receive compensation, the Corporation may make a payment to him of such amount as [F5OFCOM] may determine.
- (4) Sub-paragraphs (2) and (3) do not apply in relation to ex-officio members of the Corporation.
- (5) The approval of the Treasury shall be required for any determination under this paragraph other than a determination under sub-paragraph (1) having effect in relation to an ex-officio member of the Corporation.

**Textual Amendments**

- F5** Words in Sch. 3 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 70\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

*Disqualification of members of Corporation for House of Commons and Northern Ireland Assembly*

- 5 In Part II of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) there shall be inserted at the appropriate place—

“The Channel Four Television Corporation” and a corresponding amendment shall be made in Part II of Schedule 1 to the

<sup>M2</sup>

Northern Ireland Assembly Disqualification Act 1975.

**Marginal Citations**

**M1** 1975 c. 24.

**M2** 1975 c. 25.

*Proceedings*

- 6 (1) Subject to paragraph 7, the quorum of the Corporation and the arrangements relating to their meetings shall be such as the Corporation may determine.

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- (2) The arrangements may, with the approval of [<sup>F5</sup>OFCOM] , provide for the discharge, under the general direction of the Corporation, of any of the Corporation's functions by a committee or by one or more of the members or employees of the Corporation.

#### Textual Amendments

**F5** Words in Sch. 3 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 70\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

- 7 (1) A member who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Corporation shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting, and
  - (b) (subject to sub-paragraph (2)) the member shall not take any part in any deliberation or decision of the Corporation, or of any of their committees, with respect to that matter.
- (2) Sub-paragraph (1)(b) shall not apply in relation to any meeting of the Corporation at which all of the other members present resolve that the member's interest should be disregarded for the purposes of that provision.
- (3) For the purposes of sub-paragraph (1), a general notification given at a meeting of the Corporation by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any matter involving that company or firm shall be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (4) A member need not attend in person at a meeting of the Corporation in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at the meeting.
- (5) In this paragraph references to a meeting of the Corporation include references to a meeting of any of their committees.
- 8 The validity of any proceedings of the Corporation shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 7.

#### *Employees of the Corporation*

- 9 (1) The Corporation shall appoint a chief executive of the Corporation, and may appoint such other employees as they may determine.
- (2) If the Corporation determine to do so in the case of any of their employees, the Corporation shall pay to or in respect of those employees such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as the Corporation may determine.
- (3) If any employee of the Corporation—
- (a) is a participant in any pension scheme applicable to his employment, and
  - (b) becomes a member of the Corporation other than an ex-officio member,

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he may, if [<sup>F5</sup>OFCOM] so determine, be treated for the purposes of the pension scheme as if his service as a member of the Corporation were service as an employee of the Corporation.

#### Textual Amendments

- F5** Words in Sch. 3 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 70\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### *Authentication of Corporation's seal*

- 10 The application of the seal of the Corporation shall be authenticated by the signature of the chairman or of some other person authorised for the purpose.

#### *Presumption of authenticity of documents issued by Corporation*

- 11 Any document purporting to be an instrument issued by the Corporation and to be duly executed under the seal of the Corporation or to be signed on behalf of the Corporation shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

#### *Accounts and audit*

- 12 (1) The Corporation shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury.
- (2) The accounts of the Corporation shall be audited by auditors to be appointed by the Corporation with the approval of the Secretary of State.
- <sup>F7</sup>(3) A person shall not be qualified to be appointed as a auditor in pursuance of subparagraph (2) unless he is eligible for appointment as a [<sup>F8</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (4) The Corporation shall at all reasonable times upon demand made by the Secretary of State or by any persons authorised by him in that behalf—
- (a) afford to him or them full liberty to examine the accounts of the Corporation; and
  - (b) furnish him or them with all forecasts, estimates, information and documents which he or they may require with respect to the financial transactions and commitments of the Corporation.

#### Textual Amendments

- F7** Sch. 3 para. 12(3) substituted (1.10.1991) by [S.I. 1991/1997](#), reg. 2, [Sch. para. 77\(3\)](#).
- F8** Words in [Sch. 3 para. 12\(3\)](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 1\(pp\)\(i\)](#) (with arts. 6, 11, 12)

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*Annual reports*

- 13     (1) As soon as possible after the end of every financial year, the Corporation shall prepare a general report of their proceedings during that year, and transmit it to the Secretary of State who shall lay copies of it before each House of Parliament.
- (2) The report shall have attached to it the statement of accounts for the year and a copy of any report made by the auditors on that statement, and shall include such information (including information relating to the financial position of the Corporation) as the Secretary of State may from time to time direct.

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