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Broadcasting Act 1996

1996 CHAPTER 55

PART V

THE BROADCASTING STANDARDS COMMISSION

VALID FROM 01/04/1997

Miscellaneous and general

122 Power of BSC to commission research.

- (1) The BSC may make arrangements for the undertaking of research into matters related to or connected with—
 - (a) the avoidance of unjust or unfair treatment in programmes to which section 107 applies and of unwarranted infringement of privacy in, or in connection with the obtaining of material included in, such programmes,
 - (b) the portrayal of violence or sexual conduct in programmes to which section 108 applies, or
 - (c) standards of taste and decency for such programmes generally.
- (2) The matters into which research may be undertaken in pursuance of subsection (1) include, in particular, matters falling within section 109(2)(a) and (b).
- (3) Arrangements made under subsection (1) shall 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 BSC.
- (4) The BSC may publish the results of any research undertaken in pursuance of subsection (1).

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123 International representation by BSC of Government interests.

The functions of the BSC shall include representing Her Majesty's Government in the United Kingdom, at the request of the Secretary of State, on international bodies concerned with setting standards for television programmes.

124 Duty to publicise BSC.

- (1) It shall be the duty of each broadcasting or regulatory body to arrange for the publication (by means of broadcasts or otherwise) of regular announcements publicising the BSC.
- (2) Any such announcements may contain a statement of the difference between fairness complaints and standards complaints.
- (3) Any licence to provide a licensed service which is granted by a regulatory body under the 1990 Act or under this Act shall include conditions requiring the licence holder to comply with such directions as may be given to him by that body in connection with the performance by them of their duty under subsection (1).
- (4) In this section "licensed service" has the extended meaning given by section 116(6).

125 Annual reports.

- (1) As soon as possible after the end of every financial year the BSC shall prepare a 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 include a report by the BSC on the matters specified in section 109(1).
- (3) If the Secretary of State so directs, the report shall also include such further information relating to the BSC as he may specify in the direction.
- (4) The report may also include a report on any issues of the kind referred to in section 126.
- (5) The BSC shall send a copy of the report, together with a copy of the statement of accounts for the year and of the report of the Comptroller and Auditor General on that statement—
 - (a) to each broadcasting or regulatory body, and
 - (b) if so requested by any person providing a licensed service, to that person.
- (6) In this section "licensed service" has the extended meaning given by section 116(6).

Modifications etc. (not altering text)

- C1** S. 125(1) amended (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 19(1)**; S.I. 1998/3178, **art. 3**

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126 Reports to Secretary of State.

The BSC may from time to time make a report to the Secretary of State on any issues identified by them in the course of carrying out their functions under this Part and appearing to them to raise questions of general broadcasting policy.

127 Contributions towards cost of BSC.

- (1) For the financial year which includes the commencement of this section and each subsequent financial year the Secretary of State shall, subject to subsection (2), notify—
 - (a) to each regulatory body the sum which he considers to be the appropriate contribution of that body, in respect of persons providing licensed services under licences granted by that body, towards the expenses of the BSC; and
 - (b) to the Welsh Authority the sum which he considers to be the appropriate contribution of that body towards such expenses.
- (2) The total of the sums notified under subsection (1) for any financial year must be such that the aggregate of—
 - (a) that total, and
 - (b) the amount of any contribution towards the expenses of the BSC for that year which is received, or to be received, by the Secretary of State from the BBC, represents one half of those expenses.
- (3) Each regulatory body and the Welsh Authority shall pay to the Secretary of State any sum notified to them under subsection (1).

128 Transfer of assets of Broadcasting Complaints Commission and Broadcasting Standards Council to BSC and dissolution of those bodies.

- (1) In this section “the existing boards” means the Broadcasting Complaints Commission and the Broadcasting Standards Council.
- (2) On such day as the Secretary of State may by order appoint as the transfer date all the property, rights and liabilities to which either of the existing boards were entitled or subject immediately before that date shall become property, rights and liabilities of the BSC; and Schedule 4 shall have effect for the purpose of supplementing this and the following provisions of this section.
- (3) Each of the existing boards shall continue in existence after the transfer date until such time as they are respectively dissolved by order made by the Secretary of State.
- (4) On the transfer date the chairman and members of the existing boards shall cease to hold office; and as from that date each of the existing boards—
 - (a) shall consist only of a chairman appointed by the Secretary of State and, if the Secretary of State thinks fit, such one or more other persons as the Secretary of State may appoint as members, and
 - (b) shall have only the functions which fall to be carried out by them under or by virtue of Schedule 4.
- (5) If requested to do so by the chairman appointed under subsection (4)(a) to either of the existing boards, the BSC shall furnish that existing board with any assistance required by them for the purposes of carrying out any of those functions.

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- (6) The Secretary of State shall not make an order under subsection (3) in relation to either of the existing boards unless he is satisfied, after consultation with that existing board and the BSC, that nothing further remains to be done by that existing board under or by virtue of Schedule 4.
- (7) References in this section and Schedule 4 to property, rights and liabilities of either of the existing boards include references to property, rights and liabilities which are not capable of being transferred or assigned by them.

Subordinate Legislation Made

- P1** [S. 128\(2\)](#) power fully exercised (21.3.1997): 1.4.1997 appointed as transfer date by [S.I. 1997/1005, art. 3](#)

129 Transitional provisions relating to complaints.

- (1) This Part shall have effect in relation to—
- (a) any complaint to the Broadcasting Complaints Commission under section 144 of the 1990 Act made but not disposed of by them before the transfer date, or
 - (b) any complaint to the Broadcasting Standards Council under section 154 of that Act made but not disposed of by them before that date,
- as if the complaint had been made to the BSC under this Part, and anything done by the Broadcasting Complaints Commission or, as the case requires, the Broadcasting Standards Council in relation to the complaint before the transfer date had been done by the BSC.
- (2) In subsection (1) “the transfer date” means the date appointed under section 128(2).

130 Interpretation of Part V.

- (1) In this Part (unless the context otherwise requires)—
- “the appropriate regulatory body”, in relation to a programme included in a licensed service, means the regulatory body by whom that service is licensed;
- “broadcasting body” means the BBC or the Welsh Authority;
- “the BSC” means the Broadcasting Standards Commission;
- “fairness complaint” has the meaning given by section 110(4);
- “financial year” means the twelve months ending with 31st March;
- “licensed service” means, subject to sections 116(6), 119(12), 124(4) and 125(6),—
- (a) any television programme service (within the meaning of Part I of the 1990 Act) which is licensed under that Part,
 - (b) any independent radio service (within the meaning of Part III of the 1990 Act) which is licensed under that Part,
 - (c) any additional service (within the meaning of Part I or III of the 1990 Act) which is licensed under that Part and is for general reception in, or in any area in, the United Kingdom,

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- (d) any digital programme service (within the meaning of Part I of this Act) which is licensed under that Part,
- (e) any qualifying service (within the meaning of Part I of this Act) provided by a person other than the Welsh Authority,
- (f) any digital sound programme service (within the meaning of Part II of this Act) which is licensed under that Part,
- (g) any simulcast radio service (within the meaning of Part II of this Act), and
- (h) any digital additional service (within the meaning of Part I or II of this Act) which is licensed under that Part;

“local delivery service” has the meaning given by section 72 of the 1990 Act;

“participant”, in relation to a programme, means a person who appeared, or whose voice was heard, in the programme;

“the person affected”—

- (a) in relation to any such unjust or unfair treatment as is mentioned in section 110(1), means a participant in the programme in question who was the subject of that treatment or a person who, whether such a participant or not, had a direct interest in the subject-matter of that treatment, and

- (b) in relation to any such unwarranted infringement of privacy as is so mentioned, means a person whose privacy was infringed;

“programme” includes an advertisement and a teletext transmission and, in relation to a service, includes any item included in that service;

“regulatory body” means the Independent Television Commission or the Radio Authority;

“the relevant programme”, in relation to a complaint, means the programme to which the complaint relates;

“sexual conduct” means any form of sexual activity or other sexual behaviour;

“standards complaint” has the meaning given by section 110(4);

“unjust or unfair treatment” includes treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged.

(2) In this Part—

- (a) any reference to programmes to which section 107 applies shall be construed in accordance with section 107(5), and
- (b) any reference to programmes to which section 108 applies shall be construed in accordance with section 108(5).

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