

SCHEDULES

SCHEDULE 4

Section 128.

SUPPLEMENTARY PROVISIONS RELATING TO DISSOLUTION OF BROADCASTING COMPLAINTS COMMISSION AND BROADCASTING STANDARDS COUNCIL

Meaning of “the existing boards”

- 1 In this Schedule “the existing boards” has the same meaning as in section 128.

Provisions as to vesting of property etc. of existing boards

- 2 (1) Sub-paragraph (2) shall have effect for the purposes of, or in connection with, the vesting in the BSC by virtue of section 128(2) of property, rights or liabilities of the existing boards.
- (2) Any agreement made, transaction effected or other thing done by or in relation to either of the existing boards 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 BSC, in all respects as if the BSC were the same person, in law, as that existing board; and accordingly references to either of the existing boards—
- (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 BSC.
- 3 (1) Where immediately before the transfer date there is in force an agreement which—
- (a) confers or imposes on either of the existing boards any rights or liabilities which vest in the BSC by virtue of section 128(2), and
 - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of that existing board,
- 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 BSC may appoint or, in default of appointment, to the member or employee of the BSC who corresponds as nearly as possible to the member or officer of that existing board.
- (2) References in this paragraph to an agreement include references to a deed, bond or other instrument.

Pensions

- 4 (1) It is hereby declared for the avoidance of doubt that section 128(2) is effective to vest the rights and liabilities of either of the existing boards under any agreement or

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arrangement for the payment of pensions, allowances or gratuities in the BSC along with all other rights and liabilities of the existing boards.

- (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 either of the existing boards shall count as employment with the BSC.

Final accounts and annual report of existing bodies

- 5 (1) The Broadcasting Complaints Commission shall, as soon as possible after the transfer date, prepare such a statement of accounts as is mentioned in paragraph 12 of Schedule 13 to the 1990 Act (accounts and audit) in respect of the period between—
- (a) the end of the financial year for which the last such statement of accounts was prepared by them under that paragraph, and
 - (b) the transfer date,
- whether that period is a financial year or not; and that paragraph shall continue to apply on and after that date in relation to the auditing of accounts kept in accordance with that paragraph in respect of that period.
- (2) The Broadcasting Complaints Commission shall, as soon as possible after the transfer date, prepare and submit to the Secretary of State, in accordance with section 148 of the 1990 Act (annual reports), such a report as is mentioned in subsection (1) of that section in respect of the period between—
- (a) the end of the financial year for which the last such report was prepared by them under that section, and
 - (b) the transfer date,
- whether that period is a financial year or not.
- (3) Subsection (2) of that section shall apply to any such report as if the reference to the statement of accounts for the year in question included references to the statement of accounts prepared in accordance with sub-paragraph (1).
- 6 (1) The Broadcasting Standards Council shall, as soon as possible after the transfer date, prepare such a statement of accounts as is mentioned in paragraph 13 of Schedule 14 to the 1990 Act (accounts and audit) in respect of the period between—
- (a) the end of the financial year for which the last such statement of accounts was prepared by them under that paragraph, and
 - (b) the transfer date,
- whether that period is a financial year or not; and that paragraph shall continue to apply on and after that date in relation to the auditing of accounts kept in accordance with that paragraph in respect of that period.
- (2) The Broadcasting Standards Council shall, as soon as possible after the transfer date, prepare and submit to the Secretary of State, in accordance with section 160 of the 1990 Act (annual reports), such a report as is mentioned in subsection (1) of that section in respect of the period between—
- (a) the end of the financial year for which the last such report was prepared by them under that section, and
 - (b) the transfer date,
- whether that period is a financial year or not.

- (3) Subsection (2) of that section shall apply to any such report as if the reference to the statement of accounts for the year in question included references to the statement of accounts prepared in accordance with sub-paragraph (1).
- 7 (1) The Secretary of State shall lay copies of any such report as is mentioned in paragraph 5(2) or 6(2) before each House of Parliament.
- (2) Any expenses incurred by the Broadcasting Complaints Commission under paragraph 5 or by the Broadcasting Standards Council under paragraph 6 shall be met by the BSC.

Final contributions towards cost of Broadcasting Complaints Commission

- 8 (1) For the period referred to in paragraph 5(1), the Secretary of State shall 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 Broadcasting Complaints Commission, and
 - (b) to the Welsh Authority the sum which he considers to be the appropriate contribution of that body towards such expenses.
- (2) Each regulatory body and the Welsh Authority shall pay to the Secretary of State any sum notified to them under sub-paragraph (1).