



Broadcasting Act 1996

1996 CHAPTER 55

PART V

THE BROADCASTING STANDARDS COMMISSION

Complaints

115 Consideration of fairness complaints.

- (1) Subject to the provisions of sections 111 and 114, every fairness complaint made to [F¹OFCOM] shall be considered by them either at a hearing or, if they think fit, without a hearing.
- (2) Hearings under this section shall be held in private; and where such a hearing is held in respect of a fairness complaint, each of the following persons shall be given an opportunity to attend and be heard, namely—
 - (a) the complainant,
 - (b) the relevant person,
 - ^{F2}(c)
 - (d) any person not falling within any of paragraphs (a) [F³or (b)] who appears to [F¹OFCOM] to have been responsible for the making or provision of that programme, and
 - (e) any other person who [F¹OFCOM] consider might be able to assist at the hearing.
- (3) Before [F¹OFCOM] proceed to consider a fairness complaint they shall send a copy of it—
 - (a) to the relevant person, and
 - ^{F4}(b)
- (4) Where the relevant person receives from [F¹OFCOM] a copy of the complaint, it shall be the duty of that person, if so required by [F¹OFCOM]—

Changes to legislation: Broadcasting Act 1996, Section 115 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) to provide [F¹OFCOM] with a visual or sound recording of the relevant programme or of any specified part of it, if and so far as the relevant person has such a recording in his possession;
 - (b) to make suitable arrangements for enabling the complainant to view or hear the relevant programme, or any specified part of it, if and so far as the relevant person has in his possession a visual or sound recording of it;
 - (c) to provide [F¹OFCOM] and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as the relevant person is able to do so;
 - (d) to provide [F¹OFCOM] and the complainant with copies of any documents in the possession of the relevant person, being the originals or copies of any correspondence between that person and the person affected or the complainant in connection with the complaint;
 - [F⁵(da) to provide OFCOM with such other things appearing to OFCOM to be relevant to their consideration of the complaint, and to be in the possession of the relevant person, as may be specified or described by OFCOM;]
 - (e) to furnish to [F¹OFCOM] and the complainant a written statement in answer to the complaint.
- (5) Where the relevant person receives from [F¹OFCOM] a copy of a fairness complaint, it shall also be the duty of that person, if so required by [F¹OFCOM]—
- (a) where the relevant person is a broadcasting body, to arrange for one or more of the governors, members or employees of the body to attend [F¹OFCOM] and assist them in their consideration of the complaint, or
 - (b) where the relevant person is a body other than a broadcasting body, to arrange for one or more of the following, namely—
 - (i) the persons who take part in the management or control of the body, or
 - (ii) the employees of the body,
 to attend [F¹OFCOM] and assist them in their consideration of the complaint, or
 - (c) where the relevant person is an individual, to attend, or to arrange for one or more of his employees to attend, [F¹OFCOM] and assist them in their consideration of the complaint.
- (6) Where the relevant person receives from [F¹OFCOM] a copy of a fairness complaint and, in connection with the complaint, [F¹OFCOM] make to any other person a request to which this subsection applies, it shall be the duty of the relevant person to take such steps as he reasonably can to ensure that the request is complied with.
- (7) Subsection (6) applies to the following requests by [F¹OFCOM] to any such other person as is there mentioned, namely—
- (a) a request to make suitable arrangements for enabling the complainant and any member or employee of [F¹OFCOM] to view or hear the relevant programme, or any specified part of it, if and so far as the person requested has in his possession a visual or sound recording of it;
 - (b) a request to provide [F¹OFCOM] and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as the person requested is able to do so;
 - (c) a request to provide [F¹OFCOM] and the complainant with copies of any documents in the possession of the person requested, being the originals or

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- copies of any correspondence between that person and the person affected or the complainant in connection with the complaint;
- [^{F6}(ca) a request to provide OFCOM with such other things appearing to OFCOM to be relevant to their consideration of the complaint, and to be in the possession of the person requested, as may be specified or described by OFCOM;]
- (d) a request to furnish to [^{F1}OFCOM] and the complainant a written statement in answer to the complaint;
- (e) a request to attend, or (where the person requested is not an individual) to arrange for a representative to attend, [^{F1}OFCOM] and assist them in their consideration of the complaint.
- (8) Where [^{F1}OFCOM] have adjudicated on a fairness complaint, [^{F7}OFCOM shall send a copy of] their findings to the complainant.
- (9) In this section “the relevant person” means—
- (a) in a case where the relevant programme was broadcast by a broadcasting body, that body, and
- (b) in a case where the relevant programme was included in a licensed service, the licence holder providing the service.

Textual Amendments

- F1** Words in s. 115 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 132\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F2** S. 115(2)(c) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F3** Words in s. 115(2)(d) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 134\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F4** S. 115(3)(b) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F5** S. 115(4)(da) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), ss. 327\(3\)\(a\), 411\(2\)](#) (with s. [327\(2\), Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F6** S. 115(7)(ca) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), ss. 327\(3\)\(b\), 411\(2\)](#) (with s. [327\(2\), Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F7** Words in s. 115(8) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 134\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 115(9) word omitted by [2024 c. 15 Sch. 7 para. 2\(5\)\(a\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(1)(i)(j) inserted by [2024 c. 15 s. 47\(6\)\(a\)\(iii\)](#)
- s. 97(1)-(2A) substituted for s. 97(1)(2) by [2003 c. 21 s. 299\(1\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 97(3)(c) and word inserted by [2024 c. 15 Sch. 2 para. 12\(3\)\(b\)](#)
- s. 97(5A)(5B) inserted by [2003 c. 21 s. 299\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 98(1)-(2D) substituted for s. 98(1)(2) by [2024 c. 15 s. 20\(2\)](#)
- s. 98(7)-(9) inserted by [2024 c. 15 s. 20\(4\)](#)
- s. 101(1)-(1D) substituted for s. 101(1) by [2003 c. 21 s. 300\(2\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(5) inserted by [2003 c. 21 s. 300\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 102(A1)(B1) inserted by [2024 c. 15 Sch. 2 para. 16\(2\)](#)
- s. 104A(2)-(11) inserted by [2024 c. 15 s. 24\(3\)](#)
- s. 104A(12) s. 104A(2) renumbered as s. 104A(12) by [2024 c. 15 s. 24\(2\)](#)
- s. 104A(13) inserted by [2024 c. 15 s. 24\(4\)](#)
- s. 104B inserted by [2024 c. 15 s. 24\(5\)](#)
- s. 104ZA(1)(aa) inserted by [2024 c. 15 s. 23\(2\)\(b\)](#)
- s. 104ZA(2A)(2B) inserted by [2024 c. 15 s. 23\(4\)](#)
- s. 105(1A)-(1D) inserted by [2024 c. 15 Sch. 2 para. 19\(7\)](#)
- s. 107(1A)(1B) inserted by [2024 c. 15 Sch. 7 para. 2\(2\)\(b\)](#)
- s. 111(4A)-(4C) inserted by [2024 c. 15 Sch. 7 para. 2\(4\)\(b\)](#)
- s. 115(9)(c) and word inserted by [2024 c. 15 Sch. 7 para. 2\(5\)\(b\)](#)
- s. 119(7D) inserted by [2024 c. 15 Sch. 7 para. 2\(6\)\(a\)](#)
- s. 119(11A)(c) and word inserted by [2024 c. 15 Sch. 7 para. 2\(6\)\(d\)](#)
- s. 120(3A) inserted by [2024 c. 15 Sch. 7 para. 2\(7\)\(a\)](#)