



Broadcasting Act 1996

1996 CHAPTER 55

PART V

THE BROADCASTING STANDARDS COMMISSION

Complaints

119 Publication of [F1OFCOM]'s findings.

[F2(1) Where OFCOM have considered and adjudicated upon a fairness complaint, they may direct the relevant person to publish the matters mentioned in subsection (3) in such manner, and within such period, as may be specified in the directions.]

(3) Those matters are—

- (a) a summary of the complaint;
- (b) [F1OFCOM]'s findings on the complaint or a summary of them;
- [F3(c)

(4) References in [F4subsection (1)] to the publication of any matter are references to the publication of that matter without its being accompanied by any observations made by a person other than [F1OFCOM] and relating to the complaint.

(5) The form and content of any such summary as is mentioned in subsection [F5(3)(a) or (b)] shall be such as may be approved by [F1OFCOM] .

(6) A [F6relevant person] shall comply with any directions given to [F6him] under this section.

[F7(7) The regulatory regime for every licensed service includes the conditions that OFCOM consider appropriate for securing that the licence holder complies with every direction given to him under this section.

(7A) Section 263 of the Communications Act 2003 applies in relation to conditions included by virtue of subsection (7) in the regulatory regime for a licensed service as it applies

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in relation to conditions which are so included by virtue of a provision of Chapter 4 of Part 3 of that Act.

(7B) It is hereby declared that, where—

- (a) OFCOM exercise their powers under this Part to adjudicate upon a fairness complaint or to give a direction under subsection (1), and
- (b) it appears to them that the matters to which the complaint in question relates consist in or include a contravention of the conditions of the licence for a licensed service,

the exercise by OFCOM of their powers under this Part is not to preclude the exercise by them of their powers under any other enactment in respect of the contravention.

(7C) Where OFCOM are proposing to exercise any of their powers in respect of a contravention of a licence condition in a case in which the contravention relates to matters that have been the subject-matter of a fairness complaint—

- (a) OFCOM may have regard, in the exercise of those powers, to any matters considered or steps taken by them for the purpose of adjudicating upon that complaint and to any direction given by them under this section; but
- (b) steps taken for the purposes of this Part do not satisfy a requirement to give the licence holder in relation to whom those powers are to be exercised a reasonable opportunity, before they are exercised, of making representations to OFCOM.]

(8) [^{F1}OFCOM] shall publish, monthly or at such other intervals as they think fit and in such manner as they think fit, reports each containing, as regards every fairness complaint ^{F8}... which falls within this subsection and has been dealt with by them in the period covered by the report—

- (a) a summary of the complaint and the action taken by them on it,
- (b) where they have adjudicated on it, a summary of—
 - (i) their findings,
 - (ii) any direction given under subsection (1), or other action taken by them, in relation to the complaint, and
- (c) where a direction has been given under subsection (1) in relation to the complaint, a summary of any action taken by a broadcasting body^{F9}... or the holder of a licence to provide a licensed service in pursuance of the direction.

(9) A fairness complaint ^{F10}... made to [^{F1}OFCOM] falls within subsection (8) unless it is one which under section 111(1), (4) or (5)^{F10}... or 114(2) they have refused to entertain.

(10) [^{F1}OFCOM] may, if they think fit, omit from any summary which is included in a report under subsection (8) and relates to a fairness complaint any information which could lead to the disclosure of the identity of any person connected with the complaint in question other than [^{F11}a relevant person]

(11) The references in subsections (3)(b) and (8)(b) to [^{F1}OFCOM]’s findings on a complaint shall be construed, in relation to a fairness complaint which has been considered by them in two or more parts, as references to their findings on each part of the complaint.

[^{F12}(11A) In this section “relevant person” means—

- (a) in a case where the relevant programme was broadcast by a broadcasting body, that body; and

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- (b) in a case where the relevant programme was included in a licensed service, the licence holder providing that service.]

^{F13}(12)

Textual Amendments

- F1** Words in ss. 118-121 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. 119(1) substituted for s. 119(1)(2) (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 136(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** S. 119(3)(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)
- F4** Words in s. 119(4) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 136(2)(a)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** Words in s. 119(5) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 136(2)(b)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F6** Words in s. 119(6) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 136(2)(c)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F7** S. 119(7)-(7C) substituted for s. 119(7) (29.12.2003) by Communications Act 2003 (c. 21), **ss. 327(4), 411(2)** (with s. 327(2), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F8** Words in s. 119(8) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 136(2)(d), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F9** Words in s. 119(8)(c) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 136(2)(d), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F10** Words in s. 119(9) 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)
- F11** Words in s. 119(10) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 136(2)(e)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F12** S. 119(11A) inserted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 136(3)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F13** S. 119(12) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 136(2)(f), **Sch. 19(1)** (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 :

- 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. 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(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. 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)