

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 56.

THE WELSH AUTHORITY: SUPPLEMENTARY PROVISIONS

Status and capacity

- 1 (1) The Welsh Authority (in this Schedule referred to as “the Authority”) 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.
- [^{F1}(2) The Authority may do anything which appears to them to be incidental or conducive to the carrying out of their functions.
- (3) The powers of the Authority under sub-paragraph (2) 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 carry on activities (other than those comprised in their duty to carry out their functions under section 204 of the Communications Act 2003) through S4C companies; and
 - (b) to participate with others in the carrying on of any such activities.]

Textual Amendments

- F1** Sch. 6 para. 1(2)(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. [206\(6\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. [3\(1\)](#), [Sch. 1](#) (with art. [11](#))

Appointment of members

- 2 ^{F2}(1)
- (2) The members of the Authority shall not at any time include—
- (a) more than one person who is either a governor or an employee of the BBC; or
 - (b) more than one person who is either a member or an employee of [^{F3}OFCOM].
- (3) Before appointing a person to be a member of the Authority, the Secretary of State shall satisfy himself 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 Authority; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest.
- (4) Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the Authority shall, whenever requested by the Secretary of State to do so, furnish him with such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraph (3).

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Textual Amendments

- F2** Sch. 6 para. 2(1) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 15 para. 71(2)(a), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** Words in Sch. 6 para. 2(2)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 71\(2\)\(b\)](#) (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 Authority 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 Authority for more than five years at a time.
- (3) Any member of the Authority may at any time resign his office by notice in writing to the Secretary of State.

Remuneration and pensions of members

- 4 (1) The Authority may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Authority may pay or make provision for paying to or in respect of any member such sums by way of pensions, allowances or gratuities as the Secretary of State 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 the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Authority may make a payment to him of such amount as the Secretary of State may determine.
- (4) The approval of the Treasury shall be required for any determination under this paragraph.

Disqualification of members of Authority for House of Commons

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

“Sianel Pedwar Cymru”.

Marginal Citations

- M1** 1975 c. 24.

Proceedings

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

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- (2) The arrangements may provide for the discharge, under the general direction of the Authority, of any of the Authority's functions by a committee or by one or more of the members or employees of the Authority.
- 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 Authority 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 Authority, 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 Authority 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 Authority 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 Authority 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 Authority include references to a meeting of any of their committees.
- 8 The validity of any proceedings of the Authority 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 Authority

- 9 (1) The Authority shall appoint a secretary and may appoint such other employees as they may determine.
- (2) If the Authority determine to do so in the case of any of their employees, the Authority 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 Authority may determine.
- (3) If any employee of the Authority—
- (a) is a participant in any pension scheme applicable to his employment, and
 - (b) becomes a member of the Authority,
- he may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if his service as a member of the Authority were service as an employee of the Authority.

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Authentication of Authority's seal

- 10 The application of the seal of the Authority 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 Authority

- 11 Any document purporting to be an instrument issued by the Authority and to be duly executed under the seal of the Authority or to be signed on behalf of the Authority 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 Authority 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.

[^{F4}(1A) The statement of accounts must deal separately with the public service fund referred to in section 61A of this Act and with [^{F5}the assets of the Authority that are not comprised in that fund; and accordingly, the statement must deal with liabilities separately according to whether they fall to be met from that fund or from those assets.]]

- (2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Secretary of State.
- ^{F6}(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 [^{F7}statutory auditor under Part 42 of the Companies Act 2006].
- (4) The Authority 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 Authority; 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 Authority.

Textual Amendments

- F4** Sch. 6 para. 12(1A) inserted (1.10.1996) by 1996 c. 55, s. 81(2); S.I. 1996/2120, art. 4, Sch. 1
- F5** Words in Sch. 6 para. 12(1A) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 71(3) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F6** Sch. 6 para. 12(3) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, Sch. para. 77(4)
- F7** Words in Sch. 6 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)(ii) (with arts. 6, 11, 12)

Annual reports

- 13 (1) As soon as possible after the end of every financial year, the Authority 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.

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- (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, ^{F8}....
- [^{F9}(3) The report shall also—
- (a) set out every contravention notification given by OFCOM to the Authority during the year; and
 - (b) include such other information (including information relating to the Authority’s financial position) as the Secretary of State may from time to time direct.
- (4) In sub-paragraph (3), “contravention notification” means a notification of a determination by OFCOM of a contravention by the Authority of any obligation imposed by or under this Act, the 1996 Act or Part 3 of the Communications Act 2003.]

Textual Amendments

- F8** Words in Sch. 6 para. 13(2) repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 342(a), 411(2), Sch. 19(1) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F9** Sch. 6 para. 13(3)(4) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 342(b), 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Advisory committees

- 14 The Authority may appoint, or arrange for the assistance of, advisory committees to give advice to them on such matters relating to the Authority’s functions as the Authority may determine.

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