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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE INDEPENDENT BROADCASTING AUTHORITY: SUPPLEMENTARY PROVISIONS

##### *Appointment of members*

- 1 (1) All the members of the Authority (including the Chairman and Deputy Chairman who shall be appointed as such) shall be appointed by the Secretary of State from among persons appearing to him to be qualified for the office.
- (2) Three out of the members of the Authority other than the Chairman and Deputy Chairman shall be persons who appear to the Secretary of State to be suited to make the interests of Scotland, Wales and Northern Ireland, respectively, their special care.
- (3) A person shall be disqualified for being appointed, or being, a member of the Authority so long as he is a Governor of the BBC.
- (4) 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 (and, in particular, no such financial or other interest in any advertising agency or in any business concerned with the manufacture or sale of apparatus for wireless telegraphy or other telegraphic equipment or in any business consisting or intended to consist in whole or in part in entering into or carrying out contracts with the Authority for the provision of programmes or parts of programmes) as is likely to affect prejudicially the discharge by him of his functions as 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.
- (5) 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 to him such information as the Secretary of State considers necessary for the performance by him of his duties under sub-v paragraph (4).

##### *Tenure of office*

- 2 (1) Subject to sub-paragraphs (2) and (3), every member of the Authority shall hold office for such period, not exceeding five years, as may be fixed at the time of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) The Secretary of State may at any time direct by notice in writing, a copy of which shall be laid before each House of Parliament, that any member of the Authority shall cease to hold office; and any member of the Authority may at any time resign his office by notice in writing to the Secretary of State.
- (3) If any member of the Authority dies or ceases to hold office before the expiry of the term for which he was appointed, the term of office of his successor shall be so fixed as to expire at the end of the former term, but the Secretary of State may, if he thinks fit to do so, defer the making of an appointment until the expiry of the former term.

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*Remuneration and pensions of members*

- 3 (1) The Authority shall pay to each of their members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Secretary of State may determine in the case of those members respectively; and in determining the remuneration and allowances to be paid under this subparagraph, different provision may be made as regards the Chairman, the Deputy Chairman and the other members.
- (2) If any member of the Authority, other than the Chairman, is employed about the affairs of the Authority otherwise than as a member of the Authority, the Authority shall pay to that member (in addition to any remuneration to which he may be entitled in respect of his office as a member) such remuneration, if any, as the Secretary of State may determine.
- (3) The Authority may pay or make provision for paying to or in respect of any of their members such pensions, allowances or gratuities as the Secretary of State may determine in the case of those members respectively.
- (4) Where a person ceases to be a member of the Authority 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 to him a payment of such amount as the Secretary of State may determine.
- (5) The approval of [<sup>F1</sup>the Treasury] shall be required for any determination under this paragraph.
- (6) As soon as possible after making a determination under this paragraph, the Secretary of State shall lay a statement thereof before each House of Parliament.

**Textual Amendments**

**F1** Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(c)(d), (2), 3(5)

*Capacity and status of Authority*

- 4 (1) It shall be within the capacity of the Authority as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise and performance of their powers and duties under this Act, including the borrowing of money.
- (2) It is declared that the Authority are not to 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.

**Modifications etc. (not altering text)**

**C1** Sch. 1 para. 4(1) amended by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 48(6)(7)

*Proceedings*

- 5 (1) The quorum of the Authority shall be four or such number not being less than four as the Authority may from time to time determine.

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- (2) The Authority may act notwithstanding a vacancy among their members.
- 6 (1) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.
- (2) Any disclosure made under sub-paragraph (1) shall be recorded in the minutes of the Authority, and the member—
- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, and
  - (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.
- 7 Subject to paragraphs 5 and 6, the Authority may regulate their own procedure.

#### *Officers and employees of Authority*

- 8 (1) The Authority may appoint a secretary and such other officers, and take into their employment such other persons, as they may determine.
- (2) The Authority shall, as regards any officers or persons employed in whose case it may be determined by the Authority so to do, pay to or in respect of them such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.
- (3) If any officer of or other person employed by the Authority, being a participant in any pension scheme applicable to his office or employment, 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 officer of or person employed by the Authority.

#### *Authentication of Authority's seal*

- 9 The application of the seal of the Authority shall be authenticated by—
- (a) the signature of the Chairman or Deputy Chairman of the Authority or some other member of the Authority authorised by the Authority to authenticate the application of their seal, and
  - (b) the signature of the secretary of the Authority or some other officer of the Authority authorised by the Authority to act in that behalf.

#### *Presumption of authenticity of documents issued by Authority*

- 10 Any document purporting to be an instrument issued by the Authority and to be sealed as aforesaid or to be signed on behalf of the Authority shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

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## SCHEDULE 2

Section 8.

## RULES AS TO ADVERTISEMENTS

**Modifications etc. (not altering text)**

- C2** S. 43(1)(2) and Sch. 2 extended (*prosp.*) by Cable and Broadcasting Act 1984 (c. 46, SIF 96), ss. 44(1), 51(1), 59(4), **Sch. 4**
- C3** Sch. 2 modified by Broadcasting Act 1990 (c. 42, SIF 96), s. 129, Sch. 11 Pt. II paras. 1(3)(e)(4), 5, Pt. IV para. 1(3)(d)(4)

- 1 (1) The advertisements must be clearly distinguishable as such and recognisably separate from the rest of the programme.
- (2) Successive advertisements must be recognisably separate.
- (3) Advertisements must not be arranged or presented in such a way that any separate advertisement appears to be part of a continuous feature.
- (4) Audible matter in advertisements must not be excessively noisy or strident.
- 2 The standards and practice to be observed in carrying out the requirements of the preceding paragraph shall be such as the Authority may determine either generally or in particular cases.
- 3 The amount of time given to advertising in the programmes shall not be so great as to detract from the value of the programmes as a medium of information, education and entertainment.
- 4 Advertisements shall not be inserted otherwise than at the beginning or the end of the programme or in natural breaks therein.
- 5 (1) Rules (to be agreed upon from time to time between the Authority and the Secretary of State, or settled by the Secretary of State in default of such agreement) shall be observed as to the classes of broadcasts (which shall in particular include the broadcast of any religious service) in which advertisements may not be inserted, and the interval which must elapse between any such broadcast and any previous or subsequent period given over to advertisements.
- (2) The Secretary of State may, after consultation with the Authority, impose rules as to the minimum interval which must elapse between any two periods given over to advertisements, and the rules may make different provision for different circumstances.
- 6 In the acceptance of advertisements there must be no unreasonable discrimination either against or in favour of any particular advertiser.
- 7 (1) The charges made by any programme contractor for advertisements shall be in accordance with tariffs fixed by him from time to time, being tariffs drawn up in such detail and published in such form and manner as the Authority may determine.
- (2) Any such tariffs may make provision for different circumstances, and, in particular, may provide, in such detail as the Authority may determine, for the making, in special circumstances, of additional special charges.
- 8 No advertisement shall be permitted which is inserted by or on behalf of any body whose objects are wholly or mainly of a religious or political nature, and no

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advertisement shall be permitted which is directed towards any religious or political end or has any relation to any industrial dispute.

- 9 If, in the case of any of the broadcasting stations used by the Authority, there appears to the Authority to be a sufficient local demand to justify that course, provision shall be made for a reasonable allocation of time for local advertisements, of which a suitable proportion shall be short local advertisements.

## SCHEDULE 3

Section 14(5).

### TELETEXT SERVICES

#### PART I

#### PROVISIONS OF ACT APPLIED BY SECTION 14(5)

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<i>Provision</i>	<i>Subject-matter</i>
Section 3(1) and (2), except subsection (2)(a) and (c).	General powers of Authority, and provision of programmes in cases where no programme contractor is available.
Section 4(7).	Making and use by the Authority of visual and sound records of programmes broadcast by them.
Section 8(1) and (2).	Inclusion of advertisements in programmes, reception of orders for their insertion, and provision precluding the Authority or any programme contractor from acting as an advertising agent.
Section 16(1).	Advisory committees.
Section 19.	Duration of contracts and prior consultation etc.
Section 20, except subsections (1), (2)(b) and (3).	Duties of Authority in relation to contracts for programmes.
Sections 21 and 23 to 25.	Other provisions applying to all contracts for programmes.
Section 27.	Information as to programme contracts.
Section 28.	Government control over the Authority as to hours of broadcasting.
Sections 32 to 35.	Rental payments by programme contractors, instalments payable by them on account, and provision for supplementary additional payments.
Section 43(3)(b).	Report on provision by programme contractors of training facilities.

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Section 45.	Audience research.
Section 61.	Approvals by Authority.
...	...
F2	F2
Schedule 4.	Supplementary provisions about rental payments.

#### Textual Amendments

**F2** Entry repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 6](#)

## PART II

### OTHER PROVISIONS APPLIED BY SECTION 14(5)

<i>Provision</i>	<i>Subject-matter</i>
Paragraph 8 of Part I of Schedule 7 to the M1 Fair Trading Act 1973.	Services in respect of which no monopoly reference may be made to the Monopolies and Mergers Commission.
F3	F3
...	...
Section 19 of the M2 Welsh Development Agency Act 1975.	Restrictions on activities of Welsh Development Agency in relation to news media.

#### Textual Amendments

**F3** Entry in Sch. 3 Pt. II repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt.I](#); S.I. 1991/2721, [art.2](#)

#### Marginal Citations

**M1** 1973 c. 41.

**M2** 1975 c. 70.

[<sup>F4</sup>SCHEDULE 4

Section 32.

RENTAL PAYMENTS

#### Textual Amendments

**F4** [Sch. 4](#): by [Finance Act 1989 \(c. 26, SIF 96\)](#), [s. 181\(1\)](#) it is provided that the Broadcasting Act 1981 shall have effect with respect to additional payments payable by programme contractors under that Act subject

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to the amendments made by Part I, and with the substitution, for Schedule 4 to that Act, of the provisions contained in Part II, of Schedule 16 to the [Finance Act 1989 \(c.26, SIF 96\)](#)

**Modifications etc. (not altering text)**

- C4** [Sch. 4](#) modified (*temp.* ending with 31.12.1992) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, [Sch. 11 paras. 2\(2\)\(d\), 4, 5](#)
- C5** Power to modify [Sch. 4](#) conferred by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, [Sch. 11 Pt. III para. 2](#)
- C6** [Sch. 4](#) modified by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 129, [Sch. 11 Pt. IV para. 2\(3\)\(d\)\(4\)](#)

*Advertising revenue*

- 1 (1) The advertising revenue of a programme contractor for an accounting period shall be computed in accordance with this paragraph.
- (2) Advertising revenue shall consist of the payments received or to be received by the programme contractor in consideration of the insertion of advertisements in programmes provided by the programme contractor and broadcast in the United Kingdom by the Authority.
- (3) In the application of this Schedule in relation to the additional payments mentioned in section 32(1)(b), the advertising revenue of a programme contractor other than a teletext contractor who is not a TV programme contractor includes payments received or to be received by him in consideration of the insertion of programmes consisting of advertisements provided by him for broadcasting on the Fourth Channel and so broadcast.
- (4) If, in connection with the insertion of advertisements which are paid for by payments constituting advertising revenue, any payments are made to the programme contractor to meet any additional payments, those payments shall be regarded as made in consideration of the insertion of the advertisements in question.
- (5) In the case of an advertisement inserted in a programme under arrangements made between a programme contractor and a person acting as advertising agent, the amount of any receipt by the programme contractor which represents a payment by the advertiser from which the advertising agent has deducted any amount by way of commission shall, except in a case falling within sub-paragraph (6), be the amount of the payment by the advertiser after the deduction of the commission.
- (6) If the amount deducted by way of commission as mentioned in sub-paragraph (5) exceeds 15 per cent. of the payment by the advertiser, the amount of the receipt shall be the amount of that payment less 15 per cent.
- (7) Any contract shall provide that where for any insertion of an advertisement a programme contractor receives or is entitled to an entire consideration not solely referable to that insertion, the advertising revenue shall be calculated by reference to so much only of the consideration as is referable to that insertion according to an apportionment made in such manner as the contract may provide.

*Profits*

- 2 (1) The profits of a programme contractor for an accounting period shall be computed in accordance with this paragraph.
- (2) The profits shall consist of the excess of relevant income over relevant expenditure.

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- (3) “Relevant income” means—
- (a) in relation to a programme contractor other than a DBS programme contractor or a DBS teletext contractor, income which accrues to the contractor in connection (directly or indirectly) with—
    - (i) the provision by the contractor of programmes for broadcasting on ITV, the Fourth Channel or a local sound broadcasting service, or
    - (ii) the provision by the contractor, for broadcasting, distribution or showing in the United Kingdom, of programmes provided by him for broadcasting on ITV, the Fourth Channel or a local sound broadcasting service;
  - (b) in relation to a DBS programme contractor or DBS teletext contractor, income which accrues to the contractor in connection (directly or indirectly) with—
    - (i) the provision by the contractor to the Authority, in accordance with the terms of his contract as a DBS programme contractor or (as the case may be) DBS teletext contractor, of programmes for broadcasting in the Authority’s DBS service to which his contract with the Authority relates, or
    - (ii) the provision by the contractor, for broadcasting, distribution or showing in the United Kingdom, of programmes broadcast in the Authority’s DBS service.
- (4) Without prejudice to the generality of sub-paragraph (3), “relevant income” includes—
- (a) all revenue which is advertising revenue for the purposes of this paragraph; and
  - (b) such part of any income which—
    - (i) accrues to any subsidiary of or company related to the programme contractor or to the contractor’s holding company, and
    - (ii) would be relevant income of that contractor if he and the subsidiary or related company or his holding company were a single programme contractor,
 as, in the opinion of the Authority, should be attributed to the contractor as reflecting his financial interest in the subsidiary or the respective financial interests of the holding company in the contractor and the company related to the contractor or the financial interest of the holding company in the contractor, as the case may be.
- (5) For the purposes of this paragraph advertising revenue includes—
- (a) in relation to a DBS programme contractor, payments received or to be received by him in respect of charges made for the reception of programmes provided by him and broadcast in a DBS service;
  - (b) in relation to a teletext contractor, payments received or to be received by him in respect of charges made for the reception of programmes provided by him and broadcast in a DBS or additional teletext service.
- (6) “Relevant expenditure” means any expenditure of the programme contractor which is properly chargeable to revenue account and which is incurred in connection with the provision by him of programmes of a kind mentioned in sub-paragraph (3).



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- (7) Without prejudice to the generality of sub-paragraph (6), “relevant expenditure” includes—
- (a) expenditure in connection with the sale of rights to insert advertisements in programmes; and
  - (b) such part of any expenditure which—
    - (i) is incurred by any subsidiary of or company related to the programme contractor or by the contractor’s holding company, and
    - (ii) would be relevant expenditure of that contractor if he and the subsidiary or related company or his holding company were a single programme contractor,as, in the opinion of the Authority, should be attributed to the contractor as reflecting his financial interest in the subsidiary or the respective financial interests of the holding company in the contractor and the company related to the contractor or the financial interest of the holding company in the contractor, as the case may be;
  - (c) in the case of a DBS programme contractor or a teletext contractor, any expenditure incurred in connection with the collection of charges for the reception of programmes provided by him and broadcast in a DBS service or in a DBS or additional teletext service, as the case may be; and
  - (d) in the case of a DBS programme or DBS teletext contractor, any expenditure incurred in connection with the provision of the satellite transponder.
- (8) In ascertaining relevant income or relevant expenditure no account shall be taken of interest on any loan.
- (9) Items of relevant income and items of relevant expenditure shall be attributed to accounting periods in accordance with the foregoing provisions of this Schedule.
- (10) In this paragraph “programme” means—
- (a) in the application of this Schedule in relation to the additional payments mentioned in section 32(1)(b), a television programme; and
  - (b) in the application of this Schedule in relation to the additional payments mentioned in section 32(2)(b), a local sound broadcast.

*Carry forward of losses*

- 3 (1) Where, in any accounting period, the relevant expenditure of a programme contractor exceeds his relevant income, the excess shall be carried forward to the following accounting period and treated as relevant expenditure for that period for the purpose of computing his profits for that period.
- (2) When a programme contractor’s contract with the Authority comes to an end, no losses incurred at any time during the currency of that contract may be carried forward under this paragraph and set against income attributable to any subsequent contract between him and the Authority.

*Computation of profits of programme contractors*

- 4 (1) It shall be the duty of the Authority—
- (a) to draw up, and from time to time review, a statement setting out the principles to be followed in ascertaining, for any accounting period, a programme contractor’s—

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- (i) advertising revenue, and
    - (ii) relevant income and relevant expenditure for the purpose of computing his profits;
  - (b) in computing the advertising revenue and the profits of a programme contractor for any accounting period, to take account of that statement (including any revision thereof which has taken effect before the end of the period).
- (2) A statement under this paragraph may set out different principles for TV programme contractors, DBS programme contractors, programme contractors for the provision of local sound broadcasting and teletext contractors.
- (3) Before drawing up or revising a statement under this paragraph the Authority shall consult the Secretary of State and the Treasury.
- (4) The Authority shall—
- (a) publish the statement drawn up under this paragraph and every revision of that statement; and
  - (b) transmit a copy of the statement, and of every revision of it, to the Secretary of State;
- and the Secretary of State shall lay copies of the statement and of every such revision before each House of Parliament.
- (5) The principles relating to advertising revenue and to profits may be set out in separate statements under this paragraph; and where this is done its provisions apply to each statement.

#### *Disputes*

- 5 (1) For the purposes of the principal sections and this Schedule—
- (a) the amount of any advertising revenue, or
  - (b) the amount of any profits, or
  - (c) the amount of any additional payments, or of an instalment of additional payments,
- shall, in the event of a disagreement between the Authority and the programme contractor, be the amount determined by the Authority.
- (2) No determination of the Authority under this paragraph shall be called in question in any court of law, or be the subject of any arbitration; but nothing in this sub-paragraph shall prevent the bringing of proceedings for judicial review.

#### *Accounting periods*

- 6 (1) Subject to the provisions of this Schedule, each period for which a body corporate which is a programme contractor makes up a profit and loss account which is laid before the body corporate in general meeting shall be an accounting period, whether that period is a year or not.
- (2) If part of the said period for which a profit and loss account is made up falls before, and part after—
- (a) the commencement of a relevant order under section 32, or
  - (b) the time when the programme contractor begins or ceases to provide programmes for broadcasting by the Authority,

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the two parts shall be treated as separate accounting periods.

In paragraph (a) “relevant order” means, in the application of this Schedule in relation to the additional payments mentioned in subsection (1) (b) or (as the case may be) subsection (2)(b) of section 32, an order having effect in relation to those payments.

- (3) Where two parts of such a period as is mentioned in sub-paragraph (1) fall to be divided from each other under sub-paragraph (2)(a), section 32(4) shall have effect as if the profits and advertising revenue for each part were the profits and advertising revenue for the whole multiplied by—

$$\frac{X}{X + Y}$$

where X and Y are respectively the number of weeks in that part and the number of weeks in the other part, counting (in each case) an odd four days or more as a week.

- (4) If sub-paragraph (2)(b) would produce an accounting period of three months or less, that period shall be added on to the accounting period (if any) which precedes or succeeds it (and which does not fall to be divided from it under sub-paragraph (2)(b)).
- (5) A contract which varies another contract may modify the preceding provisions of this paragraph.
- (6) Nothing in this paragraph shall create an accounting period during which the programme contractor is not providing programmes for broadcasting by the Authority.
- 7 If a programme contractor is not a body corporate the contractor’s accounting periods shall be such as the Authority may direct, or as may be provided in the contract.

#### *Information*

- 8 (1) Every contract shall impose on the contractor such requirements with respect to the furnishing of information to the Authority as appear to the Authority, after consultation with the Secretary of State, to be requisite—
- (a) for enabling the Authority to perform their functions under the provisions of the principal sections and this Schedule, and
  - (b) for enabling the Authority to furnish to the Secretary of State such information as he may require for the purpose of determining whether, and in what manner, to exercise his powers of making orders under the said provisions.
- (2) Without prejudice to the generality of sub-paragraph (1), the duty imposed on the Authority by that sub-paragraph includes the duty to impose, so far as is reasonably practicable, such requirements as will enable the Authority to determine the amounts (if any) which, in relation to any programme contractor, are to be treated as advertising revenue and relevant income and relevant expenditure for the computation of profits by virtue, respectively, of paragraphs 1 and 2.

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- (3) It shall be the duty of the Authority to furnish to the Secretary of State such information (whether obtained from contractors or otherwise) as is in their possession and is required by the Secretary of State for the purpose of determining whether, and in what manner, to exercise his powers of making orders under the said provisions.
- 9 It shall be the duty of the Authority in framing any contract to include terms ensuring that the Authority will have the right to inspect accounts and records—
- (a) of the programme contractor, and
  - (b) of any subsidiary of the programme contractor,
- for the purpose of discharging their functions under the principal sections and this Schedule.

#### *Interpretation*

- 10 (1) In this Schedule, and in the principal sections, except where the context otherwise requires—
- “accounting period” shall be construed in accordance with paragraph 6;
  - “additional payments” and “contract”—
- (a) in the application of this Schedule and the principal sections in relation to the additional payments mentioned in section 32(1)(b), mean respectively additional payments payable by virtue of that paragraph and a contract between the Authority and a programme contractor under which television programmes are to be provided by the programme contractor, and
  - (b) in their application in relation to the additional payments mentioned in section 32(2)(b), mean respectively additional payments payable by virtue of that paragraph and a contract between the Authority and a programme contractor under which local sound broadcasts are to be provided by the programme contractor;
- “related”, in relation to a company and a programme contractor, means that another person (whether alone or jointly with one or more persons and whether directly or indirectly) holds, or is beneficially entitled to, 50 per cent or more of the equity share capital, or possesses 50 per cent or more of the voting power, in the company and in the programme contractor and “holding company” means that other person; and
- “subsidiary”, in relation to any person, means a company in which that person (whether alone or jointly with one or more persons and whether directly or indirectly) holds, or is beneficially entitled to, 10 per cent or more of the equity share capital, or possesses 10 per cent or more of the voting power.
- (2) In this Schedule “payment” includes any valuable consideration, and references to revenue and receipts and expenditure shall be construed accordingly.]

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## SCHEDULE 5

Section 46.

### THE WELSH FOURTH CHANNEL AUTHORITY: SUPPLEMENTARY PROVISIONS

#### *Tenure of office of members*

- 1
- (1) Subject to sub-paragraphs (2) and (3), the Chairman and every other member of the Welsh Authority shall hold office for such period, not exceeding five years, as may be fixed at the time of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment.
  - (2) The Secretary of State may at any time direct by notice in writing, a copy of which shall be laid before each House of Parliament, that any member of the Welsh Authority shall cease to hold office; and any member of the Welsh Authority may at any time resign his office by notice in writing to the Secretary of State.
  - (3) If any member of the Welsh Authority dies or ceases to hold office before the expiry of the term for which he was appointed, the term of office of his successor shall be so fixed as to expire at the end of the former term, but the Secretary of State may, if he thinks fit to do so, defer the making of an appointment until the expiry of the former term.

#### *Remuneration and pensions of members*

- 2
- (1) The Welsh Authority shall pay to each of their members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Secretary of State may determine in the case of those members respectively; and, in determining the remuneration and allowances to be paid under this sub-paragraph, different provision may be made as regards the Chairman and the other members.
  - (2) If any member of the Welsh Authority, other than the Chairman, is employed about the affairs of the Welsh Authority otherwise than as a member of that Authority, the Welsh Authority shall pay to that member (in addition to any remuneration to which he may be entitled in respect of his office as a member) such remuneration, if any, as the Secretary of State may determine.
  - (3) The Welsh Authority may pay or make provision for paying to or in respect of any of their members such pensions, allowances or gratuities as the Secretary of State may determine in the case of those members respectively.
  - (4) Where a person ceases to be a member of the Welsh Authority 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 Welsh Authority may make to him a payment of such amount as the Secretary of State may determine.
  - (5) The approval of [<sup>F5</sup>the Treasury] shall be required for any determination under this paragraph.
  - (6) As soon as possible after making a determination under this paragraph, the Secretary of State shall lay a statement thereof before each House of Parliament.

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### **Textual Amendments**

**F5** Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(c)(d), (2), 3(5)

#### *Capacity and status of Welsh Authority*

- 3 (1) It shall be within the capacity of the Welsh Authority as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise and performance of their powers and duties under this Act, including the borrowing of money.
- (2) It is declared that the Welsh Authority are not to be treated for the purposes of the enactment and rules of law relating to the privileges of the Crown as a body exercising functions on behalf of the Crown.

#### *Proceedings*

- 4 (1) The quorum of the Welsh Authority shall be two or such number not less than two as that Authority may from time to time determine.
- (2) The Welsh Authority may act notwithstanding a vacancy among their members.
- 5 (1) A member of the Welsh Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by that Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of that Authority.
- (2) Any disclosure made under sub-paragraph (1) shall be recorded in the minutes of the Welsh Authority, and the member—
- (a) shall not take part after the disclosure in any deliberation or decision of that Authority with respect to that contract, and
- (b) shall be disregarded for the purpose of constituting a quorum of that Authority for any such deliberation or decision.
- 6 Subject to paragraphs 4 and 5, the Welsh Authority may regulate their own procedure.

#### *Officers and employees of Welsh Authority*

- 7 (1) The Welsh Authority may appoint a secretary and such other officers, and take into their employment such other persons, as they may determine.
- (2) The Welsh Authority shall, as regards any officers or persons employed in whose case it may be determined by that Authority so to do, pay to or in respect of them such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.
- (3) If any officer of or other person employed by the Welsh Authority, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Welsh 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 that Authority were service as an officer of or person employed by that Authority.

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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*Machinery for settling terms and conditions of employment of Welsh Authority's staff etc.*

- 8 (1) Except so far as the Welsh Authority are satisfied that adequate machinery exists for achieving the purposes of this paragraph, it shall be the duty of the Welsh Authority to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Welsh Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Welsh Authority, with provision for reference to arbitration, in default of such settlement, of such cases as may be determined by or under the agreements; and
  - (b) the promotion and encouragement of measures affecting the safety, health, training and welfare of persons employed by the Welsh Authority, and the discussion of other matters of mutual interest to that Authority and such persons.
- (2) The Welsh Authority shall send to the Secretary of State copies of any such agreement and of any instrument varying the terms of any such agreement.

*Authentication of Welsh Authority's seal*

- 9 The application of the seal of the Welsh Authority shall be authenticated by—
- (a) the signature of the Chairman of the Welsh Authority or some other member of the Welsh Authority authorised by that Authority to authenticate the application of their seal and
  - (b) the signature of the secretary of the Welsh Authority or some other officer of the Welsh Authority authorised by that Authority to act in that behalf.

*Presumption of authenticity of documents issued by Welsh Authority*

- 10 Any document purporting to be an instrument issued by the Welsh Authority and to be sealed as aforesaid or to be signed on behalf of the Welsh Authority shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

SCHEDULE 6

Section 50.

MODIFICATIONS OF ACT IN RELATION TO THE FOURTH CHANNEL IN WALES

*Section 2*

- 1 (1) So much of section 2(1) as relates to the quality of the matter transmitted shall not apply.
- (2) Section 2(2) shall not apply.

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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#### *Section 4*

- 2 (1) References in section 4 to programmes broadcast by the Authority shall be read as references to programmes provided by the Welsh Authority for broadcasting on the Fourth Channel in Wales.
- (2) In section 4(1)—
- (a) the first reference to the Authority shall be read as a reference to the Welsh Authority; and
  - (b) so much of paragraph (d) as relates to cases where another language as well as English is in common use among persons served by the station or stations in question shall not apply.
- (3) In section 4(2)—
- (a) the first reference to the Authority shall be read as a reference to the Welsh Authority; and
  - (b) after “opinion” insert “by the Welsh Fourth Channel Authority or the BBC, or”.
- (4) In section 4(3), the first reference to the Authority shall be read as a reference to the Welsh Authority.
- (5) In section 4(4), omit “, whether in an advertisement or not,”.
- (6) In section 4(5), the first reference to the Authority shall be read as a reference to the Welsh Authority and in paragraph (b) “, whether an advertisement or not,” shall be omitted.
- (7) In section 4(7)—
- (a) for “(including advertisements) broadcast by them the Authority” substitute “provided by them the Welsh Fourth Channel Authority”; and
  - (b) the subsequent reference to the Authority shall be read as a reference to the Welsh Authority.

#### *Sections 5 and 7*

- 3 In sections 5 and 7—
- (a) references to programmes broadcast by the Authority shall be read as references to programmes provided by the Welsh Authority for broadcasting on the Fourth Channel in Wales;
  - (b) other references to the Authority shall be read as references to the Welsh Authority.

#### *Section 45*

- 4 In section 45—
- (a) references to programmes broadcast by the Authority shall be read as references to programmes provided by the Welsh Authority for broadcasting on the Fourth Channel in Wales;
  - (b) other references to the Authority shall be read as references to the Welsh Authority; and
  - (c) subsection (3) shall be omitted.



*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

## SCHEDULE 7

Section 53.

## THE BROADCASTING COMPLAINTS COMMISSION: SUPPLEMENTARY PROVISIONS

*Tenure of office*

- 1 (1) Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or as chairman or deputy chairman of the Commission in accordance with the terms of his appointment.
- (2) A person shall not be appointed as a member of the Commission for more than five years at a time.
- (3) A person may at any time resign his office as a member or as chairman or deputy chairman.

*Remuneration and pensions of members*

- 2 (1) The Commission may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Commission 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 Commission may make to him a payment of such amount as the Secretary of State may determine.
- (4) The approval of [<sup>F6</sup>the Treasury] shall be required for any determination under this paragraph.

**Textual Amendments**

**F6** Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(c)(d), (2), 3(5)

*Staff*

- 3 (1) The Commission may appoint such officers and servants as the Commission may determine with the consent of the Secretary of State as to numbers and terms of employment.
- (2) The Commission may pay or make provision for paying to or in respect of any of their employees such sums by way of pensions, allowances or gratuities as the Secretary of State may determine.
- 4 The <sup>M3</sup>Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commission.

**Marginal Citations**

**M3** 1969 c.57.

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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### *Proceedings*

- 5 (1) Subject to the provisions of Part III of this Act, the arrangements for the proceedings of the Commission (including the quorum for meetings) shall be such as the Commission may determine.
- (2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general direction of the Commission, of any of the Commission's functions by a committee or by one or more of the members, officers or servants of the Commission.
- 6 The validity of any proceedings of the Commission shall not be affected by any defect in the appointment of a member or by any vacancy among the members or in the office of chairman.

### *Financial provisions*

- 7 The Secretary of State shall pay to the Commission expenses incurred or to be incurred by the Commission under paragraphs 2 and 3 of this Schedule and, with the consent of the Minister for the Civil Service and the Treasury, shall pay to the Commission such sums as the Secretary of State thinks fit for enabling the Commission to meet other expenses.
- 8 (1) It shall be the duty of the Commission—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to 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; and
  - (c) to cause the accounts kept and the statement prepared for each financial year to be audited by auditors appointed by the Commission with the approval of the Secretary of State.
- (2) A person shall not be qualified to be appointed as an auditor in pursuance of sub-paragraph (1) unless he is a member of one or more of the following bodies—
- the Institute of Chartered Accountants in England and Wales;
  - the Institute of Chartered Accountants of Scotland;
  - the Association of Certified Accountants;
  - the Institute of Chartered Accountants in Ireland;
  - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of [F7]section 389(1)(a) of the Companies Act 1985] by the Secretary of State [F8]but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed].

#### **Textual Amendments**

- F7** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)
- F8** Words inserted by [Cable and Broadcasting Act 1984 \(c.46, SIF 96\)](#), [Sch. 5 para. 40\(10\)](#)

### *Status of Commission*

- 9 The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Commission's

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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property shall not be regarded as property of or property held on behalf of the Crown.

## SCHEDULE 8

Section 65(3).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *General*

- 1 Any reference in this Act (whether express or implied) to a thing done or falling to be done under a provision of this Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the corresponding provision repealed by this Act had effect, a reference to a thing done or falling to be done under that corresponding provision; and where that provision was itself a re-enactment of an earlier provision such references shall extend in the same way to that earlier provision, and so on.

#### *Programme contracts*

- 2 Nothing in the repeals made by this Act shall affect—
- (a) the continued operation of paragraphs 1 and 2 of Schedule 2 to the <sup>M4</sup>Independent Broadcasting Authority Act 1974 with respect to contracts in force immediately before the commencement of that Act; or
  - (b) the continued operation of paragraph 1 of Schedule 6 to the <sup>M5</sup>Broadcasting Act 1980 with respect to contracts in force immediately before the commencement of the provisions of that Act to which that paragraph applies, except that, in the operation of that paragraph in relation to the commencement of any such provision by virtue of whose commencement this Act comes into force under section 66(4), references in that paragraph to the new statutory provisions shall be read as references to this Act (instead of as provided by sub-paragraph (2) of that paragraph).

#### **Marginal Citations**

**M4** 1974 c. 16.

**M5** 1980 c. 64.

- 3 In its application to contracts for the provision of local sound broadcasts for a period beginning before 1st January 1980, section 19(1)(b) shall have effect as if the reference to the relevant maximum period were a reference to a period of 11 years or the period ending with 31st December 1986, whichever is the shorter.
- 4 In relation to contracts for the provision of teletext transmissions for a period beginning on or before 1st January 1982—
- (a) subsections (3) and (4) of section 19 shall not apply; and
  - (b) subsection (5) shall have effect as if the words “other than the first” were omitted.
- 5 Nothing in any provision of Part I relating to the Fourth Channel or the Welsh Authority, or in Part II, shall be taken to require the variation of any contract between the Authority and a TV programme contractor made before 13th

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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November 1980 and relating only to a period or periods ending before 1st January 1982.

*Expenditure relevant for the purposes of s. 35*

- 6 For the purposes of section 35 (as it has effect in relation to the additional payments mentioned in either subsection (1)(b) or (2)(b) of section 32), account may be taken of any expenditure which is referable to any period before the commencement of this Act.

*Saving of amendments*

- 7 Any enactment passed before 12th June 1972, and any statutory instrument having effect by virtue of such an enactment, which had effect immediately before the commencement of this Act with the amendment made by section 38 of the <sup>M6</sup>Independent Broadcasting Authority Act 1973 shall continue to have effect with that amendment, that is, with the substitution of the name “Independent Broadcasting Authority” for the name “Independent Television Authority”.

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**Marginal Citations**

**M6** 1973 c. 19.

- 8 Part II of Schedule 1 to the <sup>M7</sup>House of Commons Disqualification Act 1975 shall continue to have effect with the amendments made by paragraph 10 of Schedule 1 and paragraph 7 of Schedule 3 to the <sup>M8</sup>Broadcasting Act 1980, and Part II of Schedule 1 to the <sup>M9</sup>Northern Ireland Assembly Disqualification Act 1975 shall continue to have effect with the amendment made by the said paragraph 7 of Schedule 3 to that Act.

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**Marginal Citations**

**M7** 1975 c. 24.

**M8** 1980 c. 64.

**M9** 1975 c. 25.

SCHEDULE 9

Section 65(4).

REPEALS

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**Modifications etc. (not altering text)**

- C7** The text of s. 65(1)(2)(4), Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Chapter**

**Short title**

**Extent of repeal**

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981. (See end of Document for details)*

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1973 c. 19.	Independent Broadcasting Authority Act 1973.	The whole Act.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Part II of Schedule 27, paragraph 207.
1974 c. 16.	Independent Broadcasting Authority Act 1974.	The whole Act.
1975 c. 71.	Employment Protection Act 1975.	In Part IV of Schedule 16, paragraph 15.
1978 c. 43.	Independent Broadcasting Authority Act 1978.	The whole Act.
1980 c. 64.	Broadcasting Act 1980.	The whole Act.
1981 c. 38.	British Telecommunications Act 1981.	In Schedule 3, paragraph 56.

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**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1981.