



Broadcasting Act 1981

1981 CHAPTER 68

PART IV

GENERAL

63 Interpretation.

(1) In this Act, unless the context otherwise requires—

“associate”, in relation to a body corporate (including a programme contractor which is a body corporate), means a body corporate which is a member of the same group as that body corporate, and for this purpose any two bodies corporate are to be treated as members of the same group if one of them is a body corporate of which the other is a subsidiary (within the meaning of [F1 section 736 of the Companies Act 1985]) or if both of them are subsidiaries (within the meaning of that section) of one and the same body corporate;

“the Authority” and “the IBA” mean the Independent Broadcasting Authority;

“the BBC” means the British Broadcasting Corporation;

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“the Commission” means the Broadcasting Complaints Commission;

“control”, in relation to a body corporate, means the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person;

“financial year” means the twelve months ending with 31st March;

“the Fourth Channel”, and references to programmes broadcast thereon, shall be construed in accordance with section 10(2);

“for reception in Wales” means for reception wholly or mainly in Wales;

“ITV”, and references to programmes broadcast thereon, shall be construed in accordance with section 10(2);

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“local sound broadcast” means a programme which is broadcast (otherwise than as part of a television broadcast) from a station so constructed and operated as to have a range of transmission limited to that which is sufficient, in normal circumstances, to ensure adequate reception throughout a particular locality, or from two or more stations so constructed and operated as to have collectively such a range of transmission, and “local sound broadcasting services” means services consisting of programmes so broadcast; and, where a programme is so broadcast, the fact that—

- (a) as so broadcast it is received outside that particular locality, or
- (b) it is also broadcast (whether simultaneously or not) from one or more other stations for reception in other localities,

shall not prevent it from being regarded as a local sound broadcast within the meaning of this Act;

[^{F3}“programme”, in relation to a television or sound broadcasting service, includes any item broadcast in that service;]

“programme contractor” has the meaning given by section 2(3);

“teletext contractor” has the meaning given by section 14(2);

“teletext transmission” and “teletext service” have the meaning given by section 14(6);

“TV programme contractor” has the meaning given by section 10(2);

“the Welsh Authority” means the Welsh Fourth Channel Authority;

“wireless telegraphy”, “station for wireless telegraphy” and “apparatus for wireless telegraphy” have the same meaning as in the ^{M1}Wireless Telegraphy Act 1949.

- (2) Any reference in this Act to a contract for the provision by a programme contractor of local sound broadcasts shall be construed as including a reference to a contract which is—

- (a) partly for the provision by that contractor of local sound broadcasts for reception in a particular locality, and
- (b) partly for the provision of news, information, music or other material to be supplied to other programme contractors for the purposes of local sound broadcasts to be provided by them;

but, in relation to any such contract, the locality, where the reference is to the provision of local sound broadcasts for reception in a particular locality, shall be taken to be the locality referred to in paragraph (a).

- (3) For the purposes of this Act—

- (a) a person shall not be regarded as carrying on business as an advertising agent, or as acting as such an agent, unless he carries on a business involving the selection and purchase of advertising space or time for persons wishing to advertise;
- (b) a person who carries on such a business shall be regarded as carrying on business as an advertising agent irrespective of whether he is in law the agent of those for whom he acts;
- (c) a person who is the proprietor of a newspaper shall not be regarded as carrying on business as an advertising agent by reason only that he makes arrangements on behalf of advertisers whereby advertisements appearing in the newspapers are also to appear in one or more other newspapers; and

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- (d) a company or other body corporate shall not be regarded as carrying on business as an advertising agent by reason only that its objects or powers include or authorise that activity;
and any reference in this Act to an advertising agency shall be construed accordingly.
- (4) References in this Act to programmes or television programmes or to programme contractors have effect in relation to teletext transmissions and teletext contractors respectively subject to the provisions of section 14(4) and (5) and Schedule 3.

Textual Amendments

- F1** Words substituted by [Companies \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**
F2 Definition repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(2), **Sch. 6**
F3 Definition inserted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1), **Sch. 5 para. 40(6)**
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Modifications etc. (not altering text)

- C1** [S. 63\(3\)](#) modified by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), **s. 36(2)**
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Marginal Citations

- M1** [1949 c. 54](#).

Changes to legislation:

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