

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 19. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 19

Section 183.

#### THE GAELIC TELEVISION [F<sup>1</sup>SERVICE] : SUPPLEMENTARY PROVISIONS

##### Textual Amendments

- F1** Word in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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

- C1** Sch. 19: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 7](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### *Status and capacity*

- 1 (1) The [F<sup>1</sup>Service] shall be a body corporate.
- (2) The [F<sup>1</sup>Service] 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.
- (3) It shall be within the capacity of the [F<sup>1</sup>Service] as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the discharge of their functions under section 183 of this Act.

#### *Tenure of office and remuneration*

- 2 (1) Subject to [F<sup>2</sup>sub-paragraphs (1A) and (2)], each member of the [F<sup>1</sup>Service] shall hold and vacate office in accordance with the terms of his appointment.
- [F<sup>3</sup>(1A) A person is not to be appointed as a member of the Service for a term of more than four years (but a person so appointed shall be eligible for re-appointment at the end of his term of office).]
- (2) Any member of the [F<sup>1</sup>Service] may at any time resign his office by notice to [F<sup>4</sup>OFCOM].
- (3) [F<sup>4</sup>OFCOM] may pay to each member such remuneration and allowances as they may determine.

##### Textual Amendments

- F2** Words in Sch. 19 para. 2(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 210\(2\)\(a\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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- F3** Sch. 19 para. 2(1A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 210(2)(b)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** Words in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 73(2)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

*Disqualification of members of [F1Service] for House of Commons*

<sup>F53</sup> .....

- Textual Amendments**
- F5** Sch. 19 para. 3 repealed (1.4.1997) by [1996 c. 55](#), s. 148(2), **Sch. 11 Pt. 1** (with s. 43(1)(6)); [S.I. 1997/1005](#), **art. 4**

*Proceedings*

- 4 (1) Subject to paragraph 5, the quorum of the [F1Service] and the arrangements relating to their meetings shall be such as the [F1Service] may determine.
- (2) The arrangements may, with the approval of [F4OFCOM] , provide for the discharge, under the general direction of the [F1Service] , of any of the [F1Service] ’s functions by a committee or by one or more of the members or employees of the [F1Service] .

- Textual Amendments**
- F4** Words in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 73(2)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

- 5 (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 [F1Service] 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 [F1Service] , 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 [F1Service] 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 [F1Service] 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 [F1Service] 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.

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(5) In this paragraph references to a meeting of the [F<sup>1</sup>Service] include references to a meeting of any of their committees.

6 The validity of any proceedings of the [F<sup>1</sup>Service] 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 5.

*Employees of the [F<sup>1</sup>Service]*

7 (1) The [F<sup>1</sup>Service] may appoint such employees as they may determine with the consent of [F<sup>4</sup>OFCOM] as to numbers and terms of employment.

(2) If the [F<sup>1</sup>Service] determine to do so in the case of any of their employees, the [F<sup>1</sup>Service] 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 [F<sup>1</sup>Service] may determine.

(3) The <sup>M1</sup>Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the [F<sup>1</sup>Service].

[F<sup>6</sup>(4) A person who is an employee of the Service is not to be eligible to be appointed as a member of the Service.]

**Textual Amendments**

**F4** Words in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**F6** Sch. 19 para. 7(4) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 210\(3\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**Marginal Citations**

**M1** [1969 c. 57](#).

*Financial provision*

8 There shall be defrayed out of the [F<sup>7</sup>Gaelic Broadcasting Fund]—

- (a) any expenses incurred by [F<sup>4</sup>OFCOM] —
  - (i) by virtue of paragraph 2,
  - (ii) in paying the salaries of any employees of [F<sup>4</sup>OFCOM] whose services have been furnished to the [F<sup>1</sup>Service] by [F<sup>4</sup>OFCOM], or
  - (iii) in connection with providing the [F<sup>1</sup>Service] with office accommodation or other facilities;
- (b) any expenses incurred by the [F<sup>1</sup>Service] by virtue of paragraph 7; and
- (c) with the approval of [F<sup>4</sup>OFCOM]<sup>F8</sup> ..., any other expenses incurred by the [F<sup>1</sup>Service].

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#### Textual Amendments

- F4** Words in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F7** Words in Sch. 19 para. 8 substituted (1.4.1997) by [1996 c. 55](#), s. 148(1), [Sch. 10 Pt. II para. 26\(a\)\(i\)](#); [S.I. 1997/1005](#), [art. 4](#)
- F8** Words in Sch. 19 para. 8(c) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(4\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

- [<sup>F9</sup>8A** (1) The Service must pay all their receipts to OFCOM.
- (2) OFCOM must hold amounts received by them under this paragraph to the credit of the Gaelic Broadcasting Fund (and, accordingly, those amounts are not to be regarded as forming part of OFCOM's revenues).]

#### Textual Amendments

- F9** Sch. 19 para. 8A inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 210\(4\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### *Authentication of [<sup>F1</sup>Service] 's seal*

- 9 The application of the seal of the [<sup>F1</sup>Service] 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 the [<sup>F1</sup>Service]*

- 10 Any document purporting to be an instrument issued by the [<sup>F1</sup>Service] and to be duly executed under the seal of the [<sup>F1</sup>Service] or to be signed on behalf of the [<sup>F1</sup>Service] shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

#### *Accounts and audit*

- 11 (1) The [<sup>F1</sup>Service] 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 [<sup>F4</sup>OFCOM] may direct.
- (2) The accounts of the [<sup>F1</sup>Service] shall be audited by auditors to be appointed by the [<sup>F1</sup>Service] with the approval of [<sup>F4</sup>OFCOM] .
- <sup>F10</sup>(3) A person shall not be qualified to be appointed in pursuance of sub-paragraph (2) unless he is eligible for appointment as a [<sup>F11</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (4) The [<sup>F1</sup>Service] shall at all reasonable times upon demand made by [<sup>F4</sup>OFCOM]<sup>F12</sup>... or by any persons authorised by [<sup>F13</sup>[<sup>F4</sup>OFCOM]<sup>F12</sup>... ] in that behalf—
- (a) afford to them full liberty to examine the accounts of the [<sup>F1</sup>Service]; and

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- (b) furnish them with all forecasts, estimates, information and documents which they may require with respect to the financial transactions and commitments of the [F1Service].

#### Textual Amendments

- F4** Words in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F10** Sch. 19 para. 11(3) substituted (1.10.1991) by [S.I. 1991/1997](#), reg. 2, [Sch. para. 77\(7\)](#)
- F11** Words in [Sch. 19 para. 11\(3\)](#) 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\(pp\)\(iii\)](#) (with arts. 6, 11, 12)
- F12** Words in Sch. 19 para. 11(4) repealed (29.12.2003) [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(5\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F13** Words in Sch. 19 para. 11(4) substituted (1.4.1997) by [1996 c. 55](#), s. 148(1), [Sch. 10 Pt. II para. 26\(b\)\(ii\)](#); [S.I. 1997/1005](#), [art. 4](#)

#### Annual reports

- 12 (1) As soon as possible after the end of each financial year, the [F1Service] shall prepare a general report of their proceedings during that year and transmit it to [F4OFCOM].
- [F14(1A) The report must include a statement of how the Service are proposing to carry out their functions during the next financial year.]
- (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.
- (3) [F4OFCOM] shall send a copy of each annual report received by them in accordance with this paragraph to
- [F15(a) the Secretary of State, who must lay a copy of it before each House of Parliament, and
- (b) the Scottish Ministers, who must lay a copy of it before the Scottish Parliament.]
- [F16(4) . . . . .

#### Textual Amendments

- F4** Words in Sch. 19 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 73\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F14** Sch. 19 para. 12(1A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 210\(5\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F15** Words in Sch. 19 para. 12(3) substituted (31.10.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 17\(8\)](#), 44(5); [S.I. 2012/2516](#), art. 2(c)
- F16** Sch. 19 para. 12(4) omitted (31.10.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), [ss. 17\(9\)](#), 44(5); [S.I. 2012/2516](#), art. 2(c)

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

- C2** Sch. 19 para. 12(3): functions exercisable (1.7.1999) concurrently by the Scottish Ministers and Ministers of the Crown by [S.I. 1999/1750](#), arts. 1, 3, [Sch. 2](#); [S.I. 1998/3178](#)

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Sch. 19 para. 12(3) certain functions made exercisable by Scottish Ministers (1.7.1999) by [S.I. 1999/1756](#), arts. 1, 2, [Sch. para. 12\(1\)](#); [S.I. 1998/3178](#)

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