

Status: Point in time view as at 01/04/1997.

Changes to legislation: Broadcasting Act 1996, SCHEDULE 3 is up to date with all changes known to be in force on or before 08 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 106(3).

BROADCASTING STANDARDS COMMISSION: SUPPLEMENTARY PROVISIONS

Interpretation

- 1 In this Schedule—
- (a) “pension scheme” means a scheme for the payment of pensions, allowances or gratuities,
 - (b) any reference to the payment of pensions, allowances or gratuities includes a reference to like benefits to be given on death or retirement, and
 - (c) any reference to the payment of pensions, allowances or gratuities to or in respect of any persons includes a reference to the making of payments towards provision for the payment of pensions, allowances or gratuities to or in respect of those persons.

Status and capacity

- 2
- (1) The BSC shall be a body corporate.
 - (2) The BSC 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 BSC 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 this Act.

Appointment of members

- 3
- (1) A person shall be disqualified for being a member of the BSC so long as he is—
 - (a) a governor or employee of the BBC,
 - (b) a member or employee of the Independent Television Commission,
 - (c) a member or employee of the Radio Authority,
 - (d) a member or employee of the Channel Four Television Corporation,
 - (e) a member or employee of the Welsh Authority, or
 - (f) a person who does not fall within any of the preceding paragraphs but who appears to the Secretary of State to be concerned with, or to have an interest in—
 - (i) the preparation or provision of programmes for broadcasting by the BBC or the Welsh Authority, or
 - (ii) the provision of a licensed service or the preparation or provision of programmes for inclusion in such a service.

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- (2) Before appointing a person to be a member of the BSC 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 BSC; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the BSC that he has no such interest.
- (3) Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the BSC 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 (2).

Tenure of office

- 4 (1) Subject to the following provisions of this paragraph, each member of the BSC 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 BSC for more than five years at a time.
- (3) Any member of the BSC may at any time resign his office by notice in writing to the Secretary of State.

Remuneration and pensions of members

- 5 (1) The BSC may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The BSC 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 BSC may make a payment to him of such amount as the Secretary of State may determine.

Disqualification of members of BSC for House of Commons and Northern Ireland Assembly

- 6 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—

“The Broadcasting Standards Commission”; and a corresponding amendment shall be made in Part II of Schedule 1 to the

^{M2}

Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M1 1975 c. 24.

M2 1975 c. 25.

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Proceedings

- 7 (1) Subject to paragraph 8 and to the provisions of Part V of this Act, the quorum of the BSC and the arrangements relating to their meetings shall be such as the BSC may determine.
- (2) Subject to section 112, the arrangements may provide for the discharge, under the general direction of the BSC, of any of the BSC's functions by a committee or by one or more of the members or employees of the BSC.
- 8 (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 BSC 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 BSC, 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 BSC 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 BSC 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 BSC 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 BSC include references to a meeting of any of their committees.
- 9 The validity of any proceedings of the BSC 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 8 or of section 112.

Employees of the BSC

- 10 (1) The BSC may appoint such number of employees as they may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the BSC.
- (3) If the BSC determine to do so in the case of any of their employees, the BSC 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 BSC may determine.
- (4) Any determination under sub-paragraph (1), (2) or (3) shall require the approval of the Secretary of State.
- (5) If any employee of the BSC—
- (a) is a participant in any pension scheme applicable to his employment, and
 - (b) becomes a member of the BSC,

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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 BSC were service as an employee of the BSC.

- (6) The ^{M3}Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the BSC.

Marginal Citations

M3 1969 c. 57.

Financial provisions

- 11 (1) The Secretary of State shall pay to the BSC—
- (a) any expenses incurred or to be incurred by the BSC by virtue of paragraph 5 or 10, and
 - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the BSC to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under sub-paragraph (1) shall be paid out of money provided by Parliament.

Authentication of seal of BSC

- 12 (1) The application of the seal of the BSC shall be authenticated by the signature of the chairman or of some other person authorised for the purpose.
- (2) Sub-paragraph (1) does not apply in relation to any document which is or is to be signed in accordance with the law of Scotland.

Presumption of authenticity of documents issued by BSC

- 13 Any document purporting to be an instrument issued by the BSC and to be duly executed under the seal of the BSC or to be signed on behalf of the BSC shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

Accounts and audit

- 14 (1) The BSC 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.
- (2) The BSC shall send a copy of the statement of accounts to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (3) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.

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