



# Communications Act 2003

## 2003 CHAPTER 21

### PART 1

#### FUNCTIONS OF OFCOM

##### *OfCOM's Content Board*

#### **12 Duty to establish and maintain Content Board**

- (1) It shall be the duty of OFCOM, in accordance with the following provisions of this section, to exercise their powers under paragraph 14 of the Schedule to the Office of Communications Act 2002 (c. 11) (committees of OFCOM) to establish and maintain a committee to be known as “the Content Board”.
- (2) The Content Board shall consist of—
  - (a) a chairman appointed by OFCOM; and
  - (b) such number of other members appointed by OFCOM as OFCOM think fit.
- (3) The chairman of the Content Board must be a non-executive member of OFCOM but is not to be the chairman of OFCOM.
- (4) At least one of the other members of the Content Board must also be a non-executive member of OFCOM other than the chairman of OFCOM.
- (5) In appointing persons to be members of the Content Board, OFCOM must secure that, for each of the following parts of the United Kingdom—
  - (a) England,
  - (b) Scotland,
  - (c) Wales, and
  - (d) Northern Ireland,there is a different member of the Board capable of representing the interests and opinions of persons living in that part of the United Kingdom.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In appointing a person for the purposes of subsection (5)(a), OFCOM must have regard to the desirability of ensuring that the person appointed is able to represent the interests and opinions of persons living in all the different regions of England.
- (7) The validity of any proceedings of the Content Board shall not be affected by any failure by OFCOM to comply with subsection (5) or (6).
- (8) It shall be the duty of OFCOM when appointing members of the Content Board to secure, so far as practicable, that a majority of the members of the Board (counting the chairman) consists of persons who are neither members nor employees of OFCOM.
- (9) The following shall be disqualified from being the chairman or another member of the Content Board—
  - (a) governors and employees of the BBC;
  - (b) members and employees of the Welsh Authority; and
  - (c) members and employees of C4C.
- (10) Before appointing a person to be the chairman or another member of the Content Board, OFCOM must satisfy themselves that he will not have any financial or other interest which would be likely prejudicially to affect the carrying out by him of any of his functions as chairman or member of the Content Board.
- (11) A person is not to be taken to have such an interest by reason only that he is or will be a member or employee of OFCOM.
- (12) Every person whom OFCOM propose to appoint to be the chairman or another member of the Content Board, shall, whenever requested to do so by OFCOM, furnish OFCOM with any information they consider necessary for the performance of their duty under subsection (10).
- (13) In addition to paying remuneration and expenses under paragraph 14(4) of the Schedule to the Office of Communications Act 2002 (c. 11), OFCOM may—
  - (a) pay to, or in respect of, any member of the Content Board who is not a member or employee of OFCOM, such sums by way of pensions, allowances or gratuities as OFCOM may determine; and
  - (b) provide for the making of such payments to or in respect of any such member of the Content Board.
- (14) In subsection (13)—
  - (a) the reference to pensions, allowances and gratuities includes a reference to similar benefits payable on death or retirement; and
  - (b) the reference to providing for the payment of a pension, allowance or gratuity to, or in respect of, a person includes a reference to the making of payments towards the provision or payment of a pension, allowance or gratuity, or of any such similar benefits, to or in respect of that person.