ELIZABETH II



Independent Broadcasting Authority Act 1979

1979 CHAPTER 35

An Act to confer power on the Independent Broadcasting Authority to equip themselves to transmit a television broadcasting service additional to those of the British Broadcasting Corporation and to that provided by the Authority under the Independent Broadcasting Authority Act 1973. [4th April 1979]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision of transmitting equipment for new television broadcasting service. 1973 c. 19.

1.—(1) With a view to the provision (whether by the Independent Broadcasting Authority themselves or by any other body of persons) of a television broadcasting service additional to those of the British Broadcasting Corporation and to that already provided by the Authority under the Independent Broadcasting Authority Act 1973, the Authority shall have power (without regard to any time limit under section 2(1) of that Act) to do all such things as are in their opinion necessary or expedient for the purpose of equipping themselves to transmit the programmes included in any such additional service.

(2) Without prejudice to the generality of the power conferred by subsection (1) above, the Authority shall have power for the purpose there mentioned—

(*a*) to establish and install stations for wireless telegraphy (within the meaning of the Wireless Telegraphy Act 1949); and 1949 c. 54.

(*b*) to arrange for the provision and equipment of, or, if need be, themselves to provide and equip studios and other premises for television broadcasting purposes.

(3) Without prejudice to the generality of the preceding provisions of this section and subsection (3) of section 3 of the Act of 1973 (extent of Authority's powers), that subsection shall be construed as applying in relation to activities undertaken and in relation to property or rights acquired or held by the Authority for the purposes of this section.

(4) The reference in paragraph 3(3) of Schedule 1 to that Act (capacity of the Authority as a statutory corporation) to the powers of the Authority under that Act shall be construed as including a reference to the powers of the Authority under this section.

(5) Nothing in this section shall be construed as authorising the Authority to do, otherwise than under and in accordance with a licence under section 1 of the Wireless Telegraphy Act 1949, anything for the doing of which such a licence is requisite under that Act.

1949 c. 54

Financial provisions.

2.—(1) Notwithstanding anything in section 25(5) of the Act of 1973 (reserve fund for either branch of the Authority's undertaking not to be applied otherwise than for the purposes of that branch) the Authority may apply any current surplus on any of their television services branch reserves to meet any expenditure incurred by them for the purposes of section 1 of this Act, but the sums so applied by virtue of this section shall not in the aggregate exceed £10 million.

(2) In subsection (1) above " surplus " means, in relation to any of the Authority's television services branch reserves, any amount credited to that reserve which appears to the Authority to exceed the amount for the time being required to provide an adequate fund for expenditure for the purposes of that reserve.

(3) For the purpose of enabling the Authority to discharge their function under section 1 of this Act the Secretary of State may with the consent of the Treasury make advances to the Authority out of moneys provided by Parliament.

(4) The aggregate amount outstanding by way of principal in respect of sums advanced to the Authority under this section shall not at any time exceed £18 million.

(5) Any sums advanced under this section shall be repaid to the Secretary of State at such times and by such methods, and interest on those sums shall be paid to him at such times and at such rates, as he may from time to time direct with the consent of the Treasury.

(6) All sums received by the Secretary of State in pursuance of subsection (5) above shall be paid into the Consolidated Fund.

(7) References in this section to the Authority's television services branch reserves are references to—

(*a*) the reserve fund established under section 25(4) of the Act of 1973 for the branch of the Authority's undertaking consisting of the provision of television broadcasting services; and

(*b*) any other reserves established by the Authority by way of provision for depreciation or for any other matter for which the Authority are required to provide in discharging their duty under section 25(2) of that Act in relation to that branch of their undertaking.

Short title, etc.

3.—(1) This Act may be cited as the Independent Broadcasting Authority Act 1979.

1973 c. 19.

(2) In this Act " the Act of 1973 " means the Independent Broadcasting Authority Act 1973, and " the Authority " means the Independent Broadcasting Authority.

(3) It is hereby declared that this Act extends to Northern Ireland.

(4) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

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