SCH. 2

(2) If, during the period of notice, the employee breaks the contract and the employer rightfully treats the breach as terminating the contract, no payment shall be due to the employee under this Schedule in respect of the part of the period of notice falling after the termination of the contract.

Supplemental

7.—(1) In arriving at an average hourly rate or average weekly rate of remuneration under this Schedule—

(*a*) account shall be taken of work for a former employer within the period for which the average is to be taken if by virtue of paragraph 10 of Schedule 1 to this Act a period of employment with the former employer counted as part of the employee's continuous period of employment with the later employer, and

(*b*) "week" means, for an employee whose remuneration is calculated weekly by a week ending with a day other than Saturday, a week ending with that other day, and, for other employees, means a week ending with Saturday.

8. Where under this Schedule account is to be taken of remuneration or other payments for a period which does not coincide with the periods for which the remuneration or other payments are calculated, the remuneration or other payments shall be apportioned in such manner as may be just.

1963 CHAPTER 50

Television Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Extension of period for which Authority are to provide television services.
2. Authority's responsibility for programmes.
3. Submission to Authority of programme schedules.
4. Buying and selling of programmes by programme contractors.
5. Advertisements.
6. Committee and panel to advise on advertisements.
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Section

18. Co-operation of Authority with British Broadcasting Corporation in use of broadcasting installations.
19. Broadcasts exploiting techniques for influencing audiences unconsciously.
20. Withdrawal of power to make grants to Authority.
21. Approvals by Authority.
22. Variation and revocation of directions and notices.
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SCHEDULES:

Schedule 1—Rules as to advertisements.
Schedule 2—Amendments of principal Act.
Schedule 3—Repeals.

An Act to extend the period for which the Independent Television Authority are to provide television services, to make further provision with respect to the control exercisable by the Authority over the programmes broadcast by them and over programme contractors, to require additional payments from programme contractors which will not form part of the revenue of the Authority, and to amend in other respects the law relating to the Authority and broadcasting by the Authority. [31st July 1963]

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:—

Extension of period for which Authority are to provide television services. 2 & 3 Eliz. 2, c. 55.

1. The Independent Television Authority (in this Act referred to as "the Authority") shall, subject to the provisions of this Act and of the Television Act 1954 (in this Act referred to as "the principal Act"), as amended by this Act, provide television broadcasting services until 31st July 1976.

Authority's responsibility for programmes.

2.—(1) It shall be the duty of the Authority—

(*a*) to provide the television broadcasting services as a public service for disseminating information, education and entertainment,

(*b*) to ensure that the programmes broadcast by the Authority in each area maintain a high general standard in all respects, and in particular in respect of their content and quality, and a proper balance and wide range in their subject-matter, having regard both to the programmes as a whole and also to the days of the

week on which, and the times of the day at which, the programmes are broadcast, and

(*c*) to secure a wide showing for programmes of merit.

(2) The Authority—

(*a*) shall draw up, and from time to time review, a code giving guidance—

(i) as to the rules to be observed in regard to the showing of violence, particularly when large numbers of children and young persons may be expected to be watching the programmes, and

(ii) as to such other matters concerning standards and practice for programmes (other than advertisements) broadcast by the Authority as the Authority may consider suitable for inclusion in the code,

and in considering what other matters ought to be included in the code in pursuance of sub-paragraph (ii) shall have special regard to programmes broadcast when large numbers of children and young persons may be expected to be watching; and

(*b*) shall secure that the provisions of the code are observed in relation to all programmes (other than advertisements) broadcast by the Authority.

(3) The Authority may, in the discharge of their general responsibility for programmes other than advertisements, impose requirements as to standards and practice for such programmes which go beyond, or relate to matters not covered by, the provisions of the code; and the methods of control exercisable by the Authority for the purpose of securing that the provisions of the code are observed, and for the purpose of securing compliance with such requirements which go beyond, or relate to matters not covered by, the code, shall include a power to give directions to a programme contractor (or any other person providing such programmes) imposing prohibitions or restrictions as respects items of a specified class or description or as respects a particular item.

Submission to Authority of programme schedules.

3.—(1) In the case of programmes other than advertisements, the methods by which the Authority discharge their duties under the last foregoing section shall include the consideration of programme schedules submitted by programme contractors to the Authority for approval in accordance with this section; and, subject to subsection (5) of this section, no such programme provided by a programme contractor shall be broadcast by the Authority unless it forms part of a programme schedule so approved.

(2) A programme schedule—

(*a*) shall be drawn up in consultation with the Authority, and

(*b*) shall be for a period determined by the Authority,

and the Authority may give to programme contractors such directions as appear to the Authority expedient for the purpose of ensuring that the Authority have sufficient time to discharge their responsibilities in the consideration of programme schedules.

(3) The Authority may give directions, which may be, to any degree, either general or specific and qualified or unqualified,—

(*a*) as to the exclusion of any item from a programme schedule,

(*b*) as to the inclusion in, or in a particular part of, a programme schedule of an item, or items, of a particular category, or

(*c*) as to the inclusion in a particular part of a programme schedule of a particular item,

and the Authority shall not approve a programme schedule until they are satisfied that it conforms with any directions given under this section.

(4) Without prejudice to the Authority's power to approve for the purposes of this section a revised or amended version of a programme schedule previously approved by them, the Authority may, if they think fit to do so in view of any change of circumstances occurring after a programme schedule has been approved by them, permit the programme contractor to make such alterations in that programme schedule as the Authority may approve, being alterations proposed to them in any convenient manner; and a programme schedule in which alterations have been made by virtue of this subsection shall, as so altered, be treated as having been approved by the Authority in accordance with this section.

(5) The Authority may give directions, which may be, to any degree, either general or specific and conditional or unconditional, authorising the making of alterations in any approved programme schedule without prior reference to the Authority—

(*a*) where it is difficult or impracticable for the programme contractor to communicate with the Authority in the time available, or

(*b*) in the event of a technical breakdown;

and the programmes contained in a programme schedule in which alterations are made by virtue of this subsection may be broadcast by the Authority notwithstanding those alterations.

(6) The Authority's approval under this section may be given subject to such exceptions, reservations and qualifications as the

Authority think fit, and the Authority may at any time call for further particulars of a programme schedule submitted to them, or of any item in the programme schedule.

Buying and selling of programmes by programme contractors.

4.—(1) The Authority may give directions to any programme contractor requiring him to supply to another programme contractor for inclusion in his programmes any item supplied or originated by the first programme contractor; and the contracts between the Authority and the various programme contractors shall contain all such provisions as the Authority think necessary or expedient for ensuring—

(*a*) that each programme contractor will take all reasonable steps to put himself in a position to comply with any directions which may be given to him under this subsection and, when any such directions have been given to him, to enable the other programme contractor to include the item to which the directions relate in his programmes, and

(*b*) that if financial and other arrangements for the supply of any item in respect of which directions have been given under this subsection are not agreed between the two programme contractors, or when so agreed do not receive the approval of the Authority required by virtue of subsection (2) of this section, the item will be supplied in accordance with such financial and other arrangements as may be determined by the Authority.

(2) The contracts between the Authority and the various programme contractors shall provide that, where items to be included in the programmes of a programme contractor are not originated by that programme contractor, the financial and other arrangements between the programme contractor and the supplier shall require the approval of the Authority—

(*a*) in all cases where the supplier is another programme contractor, and

(*b*) in such other cases as the Authority may from time to time direct;

and directions given for the purposes of this subsection may apply to programme contractors generally or may be different for different programme contractors.

Advertisements.

5.—(1) Schedule 1 to this Act (which reproduces, with additions and amendments, the rules regarding the broadcasting of advertisements contained in Schedule 2 to the principal Act) shall have effect in substitution for the said Schedule 2; and accordingly in section 4 of the principal Act (which relates to advertisements) any reference to the said Schedule 2 shall be construed as a reference to Schedule 1 to this Act.

(2) It shall be the duty of the Authority—

(*a*) to draw up, and from time to time review, a code governing standards and practice in advertising and prescribing the advertisements and methods of advertising to be prohibited, or prohibited in particular circumstances, and

(*b*) to secure that the provisions of the code are complied with as regards the advertisements included in the programmes broadcast by the Authority.

(3) The Authority may, in the discharge of their general responsibility for advertisements and methods of advertising, impose requirements as to advertisements and methods of advertising which go beyond the requirements imposed by the code, and the methods of control exercisable by the Authority for the purpose of securing that the provisions of the code are complied with, and for the purpose of securing compliance with requirements which go beyond the requirements of the code, shall include a power to give directions to a programme contractor with respect to the classes and descriptions of advertisements and methods of advertising to be excluded, or to be excluded in particular circumstances, or with respect to the exclusion of a particular advertisement, or its exclusion in particular circumstances.

(4) The Authority may give directions to a programme contractor with respect to the times when advertisements are to be allowed.

(5) Directions under this section may be, to any degree, either general or specific, and qualified or unqualified, and directions under subsection (4) of this section may, in particular, relate to—

(*a*) the greatest amount of time to be given to advertisements in any hour or other period,

(*b*) the minimum interval which must elapse between any two periods given over to advertisements and the number of such periods to be allowed in any programme or item in a programme or in any hour or day,

(*c*) the exclusion of advertisements from a specified broadcast,

and may make different provision for different parts of the day, different days of the week, different types of programmes or for other differing circumstances.

Committee and panel to advise on advertisements.

6.—(1) The Authority may in drawing up the code under the last foregoing section adopt all or any of the provisions of any code submitted to the Authority under section 8 (2) (*b*) of the principal Act by the committee referred to in that paragraph,

with such additions, modifications and exceptions, if any, as appear to the Authority to be appropriate.

(2) The functions of the said committee shall include the duty of keeping the code under review and submitting to the Authority recommendations as to any alterations which appear to them to be desirable.

(3) The said committee shall be so constituted as to be representative of the public as consumers, as well as of the interests described in the said section 8 (2) (*b*), and so much of that paragraph as includes in its functions the giving of advice to programme contractors shall cease to have effect.

(4) Before appointing a person to be the chairman of the said committee, the Authority shall satisfy themselves that that person—

(*a*) will have no financial or other interest in any advertising agency, and

(*b*) will have no such other financial or other interest in advertising as is in the opinion of the Authority likely to prejudice his independence as chairman;

and the Authority shall also satisfy themselves from time to time that the chairman of the said committee has no such interest as is described in paragraph (*a*) or (*b*) of this subsection.

(5) The Authority shall, after consultation with such professional organisations as the Postmaster General may require and such other bodies or persons as the Authority think fit, appoint, or arrange for the assistance of, a medical advisory panel to give advice to the Authority as to—

(*a*) advertisements for medicines and medical and surgical treatments and appliances,

(*b*) advertisements for toilet products which include claims as to the therapeutic or prophylactic effects of the products,

(*c*) advertisements for medicines and medical and surgical treatments for veterinary purposes,

and such other advertisements as the Authority may think fit to refer to the panel.

(6) The Authority shall consult the panel before drawing up the code and in the course of any review of the code.

(7) The Authority shall ensure that, before the first occasion on which they broadcast an advertisement which in their opinion falls under paragraph (*a*), (*b*) or (*c*) of subsection (5) of this section, the advertisement is, in accordance with arrangements

approved by the Authority, referred to a member or members of the panel for advice:

Provided that this subsection shall not apply to an advertisement first broadcast by the Authority on or before 29th July 1964.

Rental payments by programme contractors.

7.—(1) The contracts between the Authority and the various programme contractors shall provide for payments to be made by the programme contractors to the Authority under two heads, namely—

(*a*) payments representing what appear to the Authority to be the appropriate contributions of the respective programme contractors towards meeting the sums which the Authority regard as necessary in order to discharge their duty under section 10 of the principal Act (general duty of Authority as to finance), and

(*b*) additional payments (hereafter in this section referred to as "additional payments") of amounts determined by reference to advertising receipts as defined in this section.

(2) The additional payments shall not form part of the revenue of the Authority and, when received by the Authority, shall be paid into the Exchequer of the United Kingdom or the Exchequer of Northern Ireland as provided by this section.

(3) The additional payments which a programme contractor is to make for any accounting period as defined by this section shall be of an amount which, subject to any order under this section, shall be that determined by the two next following subsections.

(4) If the accounting period is a period of 12 months, the amount of the additional payments for the accounting period shall be that given by the following Table.

TABLE

RATES FOR A 12-MONTH PERIOD

	Appropriate rate for determining amount of additional payment
For the first one-and-a-half million pounds of the advertising receipts of the programme contractor for the 12-month accounting period	Nil
For the next six million pounds of those advertising receipts	25 per cent.
For the amount by which those advertising receipts exceed the aggregate of the said sums of one-and-a-half million and six million pounds	45 per cent.

(5) If the accounting period is a period of less than 12 months, the Table in the last foregoing subsection shall apply with the substitution for the sums specified in column 1 of sums which, to the nearest one hundred pounds, and ignoring an odd sum of fifty pounds or less, are equal to the sums in the Table multiplied by the fraction represented by the number of whole weeks in the accounting period divided by 52.

(6) The Postmaster General may with the approval of the Treasury, and after consultation with the Authority, by order amend subsection (4) of this section in all or any of the following respects, that is, by increasing or reducing any rate, or the number of different rates, or the amount to which any rate applies; and the references in this subsection to a rate include the case where the rate is nil.

The power of making orders under this subsection shall include power to vary or revoke a previous order and shall be exercisable by statutory instrument; but no such statutory instrument shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of each House.

An order under this subsection shall have effect as respects all additional payments to be computed by reference to advertising receipts for any period after the order comes into force, whether the contracts under which the additional payments are due were executed before or after the making of the order.

(7) The contracts between the Authority and the programme contractors—

(*a*) shall provide for ascertaining the advertising receipts for any accounting period at monthly intervals in that period, for the computation of the amount, if any, of the additional payments due by reference to the advertising receipts for the part of the accounting period down to the latest date of which account is taken in the computation, and for the making of additional payments in accordance with the computations (and after giving credit for any payments already made) not later than four weeks from the said latest date, and

(*b*) shall authorise the Authority, in a case where a programme contractor fails to make a return required by the contract, or makes a return appearing to the Authority to be incomplete or inaccurate, to estimate the amount of the additional payments due, and shall provide that the amount estimated shall be treated as payable, unless the contrary is proved, and

(*c*) shall provide that where for any insertion of an advertisement a programme contractor receives or is

entitled to an entire consideration not solely referable to that insertion, the advertising receipts shall be calculated by reference to so much only of the consideration as is referable to that insertion according to an apportionment made in such manner as any such contract may provide,

and it shall be the duty of the Authority in framing the contracts with the various programme contractors to include such terms as are in their opinion necessary or expedient to ensure that the amount of the additional payments required under this section are paid promptly and in full.

(8) Every contract between the Authority and a programme contractor which provides for the supply of programmes to be broadcast from stations of which some are in Great Britain and some in Northern Ireland shall provide that, as regards his advertising receipts for any period, the programme contractor shall give to the Authority such information as they may require for the purpose of ascertaining the proportions in which those receipts derive from the broadcasting of advertisements from stations in Great Britain and stations in Northern Ireland respectively.

(9) On receipt of any additional payments the Authority shall deal with them as follows:—

(*a*) if they were paid under a contract for the supply of programmes to be broadcast from stations all of which are in Great Britain, the Authority shall pay them into the Exchequer of the United Kingdom;

(*b*) if they were paid under a contract for the supply of programmes to be broadcast from stations all of which are in Northern Ireland, the Authority shall pay them into the Exchequer of Northern Ireland;

(*c*) if they were paid under such a contract as is mentioned in subsection (8) of this section, the Authority shall pay them into those Exchequers respectively in the proportions in which, according to the information supplied by the programme contractor, the advertising receipts for the relevant accounting period derive from the broadcasting of advertisements from stations in Great Britain and stations in Northern Ireland respectively, or, if the programme contractor has failed to supply the necessary information, or the payments became due as the result of an estimate made by the Authority, in such proportions as the Authority estimate to be appropriate.

(10) The Authority shall prepare in respect of each financial year an account showing the additional payments received under all their contracts with programme contractors and of the

sums paid into the Exchequers of the United Kingdom and of Northern Ireland respectively under subsection (9) of this section and shall send the account to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(11) In this section—

(*a*) the expression "advertising receipts" means, in relation to a programme contractor, and in relation to any period, the payments received or to be received by the programme contractor in consideration of the insertion of advertisements in programmes provided by the programme contractor and broadcast in the United Kingdom by the Authority in the period, and

(*b*) the expression "payment" includes any valuable consideration;

and for the purposes of the definition in paragraph (*a*) above—

(i) if, in connection with the insertion of advertisements which are paid for by payments constituting advertising receipts, any payments are made to the programme contractor to meet any additional payments due from the programme contractor under this section, those payments shall be regarded as made in consideration of the insertion of the advertisements in question, and

(ii) in the case of an advertisement inserted in a programme under arrangements made between a programme contractor and a person acting as advertising agent, the amount of any receipt by the programme contractor which represents a payment by the advertiser from which the advertising agent has deducted any amount by way of commission shall be the amount of the payment by the advertiser after the deduction of the commission, so, however, that if the amount so deducted exceeds fifteen per cent. of the payment by the advertiser, the amount of the receipt shall be the amount of that payment less fifteen per cent.

(12) The contracts between the Authority and the various programme contractors shall include such terms as are in the opinion of the Authority necessary or expedient to ensure that, except for deduction of commission by persons acting as advertising agents, the amount of the advertising receipts of a programme contractor is not reduced under arrangements by which any part of the consideration for the insertion of advertisements in programmes provided by the programme contractor is receivable by any person other than the programme contractor,

whether that other person is under the control of the programme contractor or not.

(13) For the purposes of this section, each period of 12 months during which a programme contractor provides programmes for broadcasting by the Authority shall be an accounting period, and where the total period for which a programme contractor provides programmes under any one contract is not an exact number of years, the last part of that total period shall be an accounting period:

Provided that—

(*a*) a contract which varies another contract under which a programme contractor provides programmes for broadcasting by the Authority may modify the foregoing provisions of this subsection, but not so as to create an accounting period of more than 12 months, and

(*b*) if part of an accounting period falls before, and part after, the date on which an order under subsection (6) of this section takes effect, the two parts shall be treated for the purposes of this section as separate accounting periods.

Newspaper shareholdings.

8.—(1) Every contract concluded between the Authority and a programme contractor shall, where the programme contractor is a body corporate, contain all such provisions as the Authority think necessary or expedient to ensure that if at any time there are newspaper shareholdings in the programme contractor, and it appears to the Authority that the existence of those shareholdings has led or is leading to results which are contrary to the public interest, the Authority may, with the consent of the Postmaster General, by notice in writing to the programme contractor, taking effect forthwith or on a date specified in the notice, determine or suspend for such period as may be so specified or until a further notice is given, the Authority's obligation to transmit the programmes supplied by the programme contractor.

(2) Without prejudice to any such provisions as aforesaid in a contract between the Authority and a programme contractor, if at any time there are newspaper shareholdings in the programme contractor, and it appears to the Postmaster General that the existence of those shareholdings has led or is leading to results which are contrary to the public interest, he may, after consultation with the Authority, by order made by statutory instrument—

(*a*) determine on a date specified in the order the Authority's obligation to transmit the programmes supplied by the programme contractor, or

(*b*) suspend that obligation for such period as may be so specified, or during a period beginning with a date so specified and continuing so long as the order remains in force, and

(*c*) whether or not the order provides for the determination or suspension of the said obligation, direct that, while the order remains in force, the Authority shall not enter into any further contract with the programme contractor for the supply of programmes.

An order under this subsection may be revoked by a subsequent order thereunder.

(3) Before making any order under the last foregoing subsection the Postmaster General shall lay a draft thereof before each House of Parliament, and shall not make the order until a resolution has been passed by each House of Parliament approving the draft:

Provided that this subsection shall not apply to an order the sole purpose of which is to rescind, postpone commencement of, or terminate a period of suspension or cancel a direction.

(4) The determination or suspension in accordance with this section of the Authority's obligation to transmit the programmes supplied by the programme contractor, whether effected by a notice or by an order, shall not affect the programme contractor's obligation as to the supply of programmes up to the date when the determination or suspension takes effect; and where such a determination or suspension takes effect, the programme contractor shall not be entitled to any compensation from the Authority or to any refund of any sum previously paid by the programme contractor or to any relief from any liability which has accrued at the date when the determination or suspension takes effect for any sums payable by the programme contractor to the Authority.

(5) For the purposes of this section there are newspaper shareholdings in a body corporate if shares in that body corporate are held by any individual or body corporate being either—

(*a*) the proprietor of any newspaper, whether national or local, or

(*b*) a person who has control over any body corporate which is a proprietor of such a newspaper.

Interpretation of references to activity as advertising agent.

9. For the purposes of this Act and the principal 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 newspaper are also to appear in one or more other newspapers, and

(*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 or the principal Act to an advertising agency shall be construed accordingly.

Provision of news.

10.—(1) In section 3 (1) of the principal Act, for the words "(*c*) that any news given in the programmes (in whatever form) is presented with due accuracy and impartiality" there shall be substituted the words

"(*c*) that a sufficient amount of time in the programmes is given to news and news features and that all news given in the programmes (in whatever form) is presented with due accuracy and impartiality".

(2) The contracts between the Authority and the various programme contractors shall contain all such provisions as the Authority think necessary or expedient to ensure—

(*a*) that there is at all times at least one body or organisation effectively equipped and adequately financed to provide news for broadcasting in the programmes supplied to the Authority by the respective programme contractors, and that in so far as any such body or organisation supplies to programme contractors other programmes which it can suitably provide, it is effectively equipped and adequately financed for the purpose, and

(*b*) that each of the programme contractors is afforded opportunities of obtaining a financial interest in that body or organisation or, if there is more than one such body or organisation, in such of them as the Authority may in his case direct, and

(*c*) that the appointment of the manager, editor or other chief executive of any such body or organisation is approved by the Authority.

Contracts for programmes.

11.—(1) The Authority shall not enter into any contract with a programme contractor for the provision of programmes for a period of more than six years, but that shall not preclude the

Authority from entering into successive contracts with the same programme contractor.

(2) Without prejudice to the duty of the Authority under section 5 (2) of the principal Act to secure adequate competition, the Authority shall, by advertisement in newspapers and by such other means as appear to them appropriate, give public notice of their intention to negotiate contracts in replacement of their contracts with programme contractors which are due to expire on 29th July 1964, and of their intention to entertain applications from existing programme contractors and others.

(3) Every contract concluded between the Authority and a programme contractor shall, where the programme contractor is a body corporate, contain all such provisions as the Authority think necessary or expedient to ensure that if any change affecting the nature or characteristics of the body corporate, or any change in the persons having control over or interests in the body corporate, takes place after the conclusion of the contract, which, if it had occurred before the conclusion of the contract, would have induced the Authority to refrain from entering into the contract, the Authority may by notice in writing to the programme contractor, taking effect forthwith or on a date specified in the notice, determine the contract.

(4) Every contract concluded between the Authority and a programme contractor shall contain all such provisions as the Authority for the purposes of the discharge of their functions think necessary or expedient to ensure that the programme contractor—

(*a*) if so required, will provide the Authority in advance with scripts and particulars of the programmes or any part thereof (including advertisements) and of full details of the technical arrangements for obtaining visual images and sounds which are to form the programmes or any part thereof,

(*b*) if so required, will make visual and sound records of the programmes or any part thereof (including advertisements) and produce them to the Authority for examination or reproduction,

(*c*) will provide the Authority with such declarations, returns, documents and other information as the Authority may require,

(*d*) in particular, if so required, will provide the Authority with information as to the costs incurred by the programme contractor in providing the programmes or any part thereof (including advertisements) and his receipts from advertisers,

(*e*) if so required, will give reasonable facilities to the Authority for inspecting the books, accounts, records

and other documents kept by the programme contractor for the purposes of any business carried on by him, and for taking copies of, or of any part of, any such documents.

(5) For the purpose of maintaining supervision and control over the programmes (including advertisements) broadcast by them the Authority may make visual and sound records of those programmes or any part thereof; and the making and use by the Authority of any such record exclusively for that purpose—

(*a*) shall not constitute an infringement of the copyright in any work, sound recording or cinematograph film; and

(*b*) shall not constitute an offence under any of the provisions of the Performers' Protection Acts 1958 and 1963.

(6) Section 6 (1) of the principal Act (which requires the inclusion in the Authority's contracts of provisions for securing compliance with that Act) shall apply as if the reference to that Act included a reference to this Act.

Breach of contract.

12.—(1) Every contract between the Authority and a programme contractor shall be such as to secure that no notice can be given in pursuance of a right reserved in accordance with section 6 (3) of the principal Act (which requires the inclusion in the contract of provision for determination or suspension of the contract after a breach by the programme contractor) unless the programme contractor has broken the contract on at least three occasions and, in respect of each of those breaches of contract, has received from the Authority written particulars of the breach within one month from the time when the breach came to the notice of the Authority.

(2) Without prejudice to the power of the parties to agree upon any wider form of arbitration provision, every such contract shall be such as to secure that any dispute—

(*a*) whether an alleged breach of which the programme contractor has received written particulars is a breach of the contract for the purposes of the provisions included in the contract in pursuance of the foregoing subsection, or

(*b*) whether the written particulars were received from the Authority within one month from the time that the breach came to the notice of the Authority,

shall be determined by arbitration.

(3) Section 6 (2) of the principal Act (which requires the inclusion in contracts of pecuniary penalties), together with the proviso to section 6 (3) of that Act (which restricts the rights to be reserved under that subsection to cases where pecuniary penalties have been incurred), shall cease to have effect.

Second television service provided by Authority.

13. If at any time the Authority are broadcasting more than one programme for reception in any one area, the Authority shall in carrying out their duties under this Act ensure that, so far as possible, the same kind of subject-matter is not broadcast at the same time in the different programmes.

Programme prizes.

14.—(1) Without prejudice to the provision as to prizes and gifts in section 3 (3) of the principal Act, a programme broadcast by the Authority—

(*a*) shall not include anything which offers any prize of significant value (whether competed for or not) or any gift of significant value unless—

(i) the value of the prize or gift does not exceed an amount previously approved by the Authority for that prize or gift in relation to that programme, and

(ii) the aggregate value of all such prizes and gifts offered in the programme does not exceed an amount previously approved by the Authority for that programme ; and

(*b*) shall not include anything which offers any prize or gift of significant value in connection with a game, competition or test of any kind unless the rules governing the conduct of the game, competition or test have been previously approved by the Authority.

(2) The foregoing subsection—

(*a*) shall not apply to so much of any programme as consists of advertisements, and

(*b*) shall not be taken to apply to a programme by reason only that in it there is broadcast a sporting or other event or competition not organised for the purposes of the programme.

Audience research.

15.—(1) The functions of the Authority shall include the making of arrangements for bringing the programmes (including advertisements) broadcast by the Authority and the other activities of the Authority under constant and effective review, and in particular for ascertaining the state of public opinion concerning the programmes (including advertisements) broadcast by the Authority and for encouraging the making of useful comments and suggestions by members of the public.

(2) The arrangements shall include provision for full consideration by the Authority of the facts, comments and suggestions so obtained.

Programmes relating to controversial matters.

16.—(1) In applying section 3 (1) (*f*) of the principal Act (which requires due impartiality in providing programmes relating to matters of political or industrial controversy or to current public policy) a series of programmes may be considered as a whole.

(2) In section 3 (1) of the principal Act, paragraph (*g*) and the proviso (which, with certain exceptions, require matter designed to serve the interests of any political party to be excluded from the programmes broadcast by the Authority) shall cease to have effect.

Postmaster General's control of technical processes.

17.—(1) The Postmaster General may at any time, after consultation with the Authority, by notice in writing require the Authority—

(*a*) to adopt or use, or refrain from adopting or using, technical measures or processes specified in the notice,

(*b*) to instal, establish, maintain or use any such additional station, stations or apparatus as may be so specified, situate in such places and complying with such requirements as may be so specified,

(*c*) to broadcast such test or experimental transmissions from such station or stations, and at such times and for such periods, as may be so specified,

and it shall be the duty of the Authority to comply with the notice.

(2) A copy of any notice served on the Authority under this section shall be laid by the Postmaster General before each House of Parliament.

Co-operation of Authority with British Broadcasting Corporation in use of broadcasting installations.

18.—(1) The Postmaster General may at any time by notice in writing—

(*a*) require the Authority to radiate such of their broadcast transmissions as may be specified in the notice from a mast, tower or other installation belonging to the British Broadcasting Corporation (hereafter in this section referred to as " the Corporation "); or

(*b*) require the Authority to permit such of the Corporation's broadcast transmissions as may be so specified to be radiated from a mast, tower or other installation belonging to the Authority; or

(*c*) require the Authority to co-operate with the Corporation in providing and using an installation and to radiate such of the Authority's broadcast transmissions as may be so specified from that installation,

and it shall be the duty of the Authority to comply with any such notice.

(2) Before giving a notice under this section to the Authority the Postmaster General shall consult the Authority and the Corporation.

(3) If, after a notice is given under this section to the Authority, a dispute between the Authority and the Corporation arising out of the matters to which the notice relates is referred to the Postmaster General by either body, or it appears to the Postmaster General that there is such a dispute, he may give such directions to the Authority as he may think expedient for determining the dispute, and it shall be the duty of the Authority to comply with any such directions.

Broadcasts exploiting techniques for influencing audiences unconsciously.

19. It shall be the duty of the Authority to satisfy themselves that the programmes broadcast by the Authority do not include, whether in an advertisement or otherwise, any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware, or fully aware, of what has been done.

Withdrawal of power to make grants to Authority.

20. Section 11 of the principal Act (under which the Postmaster General may make grants to the Authority) shall cease to have effect.

Approvals by Authority.

21. The Authority may,—

(*a*) for the purposes of any provision in this Act or in the principal Act which makes anything subject to the approval of the Authority, or

(*b*) for the purposes of provisions included in the contracts between the Authority and the various programme contractors in pursuance of section 4 (2) of this Act,

give an approval in general terms applying to all cases within the terms in which the approval is given.

Variation and revocation of directions and notices.

22.—(1) Any direction or notice given by the Postmaster General or by the Authority under any provision in this Act or in the principal Act may be varied or revoked by a subsequent direction or notice under that provision.

(2) This section shall apply as respects the variation or revocation of directions and notices given before or after the passing of this Act.

Amendments and repeals.
9 & 10 Eliz. 2, c. 15.

23.—(1) The principal Act shall have effect subject to the amendments set out in Schedule 2 to this Act.

(2) In section 3 (2) of the Post Office Act 1961 (which provides for payment into the Post Office Fund of sums provided by

Parliament for paying the Postmaster General for discharging his functions under the principal Act) the reference to the principal Act shall include a reference to this Act.

(3) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Commencement of Act.

24.—(1) Save as otherwise expressly provided, nothing in sections 1 to 15 or Schedule 1 of this Act shall apply in relation to the television broadcasting services provided by the Authority before the expiration of the period of ten years beginning with the passing of the principal Act (that is to say before 30th July 1964), or in relation to contracts wholly relating to programmes to be broadcast before the expiration of that period.

(2) No order shall be made under section 8 (2) of this Act before the expiration of the said period.

(3) Subject to the foregoing provisions of this section, and subject to any other express provision in this Act, this Act shall come into force at the expiration of the period of one month beginning with the date on which this Act is passed.

Short title, citation, interpretation and extent.

25.—(1) This Act may be cited as the Television Act 1963, and the principal Act and this Act may be cited together as the Television Acts 1954 and 1963.

(2) In this Act the expression "programme contractor" has the meaning assigned to it by section 2 (2) of the principal Act, and the expression "control" has the meaning assigned to it by section 19 of the principal Act.

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

(4) Section 20 (3) of the principal Act (under which the provisions of the principal Act may be extended to the Isle of Man and the Channel Islands) shall apply as if references in that subsection to the principal Act included references to this Act.

Section 5.

SCHEDULES

SCHEDULE 1

RULES AS TO ADVERTISEMENTS

1.—(1) The advertisements must be clearly distinguishable as such and recognisably separate from the rest of the programme.

(2) Successive advertisements must be recognisably separate.

(3) Advertisements must not be arranged or presented in such a way that any separate advertisement appears to be part of a continuous feature.

(4) Audible matter in advertisements must not be excessively noisy or strident.

2. The standards and practice to be observed in carrying out the requirements of the foregoing paragraph shall be such as the Authority may determine either generally or in particular cases.

3. The amount of time given to advertising in the programmes shall not be so great as to detract from the value of the programmes as a medium of information, education and entertainment.

4. Advertisements shall not be inserted otherwise than at the beginning or the end of the programme or in natural breaks therein.

5.—(1) Rules (to be agreed upon from time to time between the Authority and the Postmaster General, or settled by the Postmaster General in default of such agreement) shall be observed as to the classes of broadcasts (which shall in particular include the broadcast of any religious service) in which advertisements may not be inserted, and the interval which must elapse between any such broadcast and any previous or subsequent period given over to advertisements.

(2) The Postmaster General may, after consultation with the Authority, impose rules as to the minimum interval which must elapse between any two periods given over to advertisements, and the rules may make different provision for different circumstances.

6. In the acceptance of advertisements there must be no unreasonable discrimination either against or in favour of any particular advertiser.

7.—(1) The charges made by any programme contractor for advertisements shall be in accordance with tariffs fixed by him from time to time, being tariffs drawn up in such detail and published in such form and manner as the Authority may determine.

(2) Any such tariffs may make provision for different circumstances, and, in particular, may provide, in such detail as the Authority may determine, for the making, in special circumstances, of additional special charges.

8. No advertisement shall be permitted which is inserted by or on behalf of any body the objects whereof are wholly or mainly of a religious or political nature, and no advertisement shall be permitted which is directed towards any religious or political end or has any relation to any industrial dispute.

9. If, in the case of any of the television broadcasting stations used by the Authority, there appears to the Authority to be a sufficient local demand to justify that course, provision shall be made for a reasonable allocation of time for local advertisements, of which a suitable proportion shall be short local advertisements. SCH. 1

SCHEDULE 2

Section 23.

AMENDMENTS OF PRINCIPAL ACT

Removal of upper limit on membership of Authority

1. In section 1 (2) the words "nor more than eight" shall cease to have effect.

Appointment of Chairman and Deputy Chairman

2. It is hereby declared that the appointments of members of the Authority to be made by the Postmaster General under section 1 (3) include the appointment of the Chairman and Deputy Chairman of the Authority as such and that, in determining under section 1 (8) the remuneration and allowances to be paid to the members of the Authority, different provision may be made as regards the Chairman, the Deputy Chairman and the other members.

Provision of programmes outside programme contracts

3. The Authority may under section 2 (2) (*b*) (which relates to the provision of programmes outside programme contracts) arrange for the provision of programmes by persons who are programme contractors, as well as by other persons, and accordingly in that paragraph the words "otherwise than as aforesaid" shall cease to have effect.

Provision of experimental educational services outside programme contracts

4.—(1) In section 2 (2), at the end of paragraph (*b*) there shall be inserted the words "and

(*c*) with the consent of the Postmaster General, arrange for the provision, otherwise than by programme contractors, of educational broadcasting services of an experimental nature to be broadcast in addition to educational programmes provided for the purpose of the public service referred to in section 2 (1) (*a*) of the Television Act 1963 by programme contractors."

(2) So much of section 4 (6) as prohibits the inclusion in programmes (other than advertisements) broadcast by the Authority of anything which could reasonably be supposed to have been included therein in return for payment or other valuable consideration to the Authority shall not apply to any programme so broadcast in an educational service provided under section 2 (2) (*c*).

Extent of Authority's statutory duty as to exclusion of offensive matter

5. In section 3 (1) (*a*) the words "or which contains any offensive representation of or reference to a living person" shall cease to have effect.

SCH. 2

Programmes in languages other than English

6.—(1) in section 3 (1) (*e*), at the end there shall be added the words "and, where another language as well as English is in common use among those so served, a suitable proportion of matter in that language".

(2) Nothing in this paragraph shall apply in relation to the television broadcasting services provided by the Authority before 30th July 1964.

Expression of opinion in Authority's publications

7. Section 3 (2) shall not apply to the Authority's publications, and accordingly in that subsection the words "to secure the exclusion from any publications which they may issue and" shall be omitted, and before the words "from the programmes" there shall be inserted the words "to secure the exclusion".

Authority's duty in relation to advertisements

8. In section 4 (3) (duty of Authority in relation to the advertisements included in the programmes broadcast by the Authority, whether provided by programme contractors or by the Authority), the words "whether provided by programme contractors or by the Authority" shall cease to have effect.

Directions as to advertising

9. In section 4 (5), for the words "the classes and descriptions of goods or services which must not be advertised" there shall be substituted the words "the classes and descriptions of advertisements which must not be broadcast".

Types of announcements permitted in programmes

10. In the proviso to section 4 (6), after paragraph (*d*) there shall be added the following paragraph—

"(*dd*) items inserted at the request, or under the authority, of a Minister of the Crown (including a Minister of Northern Ireland)".

Broadcasting facilities in respect of sporting and other events

11. In section 7 (1) (under which regulations may be made with a view to preventing the making of exclusive arrangements for the broadcast to a restricted audience of sporting or other events of national interest) the words "to a restricted audience" shall cease to have effect.

Advisory committees

12.—(1) It is hereby declared that under section 8 (1) the Authority have power to appoint a general advisory council.

(2) Without prejudice to the generality of section 8 (1), the Authority shall in particular appoint, or arrange for the assistance of, a committee consisting of persons who have, or are representative of authorities or organisations who have, special interest and experience in education, to give advice to the Authority, and in

particular, advice on the policy for, and planning of, broadcasts intended for reception by schools and other educational establishments. SCH. 2

(3) The Authority shall arrange for the committee under this paragraph to be in a position to discharge their functions not later than the end of July 1964 and, at the end of that month, section 8 (2) (*c*) (which requires the Authority to appoint or arrange for the assistance of a committee to advise on children's programmes) shall cease to have effect.

(4) As from 30th July 1964 the Authority shall cease to be under a duty to comply or secure compliance with the recommendations of the committees mentioned in section 8 (2); and on that date so much of that subsection as relates to that duty shall cease to have effect.

Announcement of prohibition of broadcasts

13. If under section 9 (2) the Postmaster General by notice in writing requires the Authority to refrain from broadcasting anything, the Authority may, if they think fit, broadcast an announcement of the notice or of the revocation or expiration of the notice; and the powers of the Postmaster General under section 9 (2) shall have effect subject to this paragraph.

Directions as to hours of broadcasting

14.—(1) A direction under section 9 (3) (under which the Postmaster General may control the maximum and minimum time given to broadcasts) may relate to the maximum or minimum number, or to both the maximum and minimum number, of hours of broadcasting in any week or other period.

(2) A direction under section 9 (3) may be framed in any way, and in particular—

(*a*) may be confined to broadcasts from those television broadcasting stations which transmit, or usually transmit, the same programme, or may be different for different television broadcasting stations, or for different programmes broadcast from the same station;

(*b*) may make special provision for annual holidays and other special occasions;

(*c*) may be confined to a specified day in the week, or may be different for different days in the week;

(*d*) in imposing a maximum number of hours for any purpose, may allow for programmes or items of specified kinds being left out of account in determining the maximum, whether in all circumstances or depending on the fulfilment of specified conditions as regards programmes or items so specified.

(3) The Postmaster General may, whether or not a direction under section 9 (3) provides for exemptions, exempt the Authority from any requirement of such a direction on any occasion or in any circumstances.

SCH. 2

(4) Nothing in this paragraph or in section 9 (3) shall be taken as authorising the Postmaster General to give directions which make different provision for the parts of programmes consisting of advertisements and the other parts of programmes.

Training of persons employed by Authority

15. In section 16 (1) (*b*), after the word "health" there shall be added the word "training".

Quorum of the Authority

16.—(1) In paragraph 3 of Schedule 1, for the word "three", in both places where it occurs, there shall be substituted the word "four".

(2) Nothing in this paragraph shall affect the validity of anything done by the Authority before the coming into force of this paragraph.

Capacity of Authority as a statutory corporation

17. Paragraph 4 of Schedule 1 (capacity of Authority to do such things and enter into such transactions as are incidental or conducive to the exercise and performance of their powers and duties under the principal Act) shall have effect as if the reference to that Act included a reference to this Act.

SCHEDULE 3

Section 23.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 55.	The Television Act 1954.	As from one month from the passing of this Act— In section 1(1), the words " and for the period of ten years from the passing of this Act ", and in section 1(2), the words " nor more than eight ". In section 2(2)(*b*), the words " otherwise than as aforesaid ". In section 3(1), in paragraph (*a*), the words " or which contains any offensive representation of or reference to a living person " and the whole of paragraph (*g*) and the proviso, and in section 3(2), the words " to secure the exclusion from any publications which they may issue and ". In section 4(3), the words " whether provided by programme contractors or by the Authority ". In section 7(1), the words " to a restricted audience ". Section 9(4)(5). Sections 11 and 12. In section 15, the words " The Society of Incorporated Accountants ". As from 30th July 1964— Section 3(1)(*b*). Section 5(5). In section 6(1) the words " (including provisions for the purposes set out in the Third Schedule to this Act) " and the proviso, section 6(2), and in section 6(3) the proviso. In section 8(2), the words " and programme contractors " in paragraph (*b*), and the words from " and to prepare " in that paragraph to the end of the section. Schedules 2 and 3.
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	Section 1(4)(*b*).