

Television Act 1964

1964 CHAPTER 21

An Act to consolidate the Television Acts 1954 and 1963.
[25th March 1964]

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:—

The Independent Television Authority

Constitution and functions of Authority.

1.—(1) There shall be an authority, to be called the Independent Television Authority (in this Act referred to as " the Authority ") which shall consist of a Chairman, a Deputy Chairman and such other members, not being less than five, as the Postmaster General may from time to time determine:

Provided that unless and until the Postmaster General otherwise determines by notice in writing to the Authority, a copy of which shall be laid before each House of Parliament, the number of the said other members shall be eight.

(2) The provisions of Schedule 1 to this Act (which relate to the appointment and remuneration of members of the Authority and to the procedure of and other similar matters concerning the Authority) shall have effect with respect to the Authority.

(3) The function of the Authority shall be to provide, in accordance with the provisions of this Act, and until 31st July 1976, television broadcasting services, additional to those of the British Broadcasting Corporation and of high quality, both as to the transmission and as to the matter transmitted, for so much of the United Kingdom, the Isle of Man and the Channel Islands as may from time to time be reasonably practicable.

(4) 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.

(5) Without prejudice to the powers conferred on the Authority by this Act, the programmes broadcast by the Authority shall, so far as may be consistently with the observance of the requirements of this Act, be provided not by the Authority but by persons (hereafter in this Act referred to as "programme contractors") who, under contracts with the Authority, have, in consideration of payments to the Authority and subject to the provisions of this Act, the right and the duty to provide programmes or parts of programmes to be broadcast by the Authority, which may include advertisements.

(6) It is hereby declared that the Authority are not to 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.

Powers of Authority.

2.—(1) The Authority shall, subject to the provisions of this Act, have power to do all such things as are in their opinion necessary for or conducive to the proper discharge of their function as described in section 1(3) of this Act, and, in particular and without prejudice to the generality of the foregoing provision, they shall for the purpose of discharging that function have power—

(*a*) to establish, install and use stations for wireless telegraphy;

(*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;

(*c*) by arrangements made for the purpose with the Postmaster General and persons carrying on broadcast relay stations, to provide for the distribution from broadcast relay stations of programmes broadcast by the Authority.

(2) Notwithstanding section 1(5) of this Act the Authority may—

(*a*) arrange for the provision of parts of programmes otherwise than by programme contractors for the purpose of securing the inclusion in the programmes broadcast by the Authority of items of particular classes which in their opinion are necessary for securing a proper balance in the subject-matter of the programmes and cannot, or cannot as suitably, be provided by programme contractors;

(*b*) apart from the provision of such items, arrange for the provision (by programme contractors or otherwise) of, or (if need be) themselves provide, programmes or parts of programmes so far as may be necessary by reason of any temporary lack of suitable persons able and willing to become or continue as programme contractors on suitable terms and to perform their obligations as such, or by reason of any interval between the expiration or termination of one contract with a programme contractor and the commencement of another contract with that or another programme contractor; 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 1(4)(*a*) of this Act by programme contractors,

and may, for the purpose of so providing programmes or parts of programmes or putting themselves into a position to do so if necessity arises, make such arrangements for obtaining the necessary material, enter into such contracts, employ such persons, acquire such property and do such things as may appear to them to be necessary or expedient.

(3) Without prejudice to the generality of the preceding provisions of this section, the powers of the Authority shall extend to the carrying on of such businesses and the doing of such things as arise out of the other activities of the Authority or are necessary or expedient for the purpose of turning to account any property or rights of the Authority.

(4) Notwithstanding anything in this section the Authority shall not carry on business as sellers of, or, except with the approval of the Postmaster General, themselves engage in the manufacture or sale of, apparatus for wireless telegraphy or any other telegraphic equipment.

(5) Notwithstanding anything in this section, the Authority shall not have power to provide broadcasting services other than television services or (except as provided by this section) to acquire any exclusive or other rights in respect of the broadcasting of any matters in sound only:

Provided that nothing in this subsection shall be construed as precluding the inclusion in any programme broadcast by the Authority of matter transmitted in sound only—

(*a*) by way of relays of any of the British Broadcasting Corporation's party political broadcasts which is so transmitted;

(*b*) in compliance with a notice given to the Authority under section 18(1) of this Act; or

(*c*) by way of news items, announcements or other items incidental or ancillary to the television services provided by the Authority,

or the acquisition by the Authority of rights in respect of any matter to be so transmitted.

(6) 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 or section 5 of the Telegraph Act 1869, anything for the doing of which such a licence is requisite under those Acts respectively, and those Acts shall have effect in relation to the Authority accordingly.

Provisions applying to all programmes

General provisions with respect to content of programmes.

3.—(1) It shall be the duty of the Authority to satisfy themselves that, so far as possible, the programmes broadcast by the Authority comply with the following requirements, that is to say—

(*a*) that nothing is included in the programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;

(*b*) 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;

(*c*) that proper proportions of the recorded and other matter included in the programmes are of British origin and of British performance;

(*d*) that the programmes broadcast from any station or stations contain a suitable proportion of matter calculated to appeal specially to the tastes and outlook

of persons served by the station or stations and, where another language as well as English is in common use among those so served, a suitable proportion of matter in that language; and

(*e*) that due impartiality is preserved on the part of the persons providing the programmes as respects matters of political or industrial controversy or relating to current public policy.

In applying paragraph (*e*) of this subsection, a series of programmes may be considered as a whole.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the duty of the Authority to secure the exclusion from the programmes broadcast by them of all expressions of their own opinion as to any of the matters referred to in paragraph (*e*) of that subsection, or of the opinion as to any such matters—

(*a*) of any of their members or officers, or

(*b*) of any programme contractor, or

(*c*) in the case of a programme contractor being a firm, of any partner therein, or

(*d*) in the case of a programme contractor being a body corporate, of any director or officer thereof or person having control thereof.

(3) 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.

(4) Nothing shall be included in any programme broadcast by the Authority, whether in an advertisement or not, which offers any prize of significant value, whether competed for or not, or any gift of significant value, being a prize or gift which is available only to persons receiving that programme, or in relation to which any advantage is given to such persons.

(5) Except with the previous approval of the Authority, there shall not be included in any programme broadcast by the Authority—

(*a*) any religious service or any propaganda relating to matters of a religious nature;

(*b*) any item, whether an advertisement or not, which gives or is designed to give publicity to the needs or objects of any association or organisation conducted for charitable or benevolent purposes.

(6) 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.

Provisions applying to programmes other than advertisements

Code for programmes other than advertisements.

4.—(1) 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.

(2) 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 of programme schedules for Authority's approval.

5.—(1) In the case of programmes other than advertisements, the methods by which the Authority discharge their duties under section 1(4) and section 4 of this Act 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.

Programme prizes.

6.—(1) Without prejudice to the provision as to prizes and gifts in section 3(4) of this Act, a programme (other than an advertisement) 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) Subsection (1) of this section 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.

Advertisements

Advertisements.

7.—(1) The programmes broadcast by the Authority may, so long as the provisions of this Act are complied with in relation thereto, include advertisements inserted therein in consideration

of payments to the relevant programme contractor or, in the case of an advertisement included in a programme or part of a programme provided under section 2(2)(*b*) of this Act, to the Authority.

(2) Orders for the insertion of the said advertisements may be received either through advertising or other agents or direct from the advertiser, but neither the Authority nor any programme contractor shall act as an advertising agent.

(3) It shall be the duty of the Authority to secure that the provisions of Schedule 2 to this Act are complied with in relation to the advertisements included in the programmes broadcast by the Authority.

(4) After consultation with the Authority the Postmaster General may make regulations by statutory instrument amending, repealing, or adding to the provisions of the said Schedule.

(5) Without prejudice to any of the duties incumbent on the Authority otherwise than under this subsection in relation to advertisements, it shall be the duty of the Authority to consult from time to time with the Postmaster General as to the classes and descriptions of advertisements which must not be broadcast and the methods of advertising which must not be employed, and to carry out any directions which he may give them in those respects.

(6) Subject to subsections (7) and (8) of this section, nothing shall be included in any programmes broadcast by the Authority, whether in an advertisement or not, which states, suggests or implies, or could reasonably be taken to state, suggest or imply, that any part of any programme broadcast by the Authority which is not an advertisement has been supplied or suggested by any advertiser; and, except as an advertisement, nothing shall be included in any programme broadcast by the Authority which could reasonably be supposed to have been included therein in return for payment or other valuable consideration to the relevant programme contractor or the Authority.

(7) Nothing in subsection (6) of this section shall be construed as prohibiting the inclusion, in any part of a programme broadcast by the Authority which is not an advertisement, of any of the following matters, that is to say—

(*a*) items designed to give publicity to the needs or objects of any association or organisation conducted for charitable or benevolent purposes;

(*b*) reviews of literary, artistic or other publications or productions, including current entertainments;

(*c*) items consisting of factual portrayals of doings, happenings, places or things, being items which in the opinion of the Authority are proper for inclusion by reason of their intrinsic interest or instructiveness and do not comprise an undue element of advertisement;

(*d*) announcements of the place of any performance included in the programme, or of the name and description of the persons concerned as performers or otherwise in any such performance, announcements of the number and description of any record so included, and acknowledgments of any permission granted in respect of any such performance, persons or record;

(*e*) items inserted at the request, or under the authority, of a Minister of the Crown (including a Minister of Northern Ireland);

(*f*) such other matters (if any) as may be prescribed by regulations made by the Postmaster General by statutory instrument after consultation with the Authority,

or as prohibiting the inclusion of an advertisement in any programme broadcast by the Authority by reason only of the fact that it is related in subject-matter to any part of that programme which is not an advertisement.

(8) So much of subsection (6) of this section 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*) of this Act.

(9) Before making any regulations under this section the Postmaster General shall lay a draft thereof before each House of Parliament, and shall not make the regulations until a resolution has been passed by each House of Parliament approving the draft.

Code for advertisements.

8.—(1) 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.

(2) 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.

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

(4) Directions under this section may be, to any degree, either general or specific, and qualified or unqualified, and directions under subsection (3) 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.

Advisory committees

Advisory committees.

9.—(1) The Authority may appoint, or arrange for the assistance of, advisory committees to give advice to the Authority and programme contractors on such matters as the Authority may determine; and a general advisory council may be appointed under this subsection.

(2) Without prejudice to the generality of the preceding subsection, the Authority shall in particular appoint, or arrange for the assistance of—

(*a*) a committee representative of the main streams of religious thought in the United Kingdom, the Isle of

Man and the Channel Islands, to give advice to the Authority as to the exercise of their functions in relation to any such items as are mentioned in section 3(5)(*a*) of this Act, and on any other matters of a religious nature included in the programmes broadcast by the Authority, or in any publications issued by the Authority;

(*b*) a committee so constituted as to be representative of both—

(i) organisations, authorities and persons concerned with standards of conduct in the advertising of goods and services (including in particular the advertising of goods or services for medical or surgical purposes), and

(ii) the public as consumers,

to give advice to the Authority with a view to the exclusion of misleading advertisements from the programmes broadcast by the Authority, and otherwise as to the principles to be followed in connection with the advertisements included in such programmes or in any publications issued by the Authority; and

(*c*) 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.

(3) The functions of the committee referred to in paragraph (*b*) of subsection (2) of this section shall include the duty of keeping the code referred to in section 8 of this Act under review and submitting to the Authority recommendations as to any alterations which appear to them to be desirable.

(4) Before appointing a person to be the chairman of the committee referred to in the said paragraph (*b*), 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 referred to in section 8 of this Act and in the course of any review of that 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.

Contracts for programmes

Duties of Authority in relation to contracts for programmes.

10.—(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) It shall be the duty of the Authority to do all that they can to secure—

(*a*) that persons who are disqualified persons as defined in subsection (3) of this section do not become or continue as programme contractors, either alone or in partnership with other persons;

(*b*) that there is adequate competition to supply programmes between a number of programme contractors independent of each other both as to finance and as to control; and

(*c*) that no programme contractor acquires any exclusive or other rights in respect of the broadcasting of any

matter in sound only from stations in the United Kingdom, the Isle of Man or the Channel Islands, other than matter which is to be so broadcast in a programme or part of a programme provided by him under this Act.

(3) In subsection (2)(*a*) of this section "disqualified person" means a person who—

(*a*) being an individual, is not ordinarily resident in the United Kingdom, the Isle of Man or the Channel Islands, or being a body corporate, is incorporated under the laws of any country outside the United Kingdom, the Isle of Man and the Channel Islands; or

(*b*) being an individual or a body corporate, carries on business as an advertising agent (whether alone or in partnership), or has control over any body corporate which carries on business as an advertising agent, or is a director or officer of any such body corporate, or is employed by any person who carries on business as an advertising agent; or

(*c*) being a body corporate, is under the control of any such person as is mentioned in paragraph (*a*) or (*b*) of this subsection, or of any two or more such persons together, or has among its directors, officers or servants any person who is a disqualified person otherwise than by virtue of paragraph (*a*) of this subsection.

(4) No contract and no interest in a contract between a programme contractor and the Authority shall be assignable either in whole or in part without the previous consent in writing of the Authority.

Provisions to be included in contracts for programmes.

11.—(1) The contracts between the Authority and the various programme contractors shall contain all such provisions as the Authority think necessary or expedient to be inserted for complying and securing compliance with the provisions of this Act and any restrictions or requirements imposed thereunder in relation to the programmes provided by the programme contractors.

(2) Without prejudice to the preceding subsection, every contract between the Authority and a programme contractor—

(*a*) shall, subject to the following paragraph, contain a provision reserving to the Authority an absolute right, if, in view of any breaches by the programme contractor of his obligations under his contract with the Authority, the Authority, after giving the programme contractor a reasonable opportunity of making representations with respect to the matter, think it necessary to do so, to serve on the programme contractor a

notice in writing, taking effect forthwith or on a date stated in the notice, to determine or suspend for such period as may be specified in the notice, or until a further notice is given, the Authority's obligation to transmit the programmes supplied by the programme contractor (without prejudice, however, to the programme contractor's obligations as to the supply of programmes up to the date when the notice takes effect); and

(*b*) shall be such as to secure that no notice can be given in pursuance of a right reserved in accordance with the preceding paragraph 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;

and where a notice is given in pursuance of a right reserved in accordance with this subsection, the programme contractor shall not be entitled to any compensation from the Authority, or to any refund of any sum previously paid by him, or to any relief from any liability which has accrued at the date when the notice takes effect for any sums payable by him to the Authority.

(3) 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 paragraph (*b*) of subsection (2) of this section; or

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

shall be determined by arbitration.

(4) 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.

(5) 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.

(6) 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.

(7) The provisions of this section relating to breaches of contract on the part of programme contractors shall be without prejudice—

(*a*) to the right of the Authority to accept as a repudiation by a programme contractor any breach of contract by the programme contractor going to the root of the contract; and

(*b*) to any other remedies of the Authority for the enforcement of their rights in respect of contracts with programme contractors,

and shall not, except as expressly provided therein, affect the jurisdiction of any court in respect of such contracts.

Newspaper shareholdings in programme contractors.

12.—(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 subsection (2) of this section 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.

Rental payments by programme contractors.

13.—(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 21(1) of this Act; and

(*b*) additional payments (hereafter in this and the next following 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 section 14(3) of this Act.

(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 subsections (4) and (5) of this section.

(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 subsection (4) of this section 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 exerciseable 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) In this and the next following 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 and the next following 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.

(8) For the purposes of this and the next following 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 preceding 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 and the next following section as separate accounting periods.

Provisions supplemental to s. 13.

14.—(1) 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 and the last preceding section are paid promptly and in full.

(2) 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.

(3) 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 (2) 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.

(4) 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 (3) 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.

(5) 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.

Buying and selling of programmes by programme contractors.

15.—(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.

Wages and conditions of employment of persons employed by programme contractors.

16.—(1) The wages paid by any programme contractor to persons employed by him in connection with his business as such and the conditions of employment of persons so employed shall, unless agreed upon by the programme contractor or any organisations representative of programme contractors and by organisations representative of the persons employed, be no less favourable to the person employed than the wages which would be payable, and the conditions which would have to be observed, under a contract which complies with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments; and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed, in accordance with this section, it shall, if not otherwise disposed of, be referred by the Minister of Labour to the industrial court for settlement.

(2) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then, as from the date of the award or from such other date, not being earlier than the date on which the dispute to which the award relates first arose, as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid, or the conditions of employment to be observed, under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

(3) In relation to employment in Northern Ireland, the references in this section to the House of Commons, Government departments, the Minister of Labour and the industrial court shall be construed as references to the House of Commons of Northern Ireland, departments of the Government of Northern Ireland, the Minister of Labour and National Insurance for Northern Ireland and the industrial court in Northern Ireland.

Powers of Government in relation to Authority

Government control over Authority as to hours of broadcasting.

17.—(1) The Postmaster General may from time to time by notice in writing give directions to the Authority—

(*a*) as to the maximum or minimum time, or both the maximum and the minimum time, which is to be given in any day, week or other period to broadcasts from any of the television broadcasting stations used by them; and

(*b*) as to the hours of the day in which such broadcasts are or are not to be given,

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

(2) A direction under this section 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 this section provides for exemptions, exempt the Authority from any requirement of such a direction on any occasion or in any circumstances.

(4) Nothing in the preceding provisions of this section 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.

(5) The powers conferred by this section are in addition to any powers specifically conferred on the Postmaster General by any other provisions of this Act.

Government control over Authority as to certain other matters.

18.—(1) The Postmaster General and any other Minister of the Crown may, if it appears to him to be necessary or expedient to do so in connection with his functions as such, at any time by notice in writing require the Authority to broadcast, at such times as may be specified in the notice and from such of the stations used by them as may be so specified, any announcement so specified, with or without visual images of any picture, scene or object mentioned in the announcement, and it shall be the duty of the Authority to comply with the notice.

(2) Where the Authority broadcast any announcement in pursuance of a notice under the preceding subsection they may, if they think fit, announce that they are doing so in pursuance of such a notice.

(3) Subject to subsection (4) of this section, the Postmaster General may at any time by notice in writing require the Authority to refrain from broadcasting any matter or classes of matter specified in the notice, and it shall be the duty of the Authority to comply with the notice.

(4) If under subsection (3) of this section 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.

(5) 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 install, 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.

(6) A copy of any notice served on the Authority under subsection (5) of this section shall be laid by the Postmaster General before each House of Parliament.

(7) The powers conferred by this section are in addition to any powers specifically conferred on the Postmaster General by any other provisions of this Act.

(8) In relation to any television broadcasting station in Northern Ireland, the reference in subsection (1) of this section to a Minister of the Crown shall be deemed to include a reference to any Minister of Northern Ireland.

Prevention of exclusive arrangements for televising events of national interest.

19.—(1) With a view to preventing the making of exclusive arrangements for the broadcasting of sporting or other events of national interest, the Postmaster General may make regulations as to the grant to the Authority and programme contractors and to the British Broadcasting Corporation respectively of television broadcasting facilities in respect of such events.

(2) Regulations made under this section shall not apply to the broadcasting of a record of any event specified therein unless the visual images are transmitted within seven days after the happenings represented by those images respectively.

(3) The power to make regulations under this section shall be exercisable by statutory instrument, and before making any such regulations the Postmaster General shall lay a draft thereof before each House of Parliament, and shall not make the regulations until a resolution has been passed by each House of Parliament approving the draft.

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

20.—(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.

Financial and other duties of Authority

Finances of Authority.

21.—(1) It shall be the duty of the Authority so to conduct their affairs as to secure that their revenues become at the earliest possible date, and thereafter continue, at least sufficient—

(*a*) to meet all sums properly chargeable to revenue account (including sums required for the repayment of loans and interest thereon, for provision for depreciation and for the establishment and maintenance of their reserve fund); and

(*b*) to make provision towards, and as soon as practicable for, necessary capital expenditure.

(2) The Authority shall establish and maintain a reserve fund; and the management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof shall be as the Authority may determine:

Provided that—

(*a*) no part of the said fund shall be applied otherwise than for the purposes of the Authority;

(*b*) the Postmaster General may, with the approval of the Treasury, give to the Authority such directions as he thinks fit as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, and the Authority shall comply with the directions.

(3) Any excess of the revenues of the Authority for any financial year over the total sums properly chargeable by the Authority to revenue account for that year, including in such sums (without prejudice to the generality of that expression) sums credited under subsection (2) of this section to the reserve fund of the Authority, shall be applied by the Authority in such manner as the Postmaster General, with the approval of the Treasury and after consultation with the Chairman (or in his absence the Deputy Chairman) of the Authority, may direct.

(4) Any direction given under subsection (3) of this section may require the whole or any part of any such excess as aforesaid to be paid into the Exchequer.

Accounts, audit and reports.

22.—(1) The Authority 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 Postmaster General with the approval of the Treasury may direct, being a form which shall conform with the best commercial standards.

(2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Postmaster General, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(*a*) of the Companies Act 1948 by the Board of Trade.

(3) As soon as may be after the end of every financial year, the Authority shall prepare a general report of their proceedings during that year, and transmit it to the Postmaster General who shall consider it and lay copies of it before each House of Parliament.

(4) The said report shall have attached to it the statement of accounts for the year and a copy of any report made by the auditor on that statement and shall also include such information relating to the plans, and past and present activities, of the Authority, and the financial position of the Authority, as the Postmaster General may from time to time direct.

(5) The Authority shall at all reasonable times upon demand made by the Postmaster General or by any person authorised by him in that behalf—

(*a*) afford to him or them full liberty to examine the accounts of the Authority; and

(*b*) furnish him or them with all forecasts, estimates, information and documents which he or they may require with respect to the financial transactions and engagements of the Authority.

Machinery for settling terms and conditions of employment of Authority's staff, etc.

23.—(1) Except so far as the Authority are satisfied that adequate machinery exists for achieving the purposes of this section, it shall be the duty of the Authority to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

(*a*) the settlement by negotiation of terms and conditions of employment of persons employed by the Authority, with provision for reference to arbitration, in default of such settlement, of such cases as may be determined by or under the agreements; and

(*b*) the promotion and encouragement of measures affecting the safety, health, training and welfare of persons employed by the Authority, and the discussion of other matters of mutual interest to the Authority and such persons.

(2) The Authority shall send to the Postmaster General and the Minister of Labour copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.

(3) In relation to any agreement affecting employment in Northern Ireland, the reference in subsection (2) of this section

to the Minister of Labour shall be construed as including a reference to the Minister of Labour and National Insurance for Northern Ireland.

Miscellaneous and general

Audience research.

24. 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; and the arrangements shall include provision for full consideration by the Authority of the facts, comments and suggestions so obtained.

Second television service provided by Authority.

25. 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.

Approvals by Authority.

26. The Authority may—

(*a*) for the purposes of any provision in this 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 15(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.

27.—(1) Any direction or notice given by the Postmaster General or by the Authority under any provision in this 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 commencement of this Act (including any given before the passing of the Television Act 1963).

Interpretation.

28.—(1) In this Act, unless the context otherwise requires—

" broadcast relay station " means a station for the re-transmission by cable or wire, to the customers of the persons maintaining the station, of broadcast programmes which those persons receive either by cable

or wire or by wireless from the persons who broadcast the programmes;

"control", in relation to a body corporate, means the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person;

"financial year" means the twelve months ending with 31st March;

"programme contractor" has the meaning assigned to it by section 1(5) of this Act;

"wireless telegraphy", "station for wireless telegraphy" and "apparatus for wireless telegraphy" have the same meanings as in the Wireless Telegraphy Act 1949.

(2) For the purposes of this 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 to an advertising agency shall be construed accordingly.

Repeals, consequential amendment and savings.

29.—(1) The Television Acts 1954 and 1963 are hereby repealed.

(2) In section 3(2) of the Post Office Act 1961 (which, as extended by the Television Act 1963, provides for payment into

the Post Office Fund of sums provided by Parliament for paying the Postmaster General for discharging his functions under the Television Act 1954 or the Television Act 1963) for the reference to the Television Act 1954 there shall be substituted a reference to this Act:

Provided that, in relation to sums so provided for paying the Postmaster General for discharging his said functions before the commencement of this Act, the said section 3(2) shall have effect as if the preceding provisions of this section had not been enacted.

(3) Any Order in Council, order, regulation, notice, code, programme schedule or other instrument or document whatsoever made, given, drawn up or issued, any contract entered into, and any other thing done, under or in pursuance of any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made, given, drawn up, issued, entered into or done, as the case may be, under or in pursuance of the corresponding provision of this Act; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.

(4) So much of any document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.

(5) Nothing in this section shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

Short title, extent and commencement.

30.—(1) This Act may be cited as the Television Act 1964.

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

(3) 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; and any Order in Council under this subsection may be revoked or varied by a subsequent Order in Council.

(4) This Act shall come into operation on 31st July 1964.

SCHEDULES

SCHEDULE 1

Section 1

PROVISIONS AS TO THE INDEPENDENT TELEVISION AUTHORITY

Appointment and removal of members

1.—(1) All the members of the Authority (including the Chairman and Deputy Chairman who shall be appointed as such) shall be appointed by the Postmaster General from among persons appearing to him to be qualified for the office, and of the members of the Authority other than the Chairman and Deputy Chairman three shall be persons who appear to the Postmaster General to be suited to make the interests of Scotland, the interests of Wales and Monmouthshire and the interests of Northern Ireland, respectively, their special care.

(2) A person shall be disqualified for being appointed, or being, a member of the Authority so long as he is a Governor of the British Broadcasting Corporation.

(3) Before appointing a person to be a member of the Authority, the Postmaster General shall satisfy himself that that person will have no such financial or other interest (and, in particular, no such financial or other interest in any advertising agency or in any business concerned with the manufacture or sale of apparatus for wireless telegraphy or other telegraphic equipment or in any business consisting or intended to consist in whole or in part in entering into or carrying out contracts with the Authority for the provision of programmes or parts of programmes) as is likely to affect prejudicially the discharge by him of his functions as member of the Authority; and the Postmaster General shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest.

(4) Any person who is, or whom the Postmaster General proposes to appoint to be, a member of the Authority shall, whenever requested by the Postmaster General to do so, furnish to him such information as the Postmaster General considers necessary for the performance by the Postmaster General of his duties under sub-paragraph (3) above.

(5) Subject to sub-paragraphs (6) and (7) of this paragraph, every member of the Authority shall hold office for such period, not exceeding five years, as may be fixed at the time of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment.

(6) The Postmaster General may at any time direct by notice in writing, a copy of which shall be laid before each House of Parliament, that any member of the Authority shall cease to hold office, and any member of the Authority may at any time by notice in writing to the Postmaster General resign his office.

(7) If any member of the Authority dies or ceases to hold office before the expiration of the term for which he was appointed, the term of office of his successor shall be so fixed as to expire at the

SCH. 1 end of the first-mentioned term, but the Postmaster General may, if he thinks fit to do so, defer the making of an appointment until the expiration of the said first-mentioned term.

Remuneration of members

2.—(1) The Authority shall pay to each of their members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Postmaster General may, with the approval of the Treasury, determine in the case of those members respectively; and in determining the remuneration and allowances to be paid under this sub-paragraph, different provision may be made as regards the Chairman, the Deputy Chairman and the other members.

(2) If any member of the Authority, other than the Chairman thereof, is employed about the affairs of the Authority otherwise than as a member thereof, the Authority shall pay to that member such remuneration, if any (in addition to any remuneration to which he may be entitled in respect of his office as a member) as the Postmaster General may, with the approval of the Treasury, determine.

(3) If any determination by the Postmaster General under this paragraph of the remuneration and allowances that are to be paid to the members of the Authority involves any departure from the terms of the original statement of the remuneration and allowances of the members of the Authority laid by him before Parliament under section 1(10) of the Television Act 1954, the Postmaster General shall, as soon as possible after determination, lay a statement thereof before each House of Parliament.

Incorporation and capacity of Authority

3.—(1) The Authority shall be a body corporate with perpetual succession and a common seal.

(2) The Authority may act notwithstanding a vacancy among their members.

(3) It shall be within the capacity of the Authority as a statutory corporation 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 this Act, including the borrowing of money.

Quorum of Authority

4.—(1) The quorum of the Authority shall be four or such number not being less than four as the Authority may from time to time determine.

(2) Nothing in this paragraph shall affect the validity of anything done by the Authority before 31st August 1963 (the date on which the quorum of the Authority was raised from three to four by the Television Act 1963).

SCH. 1

Duty of members to disclose interest in contracts

5.—(1) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the Authority, and the member—

(*a*) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract; and

(*b*) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

Power of Authority to regulate own procedure

6. Subject to the preceding provisions of this Schedule, the Authority may regulate their own procedure.

Officers and employees of Authority

7.—(1) The Authority may appoint a secretary and such other officers, and take into their employment such other persons, as they may determine.

(2) The Authority shall, as regards any officers or persons employed in whose case it may be determined by the Authority with the approval of the Postmaster General so to do, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

(3) If any officer of or other person employed by the Authority, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Authority, he may be treated for the purposes of the pension scheme as if his service as a member of the Authority were service as an officer of or person employed by the Authority.

Authentication of Authority's seal

8. The application of the seal of the Authority shall be authenticated by the signatures—

(*a*) of the Chairman or Deputy Chairman of the Authority or some other member of the Authority authorised by the Authority to authenticate the application of the Authority's seal, and

(*b*) of the secretary of the Authority or some other officer of the Authority authorised by the Authority to act in that behalf.

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Presumption of authenticity of documents issued by Authority

9. Any document purporting to be an instrument issued by the Authority and to be sealed as aforesaid or to be signed on behalf of the Authority shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Section 7

SCHEDULE 2

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 preceding 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.

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(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.