

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1986, PART II. (See end of Document for details)*

## [<sup>F1</sup>SCHEDULE 22

### BROADCASTING: ADDITIONAL PAYMENTS BY PROGRAMME CONTRACTORS

#### Textual Amendments

- F1** Sch. 22 repealed (*prosp.* as mentioned in S.I. 1990/2347, art. 3(3)) by Broadcasting Act 1990 (c.42, SIF 96), ss. 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, **Sch. 21**

## PART II

### TRANSITIONAL PROVISIONS

- 9 (1) In this paragraph—
- “new statutory provisions” means the provisions of the <sup>M1</sup>Broadcasting Act 1981 as amended by this Act; and
- “existing statutory provisions” means the provisions of that Act as they had effect immediately before the passing of this Act.
- (2) Any contract between the Authority and a programme contractor which is in force immediately before the passing of this Act shall, until it is varied or superseded by a further contract between them or expires or is otherwise terminated (whichever first occurs) be deemed to be modified by virtue of this Schedule so as—
- (a) to substitute provisions in conformity with the new statutory provisions for so much of the contract as is in accordance with the existing statutory provisions and is not in conformity with the new statutory provisions, and
- (b) to incorporate in the contract such additional provisions as a contract between the Authority and a programme contractor is required to include in accordance with the new statutory provisions;
- and (subject to paragraph 4 of Schedule 4 to the Act of 1981) any provisions of the contract which provide for arbitration as to any matters contained in the contract in accordance with the existing statutory provisions shall be construed as making the like provision for arbitration in relation to matters deemed to be included in the contract by virtue of this sub-paragraph.
- (3) Where it appears to the Authority that the new statutory provisions call for the inclusion of additional terms in any such contract, but do not afford sufficient particulars of what those terms should be, the Authority may, after consulting the programme contractor, decide what those terms are to be.
- (4) This paragraph shall not be taken to have effect in relation to any contract entered into by a programme contractor and any person other than the Authority before the passing of this Act.

#### Marginal Citations

- M1** 1981 c. 68.

- 10 (1) This paragraph applies in relation to any accounting period of a programme contractor which begins before 1st April 1986 and ends after 31st March 1986 (“the accounting period”).

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- (2) The additional payments payable by the programme contractor under section 32 of the Act of 1981 in relation to his profits for the accounting period shall be the aggregate of the following amounts—
- (a) the amount payable by him on the assumption—
- (i) that section 111 of this Act was not in force at any time during the accounting period; and
  - (ii) that his profits for the accounting period were reduced by multiplying them

$$\text{by } \frac{X}{X+Y}; \text{ and}$$

- (b) the amount payable by him on the assumption that that section was in force throughout the accounting period and that both his first category profits for that period and his second category profits for that period were reduced by multiplying them

$$\text{by } \frac{Y}{X+Y};$$

where (taking any odd four days or more as a week)

X is the number of weeks in the accounting period falling before 1st April 1986;  
 and

Y is the number of weeks in the accounting period falling after 31st March 1986.

- (3) For the purposes of the application of paragraph 2C of Schedule 4 to the Act of 1981 in relation to losses incurred by the programme contractor during the accounting period, those losses shall be reduced by multiplying them

$$\text{by } \frac{Y}{X+Y};$$

where X and Y have the same meaning as in sub-paragraph (2) above.]

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