



Broadcasting Act 1990

1990 CHAPTER 42

PART X

MISCELLANEOUS AND GENERAL

Gaelic television programmes

183 Financing of programmes in Gaelic out of Gaelic Television Fund.

- (1) The Secretary of State—
 - (a) may, for the financial year beginning with 1st April 1991, and
 - (b) shall, for each subsequent financial year,
pay to [^{F1}OFCOM] such amount as he may, with the approval of the Treasury, determine to be appropriate for the purposes of this section.
- (2) Any amount received by [^{F1}OFCOM] under subsection (1) shall be carried by them to the credit of a fund established [^{F2}by the Independent Television Commission under this section and] known as the [^{F3}Gaelic Broadcasting Fund] (and any such amount shall accordingly not be regarded as forming part of the revenues of [^{F1}OFCOM]).
- (3) The Fund shall be under the management of a body established for the purposes of this section ^{F4}...

^{F5}(3A)

^{F6}(3B) The functions of the Service shall be to secure that a wide and diverse range of high quality programmes in Gaelic are broadcast or otherwise transmitted so as to be available to persons in Scotland.

- (4A) In carrying out their functions, the Service may finance, or engage in, any of the following—
 - (a) the making of programmes in Gaelic with a view to those programmes being broadcast or otherwise transmitted so as to be available to persons in Scotland;

Status: Point in time view as at 29/12/2003.

Changes to legislation: Broadcasting Act 1990, Cross Heading: Gaelic television programmes is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the provision of training for persons employed, or to be employed, in connection with the making of programmes in Gaelic to be so broadcast or otherwise transmitted;
 - (c) research into the types of programmes in Gaelic that members of the Gaelic-speaking community would like to be broadcast or otherwise transmitted.
- (4B) But the Service are not to be entitled, for the purpose of carrying out their functions, to provide—
- (a) a Channel 3 service;
 - (b) Channel 4;
 - (c) Channel 5;
 - (d) a national sound broadcasting service;
 - (e) a national digital sound programme service; or
 - (f) a television multiplex service or a radio multiplex service.]
- (5) When making any grant out of the Fund in pursuance of subsection (4) the Committee may impose such conditions as they think fit, including conditions requiring the grant to be repaid in specified circumstances.
- ^{F7}(6)
- ^{F7}(7)
- (8) Any sums required by the Secretary of State under subsection (1) shall be paid out of money provided by Parliament.
- ^{F8}(9) In this section, section 183A and Schedule 19—
- “Channel 3 service”, “Channel 4” and “Channel 5” each has the same meaning as in Part 1;
 - “national digital sound programme service” has the same meaning as in Part 2 of the Broadcasting Act 1996;
 - “national sound broadcasting service” means a sound broadcasting service within the meaning of Part 3 which, under subsection (4)(a) of section 245 of the Communications Act 2003, is a national service for the purposes of that section;
 - “Gaelic” means the Gaelic language as spoken in Scotland;
 - “programme” includes any item included in a programme service;
 - “radio multiplex service” has the same meaning as in Part 2 of the Broadcasting Act 1996;
 - “the Service” means the body established under subsection (3) and known as Seirbheis nam Meadhanan Gàidhlig (the Gaelic Media Service);
 - “television multiplex service” has the meaning given by section 241(1) of the Communications Act 2003 to a multiplex service within the meaning of Part 1 of the Broadcasting Act 1996;
- and a reference to being available to persons in Scotland includes a reference to being available both to persons in Scotland and to others.]

Textual Amendments

- F1** Words in s. 183 substituted (with effect in accordance with Sch. 15 para. 62(4)(a) of the amending Act) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 62\(2\)](#) (with [Sch. 15 para. 62\(4\)\(b\)](#), [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in s. 183(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 62\(3\)](#) (with [Sch. 15 para. 62\(4\)\(b\)](#), [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Status: Point in time view as at 29/12/2003.

Changes to legislation: Broadcasting Act 1990, Cross Heading: Gaelic television programmes is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F3** Words in s. 183(2) substituted (1.4.1997) by 1996 c. 55, s. 95(2); S.I. 1997/1005, art. 4
- F4** Words in s. 183(3) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** S. 183(3A) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F6** S. 183(3B)-(4B) substituted for s. 183(4) (29.12.2003) by Communications Act 2003 (c. 21), ss. 208(3), 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F7** S. 183(6)(7) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F8** S. 183(9) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 208(4), 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Modifications etc. (not altering text)

- C1** S. 183: transfer of functions to the Scottish Ministers (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1; S.I. 1998/3178
- C2** S. 183: transfer of functions (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 1 para. 7 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

[^{F9}183A Membership of the Gaelic Media Service

- (1) The Service shall consist of not more than twelve members.
- (2) The members of the Service are to be appointed by OFCOM
- (3) OFCOM must appoint one of the members to be the chairman of the Service.
- (4) The approval of the Secretary of State is required for the appointment of a person as a member of the Service, and for the appointment of a member as their chairman.
- (5) The members of the Service must include—
 - (a) a member nominated by the BBC;
 - (b) a member nominated by Highlands and Islands Enterprise; and
 - (c) a member nominated by Bòrd Gàidhlig na h-Alba (the Gaelic Development Agency).
- (6) When appointing members of the Service, OFCOM must have regard to—
 - (a) the desirability of having members of the Service who are proficient in written and spoken Gaelic; and
 - (b) any guidance issued by the Secretary of State for the purposes of this section.
- (7) OFCOM must secure, so far as practicable, that the membership of the Service is such that the interests of each of the following are adequately represented—
 - (a) the holders of licences to provide regional Channel 3 services for areas wholly in Scotland;
 - (b) the holders of licences to provide regional Channel 3 services in respect of which determinations under section 184(4)(b) are for the time being in force;
 - (c) the independent television and radio production industries in Scotland;
 - (d) other persons and bodies concerned with the promotion and use of the Gaelic language, including those concerned with education in Gaelic and in Gaelic culture.
- (8) Schedule 19 to this Act shall have effect with respect to the Service.

Status: Point in time view as at 29/12/2003.

Changes to legislation: Broadcasting Act 1990, Cross Heading: Gaelic television programmes is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(9) In this section—

“Bòrd Gàidhlig na h-Alba” means the body of that name formed under section 5 of the National Heritage (Scotland) Act 1985;

“regional Channel 3 service” has the same meaning as in Part 1.

(10) The Secretary of State may by order amend the reference in subsection (5) to Bòrd Gàidhlig na h-Alba (the Gaelic Development Agency)—

- (a) by substituting a reference to another body formed under section 5 of the National Heritage (Scotland) Act 1985 with functions relating to the promotion of Gaelic; or
- (b) for the purpose of giving effect to a change to the name of the body referred to in that subsection.

(11) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F9** S. 183A inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 209**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

184 Broadcasting of programmes in Gaelic on Channel 3 in Scotland.

(1) Section 16 shall have effect in relation to any service to which this section applies as if the following requirements were included among those specified in [F10 subsection (1) (a)] of that section, namely—

- (a) that a suitable proportion of the programmes included in the service are programmes in Gaelic other than funded Gaelic productions;
- (b) that the service includes funded Gaelic productions of which—
 - (i) a suitable proportion are of high quality, and
 - (ii) a suitable proportion are shown at peak viewing times; and
- (c) that (taking the programmes included in the service in accordance with paragraphs (a) and (b) above as a whole) the service includes a wide range of programmes in Gaelic.

(2) In subsection (1) above “funded Gaelic productions” means programmes in Gaelic the making of which has been wholly or partly financed out of grants made in pursuance of section 183(4) to the person providing the service.

(3) [F11 The regulatory regime for a service to which this section applies includes the conditions that OFCOM consider appropriate for] securing that the requirements specified in paragraphs (a) to (c) of subsection (1) above are complied with in relation to the service.

[F12(3A) Section 263 of the Communications Act 2003 (regulatory regime) applies in relation to conditions included by virtue of subsection (3) in the regulatory regime for a licensed service as it applies in relation to conditions which are so included by virtue of a provision of Chapter 4 of Part 3 of that Act.]

(4) This section applies—

Status: Point in time view as at 29/12/2003.

Changes to legislation: Broadcasting Act 1990, Cross Heading: Gaelic television programmes is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) to any regional Channel 3 service that is to be provided for an area the whole of which is in Scotland; and
 - (b) if ^{F13}[OFCOM] determine that it shall so apply, to any regional Channel 3 service that is to be provided for an area the greater part of which is in Scotland.
- (5) In this section “licence” and “regional Channel 3 service” have the same meaning as in Part I of this Act; and subsection (9) of section 183 applies for the purposes of this section.

Textual Amendments

- F10** Words in s. 184(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 63\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F11** Words in s. 184(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 63\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F12** S. 184(3A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 63\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F13** Words in s. 184(4)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 63\(5\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

Modifications etc. (not altering text)

- C3** S. 184: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 1 para. 7](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

Status:

Point in time view as at 29/12/2003.

Changes to legislation:

Broadcasting Act 1990, Cross Heading: Gaelic television programmes is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.