



# Broadcasting Act 1981

## 1981 CHAPTER 68

### PART I

#### THE INDEPENDENT BROADCASTING AUTHORITY

##### *Powers of Government in relation to Authority*

#### **28 Government control over Authority as to hours of broadcasting**

- (1) The Secretary of State 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 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 broadcasting stations which transmit, or usually transmit, the same programme, or may be different for different broadcasting stations, or for different programme 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).

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*Status: This is the original version (as it was originally enacted).*

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- (3) The Secretary of State 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 Secretary of State to give directions which make different provisions 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 Secretary of State by any other provisions of this Act.

## **29 Government control over Authority as to certain other matters**

- (1) The Secretary of State or 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 and from such of the stations used by them as may be specified in the notice, any announcement specified in the notice, 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 subsection (1) they may, if they think fit, announce that they are doing so in pursuance of such a notice.
- (3) Subject to subsection (4), the Secretary of State 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 the Secretary of State by notice in writing requires the Authority under subsection (3) 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 Secretary of State 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, situated 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) shall be laid by the Secretary of State before each House of Parliament.
- (7) The powers conferred by this section are in addition to any powers specifically conferred on the Secretary of State by any other provisions of this Act.
- (8) In relation to any broadcasting station in Northern Ireland, the reference in subsection (1) to a Minister of the Crown includes a reference to the head of any Northern Ireland department.

### **30 Prevention of exclusive arrangements for broadcasting events of national interest**

- (1) With a view to preventing the making of exclusive arrangements for the broadcasting of sporting or other events of national interest, the Secretary of State may make regulations as to the grant to the Authority and programme contractors, to the BBC and to the Welsh Fourth Channel Authority respectively of 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 in the regulations where the transmission is made more than seven days after that event.
- (3) Any regulations under this section shall be made by statutory instrument; but no such regulations shall be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

### **31 Co-operation of Authority with BBC in the use of broadcasting installations**

- (1) The Secretary of State 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 BBC; or
  - (b) require the Authority to permit such of the BBC'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 BBC 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 Secretary of State shall consult the Authority and the BBC.
- (3) If, after a notice is given under this section to the Authority, a dispute between the Authority and the BBC arising out of the matters to which the notice relates is referred to the Secretary of State by either body, or it appears to the Secretary of State 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.