



# Broadcasting Act 1981

## 1981 CHAPTER 68

### PART I

#### THE INDEPENDENT BROADCASTING AUTHORITY

##### *Programmes other than advertisements*

#### **5 Code for programmes other than advertisements.**

- (1) The Authority shall draw up, and from time to time review, a code giving guidance—
- (a) as to the rules to be observed in regard to the showing of violence, and in regard to the inclusion in local sound broadcasts of sounds suggestive of violence, particularly when large numbers of children and young persons may be expected to be watching or listening to the programmes, and
  - (b) 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 paragraph (b), the Authority shall have special regard to programmes broadcast when large numbers of children and young persons may be expected to be watching or listening.

- (2) The Authority shall secure that the provisions of the code under this section are observed in relation to all programmes (other than advertisements) broadcast by them.
- (3) The Authority may, in the discharge of their general responsibility for programmes other than advertisements, impose requirements as to standards and practice for such programmes which go beyond, or relate to matters not covered by, the provisions of the code under this section.
- (4) The methods of control exercisable by the Authority for the purpose of securing that the provisions of the code under this section are observed, and for the purpose of securing compliance with requirements imposed under subsection (3) which go beyond, or relate to matters not covered by, the code, shall include a power to give

*Status: Point in time view as at 01/02/1991.*

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directions to a programme contractor (or any other person providing programmes other than advertisements) imposing prohibitions or restrictions as respects items of a specified class or description or as respects a particular item.

**Modifications etc. (not altering text)**

- C1** Ss. 2(2)(a)(b), 3(1)(a)(b)(3)(4)(7), 4, 5, 8, 9, 14(1), 15, 16(1), 42, 61, 62 extended (*prosp.*) by Cable and Broadcasting Act 1984 (c. 46, SIF 96), ss. 44(1), 51(1), 59(4), **Sch. 4**
- C2** S. 5 modified by Broadcasting Act 1990 (c. 42, SIF 96), s. 129, Sch. 11 Pt. II paras. 1(3)(b)(4), 5, Pt. IV para. 1(3)(b)(4)

**6 Submission of programme schedules for Authority's approval.**

- (1) In the case of programmes other than advertisements, the methods by which the Authority discharge their duties under sections 2(2) and 5 in relation to television broadcasts shall, and in relation to local sound broadcasts (to such extent as the Authority consider appropriate) may, include consideration of programme schedules submitted by programme contractors to the Authority for approval in accordance with this section.
- (2) Subject to subsection (6), no programme (other than an advertisement) provided by a programme contractor—
- (a) if it is a television programme, or
  - (b) if it is a local sound broadcast which the Authority have required to be made in accordance with a programme schedule so approved,
- shall be broadcast by the Authority unless it forms part of a programme schedule approved by them in accordance with this section.
- (3) A programme schedule—
- (a) shall be drawn up in consultation with the Authority, and
  - (b) shall be for a period determined by them;
- 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.
- (4) 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.
- (5) 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

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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.

(6) 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.

(7) 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.

## **7 Programme prizes.**

(1) Without prejudice to the provision as to prizes and gifts contained in section 4(4), 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) 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.

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