



Broadcasting Act 1981

1981 CHAPTER 68

PART III

THE BROADCASTING COMPLAINTS COMMISSION

53 The Broadcasting Complaints Commission

- (1) The commission named the Broadcasting Complaints Commission shall continue in existence as a body corporate.
- (2) The Commission shall consist of not less than three members appointed by the Secretary of State.
- (3) A person shall be disqualified for being appointed, or being, a member of the Commission so long as he is—
 - (a) a governor, officer or employee of the BBC or a member, officer or employee of the IBA ; or
 - (b) a person not within paragraph (a) who appears to the Secretary of State to be concerned with, or to have an interest in, the preparation or provision of programmes for broadcasting by the BBC or the IBA (including, in the case of the IBA, programmes consisting of advertisements).
- (4) The Secretary of State shall appoint one member of the Commission to be chairman, and may appoint another to be deputy chairman.
- (5) Schedule 7 shall have effect with respect to the Commission.

54 Function of Commission

- (1) Subject to the provisions of this Part, the function of the Commission shall be to consider and adjudicate upon complaints of—
 - (a) unjust or unfair treatment in sound or television programmes actually broadcast by a broadcasting body on or after 1st June 1981 ; or
 - (b) unwarranted infringement of privacy in, or in connection with the obtaining of material included in, sound or television programmes actually so broadcast.

Status: This is the original version (as it was originally enacted).

- (2) The Commission shall not entertain complaints not falling within subsection (1).
- (3) In this Part—
- "broadcasting body" means the BBC or the IBA ;
 - "complaint" means a complaint to the Commission of any such unjust or unfair treatment or unwarranted infringement of privacy as is mentioned in subsection (1);
 - "participant" means—
 - (a) in the case of a sound programme, a person whose voice was heard in the programme ;
 - (b) in the case of a television programme, a person who appeared, or whose voice was heard, in the programme;
 - "the person affected"—
 - (a) in relation to any such unjust or unfair treatment as is mentioned in subsection (1), means a participant in the programme in question who was the subject of that treatment or a person who, whether such a participant or not, had a direct interest in the subject-matter of that treatment;
 - (b) in relation to any such unwarranted infringement of privacy as is so mentioned, means a person whose privacy was infringed ;
 - "the relevant programme", in relation to a complaint, means the programme in which the alleged unjust or unfair treatment occurred or in which, or in connection with the obtaining of material included in which, the alleged unwarranted infringement of privacy occurred;
 - "unjust or unfair treatment" includes treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged;

and references in this Part to television programmes and programme contractors include references to teletext transmissions and teletext contractors respectively.

55 Making and entertaining of complaints

- (1) Complaints must be made in writing.
- (2) A complaint may be made by an individual or by a body of persons, whether incorporated or not, but, subject to subsection (3), shall not be entertained by the Commission unless made by the person affected or by a person authorised by him to make the complaint for him.
- (3) Where the person affected is an individual who has died or is for any other reason both unable to make a complaint himself and unable to authorise another person to do so for him, a complaint may be made by the personal representative of the person affected, or by a member of his family, or by some other person or body closely connected with him (whether as his employer, or as a body of which he is or was at his death a member, or in any other way).
- (4) The Commission shall not entertain, or proceed with the consideration of, a complaint if it appears to them—
- (a) that the complaint relates to the broadcasting of the relevant programme on an occasion more than five years after the death of the person affected ; or

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

- (b) that the unjust or unfair treatment or unwarranted infringement of privacy complained of is the subject of proceedings in a court of law in the United Kingdom ; or
 - (c) that the unjust or unfair treatment or unwarranted infringement of privacy complained of is a matter in respect of which the person affected has a remedy by way of proceedings in a court of law in the United Kingdom, and that in the particular circumstances it is not appropriate for the Commission to consider a complaint about it; or
 - (d) that the complaint is frivolous ;
- or if it appears to them for any other reason inappropriate for them to entertain, or proceed with the consideration of, the complaint.
- (5) The Commission may refuse to entertain a complaint if it appears to them not to have been made within a reasonable time after the last occasion on which the relevant programme was broadcast by a broadcasting body.
 - (6) Where, in the case of a complaint, the relevant programme was broadcast within five years after the death of the person affected, subsection (5) shall apply as if at the end there were added " within five years after the death of the person affected "
 - (7) The Commission may refuse to entertain—
 - (a) a complaint of unjust or unfair treatment if the person named as the person affected was not himself the subject of the treatment complained of and it appears to the Commission that he did not have a sufficiently direct interest in the subject-matter thereof to justify the making of a complaint with him as the person affected; or
 - (b) a complaint made under subsection (3) by a person other than the person affected or a person authorised by him, if it appears to the Commission that the complainant's connection with the person affected is not sufficiently close to justify the making of the complaint by him.

56 Consideration of complaints

- (1) Subject to the provisions of section 55, every complaint made to the Commission shall be considered by them either at a hearing or, if they think fit, without a hearing.
- (2) Hearings under this section shall be held in private; and where such a hearing is held in respect of a complaint, each of the following persons shall be given an opportunity to attend and be heard, namely—
 - (a) the complainant;
 - (b) the broadcasting body by whom the relevant programme was broadcast; and
 - (c) any person not within paragraph (a) or (b) who appears to the Commission to have been responsible for the making or provision of that programme.
- (3) Before they proceed to consider a complaint the Commission shall send a copy of it to the broadcasting body by whom the relevant programme was broadcast.
- (4) Where a broadcasting body receive from the Commission a copy of a complaint, it shall be the duty of that body, if so required by the Commission—
 - (a) to make suitable arrangements for enabling the complainant and any member or officer of the Commission to view or hear the relevant programme, or any specified part of it, if and so far as that body have in their possession a visual or sound record of it;

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

- (b) to provide the Commission and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as that body are able to do so;
 - (c) to provide the Commission and the complainant with copies of any documents in the possession of that body being the originals or copies of any correspondence between that body and the person affected or the complainant in connection with the complaint;
 - (d) to furnish to the Commission and the complainant a written statement in answer to the complaint.
- (5) Where the Commission propose to consider a complaint, it shall be the duty of the broadcasting body by whom the relevant programme was broadcast, if so required by the Commission, to arrange for one or more of the governors, members or officers of that body to attend and assist the Commission in their consideration of the complaint.
- (6) Where, in connection with a complaint received by them, the Commission have made to any person (other than the broadcasting body by whom the relevant programme was broadcast) who appears to them to have been responsible for the making or provision of the relevant programme a request to which this subsection applies, it shall be the duty of that broadcasting body to take such steps as they reasonably can to ensure that title request is complied with.
- (7) Subsection (6) applies to the following requests by the Commission to any such person as is there mentioned, namely—
- (a) a request to make suitable arrangements for enabling the complainant and any member or officer of the Commission to view or hear the relevant programme, or any specified part of it, if and so far as the person requested has in his possession a visual or sound record of it;
 - (b) a request to provide the Commission and the complainant with a transcript of so much of the relevant programme, or of any specified part of it, as consisted of speech, if and so far as the person requested is able to do so;
 - (c) a request to provide the Commission and the complainant with copies of any documents in the possession of the person requested being the originals or copies of any correspondence between that person and the person affected or the complainant in connection with the complaint;
 - (d) a request to furnish to the Commission and the complainant a written statement in answer to the complaint ;
 - (e) a request to attend or, where the person requested is not an individual, to arrange for a representative to attend and assist the Commission in their consideration of the complaint.
- (8) The Commission may, if they think fit, make to any person who attends them in connection with a complaint such payments as they think fit by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him so to attend.

57 Publication of Commission's findings

- (1) Where the Commission have considered and adjudicated upon a complaint, they may give to the broadcasting body by whom the relevant programme was broadcast directions requiring them to publish, in any manner specified in the directions, and within such period as may be so specified—

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

- (a) a summary of the complaint approved for the purpose by the Commission ;
and
 - (b) the Commission's findings on the complaint or a summary thereof so
approved.
- (2) A broadcasting body shall comply with any directions given to them under subsection (1).
- (3) The Commission shall publish, at such intervals and in such manner as they think fit, reports each containing, as regards every complaint within this subsection dealt with by them in the period covered by the report, a summary of the complaint and of the action taken by them on it and, where they have adjudicated upon it, a summary of their findings.
- (4) A complaint made to the Commission is within subsection (3) unless it is one which they are precluded from entertaining by section 54(2) or 55(2).
- (5) The Commission may, if they think fit, omit from any summary included in a report under subsection (3) any information which could lead to the disclosure of the identity of any person connected with the complaint in question other than a broadcasting body or programme contractor.

58 Duty to publicise Commission

It shall be the duty of each broadcasting body to publish (by means of broadcasts or otherwise) regular announcements publicising the Commission and their function of considering and adjudicating upon complaints.

59 Annual reports of Commission

- (1) As soon as may be after the end of every financial year, the Commission shall prepare a report of their proceedings during that year, and transmit it to the Secretary of State who shall consider it, lay copies of it before each House of Parliament, and cause it to be published.
- (2) The said report shall have attached to it the statement of accounts prepared under paragraph 8 of Schedule 7 for the year and a copy of any report made by the auditor on that statement.
- (3) The Commission shall send a copy of the said report to each broadcasting body and every programme contractor.

60 Power to modify Part III in relation to programmes broadcast on the Fourth Channel in Wales

- (1) The Secretary of State may by regulations provide for all or any of the provisions of this Part to apply, with such exceptions, additions or other modifications as may be specified in the regulations, in relation to complaints in cases where the relevant programme was broadcast by the IBA on the Fourth Channel in Wales (and was therefore provided by the Welsh Authority and not by the IBA).
- (2) In this section—
- (a) the reference to this Part does not include section 53, this section or Schedule 7 but includes sections 21(7) and 40; and

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

- (b) " the Fourth Channel in Wales " has the meaning given by section 47(2).
- (3) Regulations under this section may make different provision for different circumstances.
- (4) Any regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.