

Status: Point in time view as at 06/01/1992.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1981, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

THE INDEPENDENT BROADCASTING AUTHORITY: SUPPLEMENTARY PROVISIONS

Appointment of members

- 1 (1) All the members of the Authority (including the Chairman and Deputy Chairman who shall be appointed as such) shall be appointed by the Secretary of State from among persons appearing to him to be qualified for the office.
- (2) Three out of the members of the Authority other than the Chairman and Deputy Chairman shall be persons who appear to the Secretary of State to be suited to make the interests of Scotland, Wales and Northern Ireland, respectively, their special care.
- (3) A person shall be disqualified for being appointed, or being, a member of the Authority so long as he is a Governor of the BBC.
- (4) Before appointing a person to be a member of the Authority, the Secretary of State shall satisfy himself that that person will have no such financial or other interest (and, in particular, no such financial or other interest in any advertising agency or in any business concerned with the manufacture or sale of apparatus for wireless telegraphy or other telegraphic equipment or in any business consisting or intended to consist in whole or in part in entering into or carrying out contracts with the Authority for the provision of programmes or parts of programmes) as is likely to affect prejudicially the discharge by him of his functions as member of the Authority; and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest.
- (5) Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the Authority shall, whenever requested by the Secretary of State to do so, furnish to him such information as the Secretary of State considers necessary for the performance by him of his duties under sub-v paragraph (4).

Tenure of office

- 2 (1) Subject to sub-paragraphs (2) and (3), every member of the Authority shall hold office for such period, not exceeding five years, as may be fixed at the time of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) The Secretary of State may at any time direct by notice in writing, a copy of which shall be laid before each House of Parliament, that any member of the Authority shall cease to hold office; and any member of the Authority may at any time resign his office by notice in writing to the Secretary of State.
- (3) If any member of the Authority dies or ceases to hold office before the expiry of the term for which he was appointed, the term of office of his successor shall be so fixed as to expire at the end of the former term, but the Secretary of State may, if he thinks fit to do so, defer the making of an appointment until the expiry of the former term.

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Remuneration and pensions of members

- 3
- (1) The Authority shall pay to each of their members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Secretary of State may determine in the case of those members respectively; and in determining the remuneration and allowances to be paid under this subparagraph, different provision may be made as regards the Chairman, the Deputy Chairman and the other members.
 - (2) If any member of the Authority, other than the Chairman, is employed about the affairs of the Authority otherwise than as a member of the Authority, the Authority shall pay to that member (in addition to any remuneration to which he may be entitled in respect of his office as a member) such remuneration, if any, as the Secretary of State may determine.
 - (3) The Authority may pay or make provision for paying to or in respect of any of their members such pensions, allowances or gratuities as the Secretary of State may determine in the case of those members respectively.
 - (4) Where a person ceases to be a member of the Authority otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Authority may make to him a payment of such amount as the Secretary of State may determine.
 - (5) The approval of [^{F1}the Treasury] shall be required for any determination under this paragraph.
 - (6) As soon as possible after making a determination under this paragraph, the Secretary of State shall lay a statement thereof before each House of Parliament.

Textual Amendments

F1 Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(c)(d), (2), 3(5)

Capacity and status of Authority

- 4
- (1) It shall be within the capacity of the Authority as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise and performance of their powers and duties under this Act, including the borrowing of money.
 - (2) It is declared that the Authority are not to be treated for the purposes of the enactments and rules of law relating to the privileges of the Crown as a body exercising functions on behalf of the Crown.

Modifications etc. (not altering text)

C1 Sch. 1 para. 4(1) amended by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 48(6)(7)

Proceedings

- 5
- (1) The quorum of the Authority shall be four or such number not being less than four as the Authority may from time to time determine.

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- (2) The Authority may act notwithstanding a vacancy among their members.
- 6 (1) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.
- (2) Any disclosure made under sub-paragraph (1) shall be recorded in the minutes of the Authority, and the member—
- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, and
 - (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.
- 7 Subject to paragraphs 5 and 6, the Authority may regulate their own procedure.

Officers and employees of Authority

- 8 (1) The Authority may appoint a secretary and such other officers, and take into their employment such other persons, as they may determine.
- (2) The Authority shall, as regards any officers or persons employed in whose case it may be determined by the Authority so to do, pay to or in respect of them such pensions, allowances or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.
- (3) If any officer of or other person employed by the Authority, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Authority, he may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if his service as a member of the Authority were service as an officer of or person employed by the Authority.

Authentication of Authority's seal

- 9 The application of the seal of the Authority shall be authenticated by—
- (a) the signature of the Chairman or Deputy Chairman of the Authority or some other member of the Authority authorised by the Authority to authenticate the application of their seal, and
 - (b) the signature of the secretary of the Authority or some other officer of the Authority authorised by the Authority to act in that behalf.

Presumption of authenticity of documents issued by Authority

- 10 Any document purporting to be an instrument issued by the Authority and to be sealed as aforesaid or to be signed on behalf of the Authority shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

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