



# Broadcasting Act 1981

## 1981 CHAPTER 68

### PART I

#### THE INDEPENDENT BROADCASTING AUTHORITY

#### *Provisions applying to all contracts for programmes*

#### **23 Newspaper shareholdings in programme contractors**

- (1) Every contract concluded between the Authority and a programme contractor shall, where the programme contractor is a body corporate, contain all such provisions as the Authority think necessary or expedient to ensure that if at any time—
  - (a) there are newspaper shareholdings in the programme contractor, and
  - (b) it appears to the Authority that the existence of those shareholdings has led or is leading to results which are contrary to the public interest,the Authority, with the consent of the Secretary of State, may by notice in writing to the programme contractor, taking effect forthwith or on a date specified in the notice, determine or suspend for such period as may be so specified or until a further notice is given, the Authority's obligation to transmit the programmes supplied by the programme contractor.
- (2) Without prejudice to any such provisions contained in a contract between the Authority and a programme contractor, if at any time there are newspaper shareholdings in the programme contractor, and it appears to the Secretary of State that the existence of those shareholdings has led or is leading to results which are contrary to the public interest, he may, after consultation with the Authority, by order—
  - (a) determine on a date specified in the order the Authority's obligation to transmit the programmes supplied by the programme contractor; or
  - (b) suspend that obligation for such period as may be so specified, or during a period beginning with a date so specified and continuing so long as the order remains in force; and
  - (c) whether or not the order provides for the determination or suspension of the said obligation, direct that, while the order remains in force, the Authority

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*Status: This is the original version (as it was originally enacted).*

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shall not enter into any further contract with the programme contractor for the supply of programmes.

- (3) Any order under subsection (2) shall be made by statutory instrument; but no such order, other than an order the sole purpose of which is to rescind, postpone commencement of or terminate a period of suspension or to cancel a direction, shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (4) The determination or suspension in accordance with this section of the Authority's obligation to transmit the programmes supplied by the programme contractor, whether effected by a notice or by an order, shall not affect the programme contractor's obligation as to the supply of programmes up to the date when the determination or suspension takes effect.
- (5) Where such a determination or suspension takes effect, the programme contractor shall not be entitled to any compensation from the Authority or to any refund of any sum previously paid by the programme contractor or to any relief from any liability which has accrued at the date when the determination or suspension takes effect for any sums payable by the programme contractor to the Authority.
- (6) For the purposes of this section there are newspaper shareholdings in a body corporate if shares in that body corporate are held by any individual or body corporate being either—
  - (a) the proprietor of any newspaper, whether national or local, or
  - (b) a person who has control over any body corporate which is a proprietor of such a newspaper.