



Broadcasting Act 1981

1981 CHAPTER 68

PART III

THE BROADCASTING COMPLAINTS COMMISSION

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;
 - (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;

Status: This is the original version (as it was originally enacted).

- (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 that 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.