
Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: General provisions about programme contracts and programme contractors. (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSITIONAL PROVISIONS RELATING TO IBA’S BROADCASTING SERVICES

PART II

TELEVISION BROADCASTING SERVICES TO BE PROVIDED BY COMMISSION

General provisions about programme contracts and programme contractors

- 2 (1) Sections 2(3) and 14(2) of the 1981 Act shall have effect in relation to the Commission and the programmes and teletext transmissions broadcast by them in the services provided by them as mentioned in paragraph 1(1) above as they had effect immediately before the transfer date in relation to the IBA and the programmes and teletext transmissions broadcast by them in the services mentioned in paragraph 1(1); and where a contract between the IBA and a programme contractor or a teletext contractor is effective immediately before that date—
- (a) the contract shall continue to have effect on and after that date (subject to and in accordance with this Part of this Schedule) as a contract between the Commission and that contractor and any other party to it, and
 - (b) any reference in the contract to the IBA shall accordingly be construed, in relation to any time falling on or after that date, as a reference to the Commission.
- (2) During the interim period the following provisions of the 1981 Act, namely—
- (a) sections 19(1) to (2B) and 20(2) to (9),
 - (b) sections 21 to 25,
 - (c) sections 32 to 35, and
 - (d) Schedule 4,
- shall have effect in relation to any contract to which sub-paragraph (1) applies, or (as the case may be) in relation to the programme contractor or teletext contractor under any such contract, subject to the modifications specified in sub-paragraph (3) and subject also to paragraphs 4 and 5 below.
- (3) The modifications of the provisions specified in sub-paragraph (2) are as follows—
- (a) any reference in those provisions to the IBA shall (subject to paragraphs (b) and (c) below) be construed as a reference to the Commission;
 - (b) sections 21 and 23 shall have effect as if any reference to the IBA’s obligation to transmit the programmes supplied by a programme contractor were a reference to the right and the duty of the programme contractor under his contract to provide programmes for broadcasting in one of the services provided by the Commission as mentioned in paragraph 1(1) above;
 - (c) section 22 shall have effect as if any reference to the programmes, or television programmes, supplied to the IBA were a reference to the

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programmes, or television programmes, supplied for broadcasting in one of those services; and

- (d) section 32(1)(a) shall have effect as if—
 - (i) for “the branch” there were substituted “ the part ”, and
 - (ii) for “section 36(2) in relation to that branch” there were substituted “ paragraph 12(1) of Schedule 1 to the Broadcasting Act 1990 in relation to that part ”.

- (4) The Commission shall do all that they can to secure that during the interim period no person who is, or is an associate of, a TV programme contractor—
 - (a) holds any local licence, or
 - (b) controls any body which holds any such licence, or
 - (c) is a participant with more than a 20 per cent. interest in a body corporate which holds any such licence,

in a case where the area or locality for which the licensed service is to be provided is to a significant extent the same as the area for which television programmes are to be provided under the TV programme contractor’s contract; and this sub-paragraph shall be construed in accordance with Part I of Schedule 2 to this Act.

- (5) The Commission may make such variations of a contract to which sub-paragraph (1) applies as appear to them to be appropriate in consequence of any of the provisions of this Part of this Schedule.

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