

## DEPARTMENT OF NATIONAL HERITAGE

### BROADCASTING

#### Copy of Royal Charter for the continuance of The British Broadcasting Corporation

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS on the twentieth day of December in the year of our Lord One thousand nine hundred and twenty-six by Letters made Patent under the Great Seal, Our Royal Predecessor His Majesty King George the Fifth granted unto the British Broadcasting Corporation (hereinafter called "the Corporation") a Charter of Incorporation

AND WHEREAS on divers dates by Letters made Patent under the Great Seal, further Charters of Incorporation and Supplemental Charters have been granted unto the Corporation, the last such Charter having been granted to the Corporation on the seventh day of July One thousand nine hundred and eighty-one ("the Existing Charter")

AND WHEREAS the period of incorporation of the Corporation under the Existing Charter will expire on the thirty-first day of December One thousand nine hundred and ninety-six and it has been represented unto Us by Our right trusty and well beloved Counsellor Virginia Bottomley Our Secretary of State for National Heritage, that it is expedient that the Corporation should be continued for the period ending on the thirty-first day of December two thousand and - six

AND WHEREAS in view of the widespread interest which is taken by Our Peoples in broadcasting services and of the great value of such services as means of disseminating information, education and entertainment, We believe it to be in the interests of Our Peoples in Our United Kingdom and elsewhere within the Commonwealth that there should be an independent corporation which should continue to provide broadcasting services and should be permitted to provide other audio-visual services pursuant to such licences in that behalf as Our Secretary of State for Trade and Industry and such agreements in that behalf as Our Secretary of State may from time to time grant to and make with the Corporation

NOW KNOW YE that We by Our Prerogative Royal and of Our especial grace, certain knowledge and mere motion do by this Our Charter for Us, Our Heirs and Successors will, ordain and declare as follows:-

#### **INCORPORATION**

1. The Corporation shall continue to be a body corporate by the name of The British Broadcasting Corporation with perpetual succession and a common seal with power to break, alter and renew the same at discretion; willing and ordaining that the Corporation shall and may sue and be sued in all Courts and be capable in law to take and hold real and personal property and do all matters and things incidental or pertaining to a body corporate, but so that the Corporation shall apply the whole of its income solely in promoting its objects. The Governors of the Corporation shall be the members thereof.

## **TERMS OF CHARTER**

2. This Our Charter shall come into force on the first day of May, One thousand nine hundred and ninety-six, from which date the Existing Charter shall be revoked. Subject as herein provided this Our Charter shall continue in force until the thirty-first day of December Two thousand and - six.

## **OBJECTS OF THE CORPORATION**

3. The objects of the Corporation are as follows:-

(a) To provide, as public services, sound and television broadcasting services (whether by analogue or digital means) and to provide sound and television programmes of information, education and entertainment for general reception in Our United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man and the territorial waters thereof, and on board ships and aircraft (such services being hereinafter referred to as "the Home Services") and for reception elsewhere within the Commonwealth and in other countries and places overseas (such services being hereinafter referred to as "the World Service") the Home Services and the World Service together being hereinafter referred to as "the Public Services".

(b) Subject to the prior approval of Our Secretary of State or within such limits as may be agreed from time to time between the Corporation and Our Secretary of State, to provide, as public services, other services whether or not broadcasting or programme supply services (such services being hereinafter referred to as "the Ancillary Services").

(c) Subject to the prior approval of Our Secretary of State, to provide (whether alone or together with any other person firm or corporation) sound and television broadcasting services and communication services (whether by analogue or digital means) and to provide sound and television programmes of information, education and entertainment funded by advertisements, subscription, sponsorship, pay-per-view system, or any other means of finance whether for reception by the general public free of charge or available on individual demand or encrypted or not in Our United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man and the territorial waters thereof and elsewhere in the world (such services being hereinafter referred to as "the Commercial Services").

(d) To hold the existing and to construct or acquire or lease and establish and instal additional stations for wireless telegraphy and apparatus for wireless telegraphy in Our United Kingdom, the Channel Islands and the Isle of Man, and to use the same for the emission and reception of wireless telegraphy for the purposes aforesaid, and for purposes ancillary or related to those purposes.

(e) To hold the existing and to construct or acquire or lease additional equipment and apparatus for the transmission and reception and relaying of telecommunication signals over telecommunication systems or by any other method whether now known or hereafter invented or developed and whether or not over paths provided by any material substance in Our United Kingdom, the Channel Islands and the Isle of Man, and to use the same for purposes ancillary or related to the purposes aforesaid.

(f) For all the purposes of this Our Charter to acquire from time to time from Our Secretary of State for Trade and Industry a licence or licences for such period and subject to such terms, provisions and limitations as he may prescribe, and to exercise the powers herein granted to the Corporation in conformity in all respects therewith and with any agreement or agreements which may from time to time be made by Our Secretary of State with the Corporation, and not in any other manner whatsoever.

(g) To develop, extend and improve the Home Services and the World Service and to those ends to exercise such licence or licences in such manner or by such means and methods as may from time to time be agreed by the Corporation and Our Secretary of State for Trade and Industry, and to concur in any extension, adaptation or modification of the terms, provisions or

limitations of any such licence or licences as may to Our Secretary of State for Trade and Industry seem fit.

(h) To hold all other existing property of the Corporation and to acquire additional property, whether such properties be within or without Our United Kingdom, the Channel Islands and the Isle of Man, and to equip and use such properties for carrying out any of the objects of the Corporation.

(i) Subject to the prior approval of Our Secretary of State (or an appropriate officer of Our Secretary of State for Foreign and Commonwealth Affairs) and to the acquisition (subject as hereinafter provided) of any requisite licences, concessions, rights or privileges, to construct or acquire or lease and establish, instal, equip and use stations for wireless telegraphy and apparatus for wireless telegraphy and telecommunication systems and any other equipment for the transmission of sound, visual images, messages or any combination thereof by any method whether now known or hereafter invented or developed and whether or not over paths provided by any material substance in countries or places without Our United Kingdom, the Channel Islands and the Isle of Man, or in space, for the purpose of providing, within the scope or ambit of any such approval for the time being in force, and as may be permitted thereby or thereunder, such sound and television broadcasting services and sound and television programmes of information education and entertainment as may in such approval be specified, for reception in such countries or places as may in or under such approval be designated; and for receiving such services and programmes by such methods and for such purposes as may by or under such approval be permitted.

(j) To perform services in any part of the world for and on behalf of any Department of Our Government in Our United Kingdom, and in particular to provide, erect, equip and instal, or supervise the provision, erection, equipment and installation of stations, studios, apparatus, machinery, plant and other equipment for transmitting and receiving services, programmes and telecommunication signals, and to work or manage, or to supervise the working or management of such stations, studios, apparatus, machinery, plant and equipment.

(k) To provide to other bodies, whether within Our United Kingdom, the Channel Islands and the Isle of Man or elsewhere, by such means and methods as may be convenient, services, programmes and materials to be transmitted or distributed by such bodies and to receive from such other bodies services, programmes and materials to be transmitted by stations of the Corporation for reception as aforesaid.

(l) To commission, compile, prepare, edit, make, print, publish, issue, circulate and distribute, with or without charge, such books, magazines, periodicals, journals, printed matter, records, cassettes, compact discs, videotapes and audiovisual and/or interactive material (whether analogue or digital and whether on media now known or hereafter invented) as may be conducive to any of the objects of the Corporation.

(m) To establish and maintain libraries and archives containing material relevant to the objects of the Corporation, and to make available to the public such libraries and archives with or without charge.

(n) To organise, present, produce, provide or subsidise concerts, shows, variety performances, revues, musical and other productions and performances and other entertainments (whether live or recorded) in connection with the broadcasting and programme supply services of the Corporation or for any purpose incidental thereto.

(o) To collect news and information in any part of the world and in any manner that may be thought fit and to establish and subscribe to news agencies.

(p) To carry out research and development work in relation to any technology relevant to the objects of the Corporation and to acquire by operation of law, registration, purchase, assignment, licence or otherwise copyright and design right in any matter whatsoever, and any trademarks and trade names and any other intellectual, industrial and commercial property rights, and to use, exercise, develop, grant licences in respect of, or otherwise turn to account the same with a view to the furtherance of any of the objects of the Corporation

and to apply for and obtain, purchase or otherwise acquire and turn to account in any manner that may be thought fit any Letters Patent or patent rights or any interest in any Letters Patent or patent rights, brevets d'invention, utility models, licences, concessions, and the like conferring any right or privilege, whether exclusive, non-exclusive or limited, to use any secret or other information as to any invention in relation to any device or machine serving or calculated to serve any useful purpose in connection with any of the objects of the Corporation.

(q) For the purposes of any of the objects of the Corporation or for any purposes incidental thereto, to develop, produce, manufacture, purchase, acquire, use, display, sell, rent or dispose of sound recordings and films (as both such terms are defined in the Copyright Designs and Patents Act 1988) and material and apparatus for use in connection with such sound recordings and films.

(r) Subject as hereinafter provided, to enter into any arrangement with any Governments or authorities, supra-national, supreme, municipal, local or otherwise, which may seem conducive to the Corporation's objects or any of them, and to obtain from any such Government or authorities any licences, rights, privileges, and concessions which the Corporation may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, licences, rights, privileges and concessions.

(s) To establish and support or aid in the establishment or support of associations, institutions, funds, trusts and amenities calculated to benefit employees or former employees of the Corporation or the dependants or relatives of such persons, and to grant pensions and allowances, to make payments towards insurances and to establish and support or aid in the establishment or support of associations, institutions, funds, trusts and amenities and subscribe or guarantee money for general charitable or benevolent objects or for any exhibition or for any public, general or useful object.

(t) To purchase, take on lease or in exchange, hire or otherwise acquire any real and personal property and any interests, rights or privileges which the Corporation may think necessary or convenient for the purposes of its business or the furtherance of its objects and in particular (but without limitation) any land, buildings, easements, apparatus, machinery, plant and stock-in-trade.

(u) Subject to the prior approval of Our Secretary of State, to enter into joint ventures or partnerships with other companies and to establish companies whose objects include any of the objects of the Corporation or whose business is capable of being carried on in such a way as to facilitate or advance any of the objects of the Corporation, and to purchase or otherwise acquire stocks, shares or securities of, and to subsidise and assist, any such company.

(v) Subject as hereinafter provided, to invest and deal with the moneys of the Corporation not immediately required in such manner as the Corporation may from time to time determine.

(w) Subject as hereinafter provided, to borrow or raise or secure the payment of money in such manner as the Corporation shall think fit, and in particular by mortgage or charge of all or any parts of the property or rights of the Corporation or by the issue of debentures or debenture stock, charged upon all or any of the Corporation's property or rights (both present and future), and to purchase, redeem or pay off any such securities:

PROVIDED THAT

(i) the Corporation shall not borrow or raise or secure the payment of money upon any property, interests or rights now held by the Corporation which Our Secretary of State for Foreign and Commonwealth Affairs has decided in consultation with the Corporation that the Corporation is to use exclusively for any purpose of the World Service or upon any property, interests or rights which the Corporation has acquired or may hereafter acquire out of moneys paid to the Corporation out of aids or supplies appropriated by Our United Kingdom Parliament for any such purpose;

(ii) the aggregate of moneys so borrowed, raised or secured and at any one time outstanding for all other purposes shall not exceed £200,000,000 or such greater sum up to a maximum of £250,000,000 as may from time to time be approved by Our Secretary of State.

(x) To sell, improve, manage, develop, exchange, lease, mortgage, enfranchise, dispose of, turn to account or otherwise deal with all or any part of the property, interests or rights of the Corporation: Provided that the Corporation shall not, without the prior approval of Our Secretary of State for Foreign and Commonwealth Affairs, in consultation with Our Secretary of State, sell, exchange, lease, mortgage, enfranchise or dispose of any property, interests or rights now held by the Corporation which Our Secretary of State for Foreign and Commonwealth Affairs has decided in consultation with the Corporation that the Corporation is to use exclusively for any purpose of the World Service or any property, interests or rights which the Corporation has acquired or may hereafter acquire out of moneys paid to the Corporation out of aids or supplies appropriated by Our United Kingdom Parliament for any such purpose, and shall not without such prior approval turn to account or deal with any such property, interests or rights otherwise than for the purposes of the World Service.

(y) To enter into, make and perform contracts of guarantee and indemnity of whatsoever kind which may be necessary or convenient for carrying out the objects of the Corporation save that the Corporation shall not guarantee or underwrite the liabilities of any body corporate or unincorporate established to provide all or any of the Commercial Services.

(z) To do all such other things as the Corporation may consider incidental or conducive to the attainment of any of the aforesaid objects or the exercise of any of the aforesaid powers of the Corporation.

#### **RESTRICTION ON OVERSEA CONCESSIONS**

4. The Corporation shall not acquire any licence, concession, right or privilege from or enter into any arrangement with the Government of any part of the Commonwealth or the Government of any other country or place overseas, without having first obtained the approval of Our Secretary of State for Foreign and Commonwealth Affairs.

#### **PROVISION AND REVIEW OF SERVICES**

5. The Corporation is hereby authorised, empowered and required to provide from time to time all such broadcasting, telecommunication and other services and facilities and to do all such acts and things as shall from time to time be required by or under any licence granted by Our Secretary of State for Trade and Industry to the Corporation or any agreement made by Our Secretary of State or our Secretary of State for Foreign and Commonwealth Affairs with the Corporation.

6. It shall be the duty of the Corporation to devise and make such arrangements as appear to the Corporation to be best adapted to the purpose of bringing the work of the Corporation under constant and effective review from without the Corporation, and to that end the Corporation shall provide suitable and sufficient means, which may include public meetings and seminars held in different parts of Our United Kingdom, the Channel Islands and the Isle of Man, for the representation to the Corporation of public opinion on the programmes broadcast or transmitted in the Home Services and for consideration within the Corporation of criticisms and suggestions so represented.

#### **CONSTITUTION**

7(1) It shall be the function of the Governors to exercise the powers and discharge the duties of the Corporation in accordance with this Our Charter and in particular (but without limitation) to:-

(a) approve clear objectives and promises for the Corporation's services, programmes and other activities and monitor how far the Corporation has attained such objectives and met its pledges to its audiences;

(b) satisfy themselves that all the activities of the Corporation are carried out in accordance with any agreement or agreements which may from time to time be made by Our Secretary of State (and where applicable by Our Secretary of State for Foreign and Commonwealth Affairs) with the Corporation and in accordance with the Corporation's fair trading commitments and with the highest standards of probity, propriety and value for money in the use of the Licence Revenue and of moneys paid to the Corporation by Our Secretary of State or by Our Secretary of State for Foreign and Commonwealth Affairs out of aids or supplies appropriated by Our United Kingdom Parliament and in accordance with Article 92 of the Treaty of Rome;

(c) determine the strategy of the Corporation in respect of the Home Services in the manner which they consider is best calculated to ensure that the Corporation's services, programmes and other activities reflect the needs and interests of the public;

(d) ensure that the Corporation, with due regard to the objectives approved pursuant to paragraph 1(a) above, submits proposals to each National Council appointed by the Corporation pursuant to Article 12 for the formulation of the objectives of the Corporation for programmes and services specifically aimed at audiences in the country for which that National Broadcasting Council is established, for the allocation of funding (within the global sum budgeted by the Corporation for programmes and services in that country) between different programme genres and services and for any significant change to the Corporation's resources in each country for making such programmes and providing such services, consults each National Broadcasting Council in relation to such proposals and gives due consideration to any representations made by each National Broadcasting Council within 21 days of being so consulted by the Corporation;

(e) ensure that any comments, proposals and complaints made by viewers and listeners of the Home Services are given due consideration by and are properly handled by the Corporation;

(f) monitor and supervise the Corporation's fulfilment of its legal and contractual obligations and in particular (but without limitation) to:-

- ensure that the Corporation and its employees and all programme makers engaged by the Corporation comply with the provisions of any code which the Corporation is required to draw up for the treatment of controversial subjects with due accuracy and impartiality and comply with any other code or guidelines applicable to programme content and standards.
- ensure that the standards and practice of the Corporation as applied to its programmes reflect so much of the code referred to in subsection 1 of section 152 of the Broadcasting Act 1990 as is relevant to the programmes in question.
- ensure that the Corporation complies with any lawful directions given to the Corporation by the Broadcasting Complaints Commission or the Broadcasting Standards Council (as both such bodies are constituted under the Broadcasting Act 1990) and any body which wholly or partly takes over the functions of either or both of them after the date hereof;

(g) determine the strategy for and oversee the provision of the Commercial Services in such a way as to ensure that they are funded, operated and accounted for separately from the Public Services;

(h) determine the strategy of the Corporation in respect of the broadcasting or transmission of programmes in the World Service and the delivery of other services in the World Service to such audiences overseas and in such languages as may from time to time be approved by Our Secretary of State nor Foreign and Commonwealth Affairs;

(i) establish and maintain an Audit Committee in accordance with the highest standards of corporate governance;

(j) appoint the Director General of the Corporation who shall hold and vacate office in accordance with the terms of his appointment; and

(k) after consultation with the Director General, appoint the Deputy Director General and the other members of the Board of Management of the Corporation and make such other key appointments within the Corporation as they may in their discretion determine, all of which persons shall hold and vacate office in accordance with the terms of their respective appointments.

7(2) The Governors shall do all they can to secure that every transmission of telecommunication signals capable of being received outside Our United Kingdom and made by or on behalf of the Corporation or by or on behalf of any body controlled by the Corporation ("controlled" having the same meaning as in Part I of Schedule 2 to the Broadcasting Act 1990) complies with all applicable international or European Community obligations of Our United Kingdom.

8(1) The Governors of the Corporation shall be such persons as shall from time to time be appointed by Us, Our Heirs or Successors in Council. There shall be twelve Governors or such other number as may from time to time be ordered by Us, Our Heirs or Successors in Council. The Governors shall be appointed for such respective periods, not exceeding five years, as may be ordered by Us, Our Heirs or Successors in Council.

8(2) One of such Governors shall be nominated from time to time to be the Chairman of the Corporation and another of such Governors shall be nominated from time to time to be the Vice-Chairman thereof. Such nomination shall be made by Us, Our Heirs or Successors in Council and may be made at the time when the Governor nominated is appointed to the office of Governor or at any time while he holds that office.

8(3) The Governors shall at all times include, in addition to the Chairman and the Vice-Chairman of the Corporation, one person, to be designated as the National Governor for Scotland, a second person, to be designated as the National Governor for Wales, and a third person, to be designated as the National Governor for Northern Ireland. Each person to be designated as a National Governor shall have been selected for appointment as Governor by virtue of his knowledge of the culture, characteristics and affairs of Our People in the country for which he is to be designated as the National Governor and his close touch with opinion in that country. Such designation shall be made by Us, Our Heirs or Successors in Council and may be made at the time when the Governor designated is appointed to the office of Governor or at any time while he holds that office.

9(1) A retiring Governor shall be eligible for re-appointment.

9(2) The Governors however appointed shall (during such time or times as the broadcasting and programme supply services hereinbefore referred to shall be carried on by the Corporation) receive out of the funds or moneys of the Corporation by way of remuneration for their services as Chairman, Vice-Chairman, National Governor for Scotland, Wales or Northern Ireland or other Governor (as the case may be) such sum or sums as Our Secretary of State may from time to time determine.

9(3) The Corporation may pay or make provision for paying to or in respect of any Governor out of the funds or moneys of the Corporation such sum or sums by way of pension, allowances or gratuities as Our Secretary of State may from time to time determine.

9(4) Each Governor may in addition receive out of the funds or moneys of the Corporation the expenses properly incurred by him in the performance of his office.

9(5) A Governor, however appointed, shall cease to be a Governor of the Corporation (and, if he is such, the Chairman or Vice-Chairman thereof):-

(a) if he shall at any time by notice in writing to Our Secretary of State resign his Governorship;

(b) if his Governorship shall be terminated by Us, Our Heirs or Successors in Council;

(c) if he shall hold any office or place in which his interest may in the opinion of Our Secretary of State conflict with any interest of the Corporation;

(d) if he shall become bankrupt or shall make any arrangement or composition with his creditors generally;

(e) if he is, or may be, suffering from mental disorder and either:

(i) he is admitted to hospital in pursuance of an application for admission for further treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1984, or

(ii) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his detention or for the appointment of a receiver, *curator bonis* or other person to exercise powers with respect to his property or affairs; or

(f) if he shall absent himself from the meetings of the Corporation continuously for three months or longer without the consent of the Corporation and the Corporation shall resolve that his office be vacated.

9(6) As soon as may be reasonably practicable after a vacancy among the Governors has arisen or at a convenient time before such a vacancy will arise, the vacancy or approaching vacancy, and if it involves the Chairmanship or Vice-Chairmanship of the Corporation or the National Governorship for Scotland, Wales or Northern Ireland, the fact that it does so, shall be certified to Us, Our Heirs or Successors by Our Secretary of State under his hand, to the end that We, Our Heirs or Successors in Council may with all convenient speed proceed to the filling of the vacancy or approaching vacancy and, if involved, the nomination of a Chairman or Vice-Chairman of the Corporation or the designation of a National Governor for Scotland, Wales or Northern Ireland.

10(1) The Chairman of the Corporation, or in his absence the Vice-Chairman thereof, shall preside at the meetings thereof.

10(2) Subject to any regulations made by the Corporation under the next following paragraph hereof, the Chairman or an officer authorised by him so to do, shall summon all meetings of the Corporation.

10(3) The Corporation shall meet for the transaction of its business and affairs, and shall from time to time make such regulations with respect to the summoning, notice, time, place, management and adjournment of meetings, and generally with respect to the transaction and management of its business and affairs, as the Corporation may think fit, subject to the following conditions:-

(a) in addition to meeting in England, the Corporation shall meet in Scotland, Wales and Northern Ireland at such intervals as may to the Corporation seem appropriate, regard being had to its representative function;

(b) the quorum for a meeting shall be such number of Governors as Our Secretary of State may from time to time in writing prescribe;

(c) subject to sub-paragraph (d) of this paragraph, every question shall be decided by a majority of votes of the Governors present at the meeting and voting on that question. In the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote;

(d) any question which cannot by reason of its urgency be decided at a meeting of the Corporation shall be decided by the Chairman, or, if he shall be inaccessible or the office of Chairman shall be vacant, by the Vice-Chairman. The Chairman or the Vice-Chairman, as the case may be, before deciding the question, shall, if and so far as may be reasonably practicable, consult with the other Governors or such of them as may be accessible to him,



and as soon as may be after taking his decision shall report the question and his decision thereon to the other Governors.

10(4) For the transaction of its business or affairs, the Corporation may from time to time appoint Committees of its members, or Committees of its members and other persons, for such purposes and on such terms and conditions as the Corporation may think fit. The conclusions of any such Committee shall not be binding on the Corporation unless adopted with or without amendment by the Corporation in meeting assembled.

### **ADVISORY BODIES**

11. The Corporation may from time to time appoint persons or committees for the purpose of advising the Corporation with regard to matters connected with the broadcasting services, programmes, business, operations and affairs of the Corporation. Each such person or committee shall be appointed with reference to such matters and on such terms and conditions as the Corporation may decide.

### **NATIONAL BROADCASTING COUNCILS**

12(1) The Corporation shall appoint for the purposes of this Article three National Broadcasting Councils to be known respectively as the Broadcasting Council for Scotland, the Broadcasting Council for Wales and the Broadcasting Council for Northern Ireland.

12(2) Each National Broadcasting Council shall consist of:-

(a) a Chairman, who shall be, in the case of the Broadcasting Council for Scotland, the National Governor for Scotland, in the case of the Broadcasting Council for Wales, the National Governor for Wales, and, in the case of the Broadcasting Council for Northern Ireland, the National Governor for Northern Ireland; and

(b) not less than eight nor more than twelve members, who shall be persons selected for appointment by the Governors. Such persons shall be selected after consultation with such representative cultural, religious and other bodies in Scotland, Wales or Northern Ireland, as the case may be, as the Governors think fit, with a view to securing a proper balance of representation on each National Broadcasting Council.

12(3) (a) The Chairman of each National Broadcasting Council shall cease to be such if he becomes the Chairman or the Vice-Chairman of the Corporation or when he ceases to be a Governor thereof.

(b) The members, other than the Chairman, of each National Broadcasting Council shall be appointed for such respective periods, not exceeding five years, as the Corporation may think fit. Any such member who is appointed for a period of less than five years shall be eligible for re-appointment for the remainder of the period of five years from the beginning of his appointment, or for any shorter period. Otherwise any such member shall be eligible for re-appointment provided that his re-appointment takes effect not less than one year after the expiration of his appointment. Any such member may at any time by notice in writing to the Corporation resign his membership. The membership of any such member may at any time be terminated by notice in writing given to him by the Corporation.

12(4) Each National Broadcasting Council shall be charged with the following functions which shall be exercised with full regard to representing the distinctive culture, language, interests and tastes of Our People in the country for which the Council is established:-

(a) making arrangements for ascertaining and monitoring the state of public opinion among Our People in the country for which the Council is established about the programmes and services broadcast or transmitted in that country and for ascertaining the needs and interests of members of the public in such country;

(b) advising the Corporation on the extent to which the Corporation's objectives under paragraph 1(a) of Article 7 reflect the interests and views of audiences in Scotland, Wales, or

Northern Ireland, as the case may be, and on the extent to which such objectives are being attained in relation to any matters which affect the interests of audiences in those countries;

(c) assisting the Corporation, with due regard to the objectives approved by the Governors pursuant to paragraph 1(a) of Article 7, in deciding the issues specified in paragraph 1(d) of Article 7, that is to say the formulation of the objectives of the Corporation for programmes and services specifically aimed at audiences in the country for which the Council is established, the allocation of funding (within the global sum budgeted by the Corporation for programmes and services in that country) between different programme genres and services, and any significant change to the Corporation's resources in that country for making such programmes and providing such services, and in particular by considering and making representations to the Corporation in relation to such proposals;

(d) monitoring and advising the Corporation on the extent to which the objectives formulated pursuant to paragraph 1(d) of Article 7 have been attained;

(e) ensuring that any comments, proposals or complaints made by audiences in the country for which the Council is established are given due consideration by and are properly handled by the Corporation;

(f) advising the Corporation on the potential contribution which programme makers in the respective countries could make to the Corporation's programme output throughout the United Kingdom and on the extent to which a reasonable proportion of such output should and does consist of programmes mainly made by residents of the country for which the Council is established;

(g) performing such other functions in relation to the Home Services as the Corporation may from time to time devolve upon the Council;

Provided that each National Broadcasting Council shall be subject to:-

(i) such reservations and directions as may appear to the Corporation to be necessary from time to time in order to secure the transmission throughout Our United Kingdom of Great Britain and Northern Ireland of broadcasts by Us, Our Heirs or Successors, broadcasts by Ministers of Our Government, party political broadcasts and broadcasts of national importance or interest; and

(ii) such reservations and directions as may appear to the Corporation to be necessary from time to time for reasons of finance or in the interest of due co-ordination and coherent administration of the operations and affairs of the Corporation.

12(5) If and whenever in the opinion of Our Secretary of State an emergency shall have arisen in which it is expedient in the public interest that the functions of the National Broadcasting Councils or any of them under this Article shall be suspended, Our Secretary of State may by notice in writing to the National Councils or any of them and to the Corporation give directions accordingly and directions so given shall have effect according to their terms during the currency of the notices. Any such notices may be modified or revoked in writing by Our Secretary of State at such time or times as shall in his opinion be expedient.

12(6) In the performance of their functions under this Article each National Broadcasting Council shall perform and observe all duties and obligations imposed on and all directions given to the Corporation by or under this Our Charter or any licence or agreement granted or made by Our Secretary of State to or with the Corporation so far as such duties, obligations and directions are capable of being performed and observed by the Council.

12(7) (a) Each National Broadcasting Council shall have the power to regulate their own procedure and to fix their quorum: Provided that the Chairman may call a meeting of the Council whenever he thinks fit, and shall call a meeting thereof when required so to do by any three members.

(b) Each National Broadcasting Council shall have power to appoint such advisory committees as they may think fit, and any such committee may include or consist of persons who are not members of the Council.

12(8) Each National Broadcasting Council shall make an annual report to the Corporation of their proceedings during the preceding financial year or residual part thereof of the Corporation. A National Broadcasting Council may, and if requested to do so by the Corporation shall, make special reports to the Corporation during any year.

12(9) Each National Broadcasting Council may select and nominate for employment by the Corporation such officers and staff to serve wholly on the affairs of the Council (including affairs of any advisory committee) as may appear to the Council to be requisite for the proper exercise and performance of their functions and the Corporation shall employ the officers and staff so nominated and shall not without the concurrence of the Council terminate the employment of any such officer or member of staff: Provided that the Corporation may decline to employ or may terminate the employment of any such officer or member of staff if he is unwilling to accept the rates of remuneration or conditions of employment which the Corporation would offer him if he were to be employed or were employed otherwise than on the affairs of the Council, or if in the opinion of the Corporation it would be detrimental to the administration of the Corporation to employ or continue to employ him.

12(10) The Corporation shall afford to each National Broadcasting Council the use of such accommodation and the services of such staff to be engaged partly on the affairs of the Council (including affairs of any advisory committee) as are requisite for the proper performance of the functions of the Council.

12(11) The Corporation shall pay to each member of a National Broadcasting Council or a y advisory committee appointed by a Council such out-of-pocket expenses as such member may reasonably incur in the performance of his functions.

### **ENGLISH REGIONAL COUNCILS**

13(1) The Corporation shall appoint in each area of regional television output in England a council to be known as the Regional Advisory Council, for the purpose of advising the Corporation on the objectives for the programmes and services which the Corporation provides primarily for reception in the Region for which the Council are appointed, monitoring and advising the Corporation on the extent to which such objectives have been attained and advising on all matters relating to other broadcasting services and activities of the Corporation which affect the interests of persons in that region.

13(2) The Chairman of each Regional Council shall be nominated by the Corporation from among the members thereof.

13(3) Each Regional Council shall consist of such number of members as the Corporation may determine who shall be persons chosen for their individual qualities who are broadly representative of the general public in the area for which the Council are appointed.

13(4) The members of each Regional Council shall be appointed for such respective periods not exceeding five years as the Corporation may think fit, and on retirement they shall be eligible for re-appointment. Any such member may at any time by notice in writing to the Corporation resign his appointment.

13(5) The procedure of each Regional Council, including their quorum, shall be such as they may determine: Provided that the Chairman may call a meeting of the Council whenever he thinks fit so to do, and shall call a meeting thereof when required so to do by such number of members as the Corporation may determine.

13(6) The Corporation shall afford to each Regional Council the use of such accommodation and the services of such staff as are requisite for the proper performance of the functions of the Council.

13(7) The Corporation shall pay to each member of a Regional Council (including the Chairman thereof) such out-of-pocket expenses as such member may reasonably incur in the performance of his functions.

13(8) In furtherance of the purposes of this Article the Corporation shall ensure that the programmes which the Corporation provides primarily for reception in any area in England have full regard to the interests of Our People in that area.

13(9) This Article shall apply to the Channel Islands and the Isle of Man as it applies to England.

## **ORGANISATION**

14(1) The Corporation shall appoint such officers and staff as it may from time to time consider necessary for the efficient performance of its functions and transaction of its business.

14(2) The Corporation shall fix such rates of remuneration and conditions of employment for the officers and staff so employed as the Corporation shall consider proper. Subject to the provisions of paragraph (9) of Article 12 of this Our Charter and to any contract made between the Corporation and any such officer or member of staff, the Corporation may remove any officer or member of staff.

15. It shall be the duty of the Corporation, except in so far as the Corporation is satisfied that adequate policies and procedures exist for achieving the purposes of this paragraph, to communicate with its employees and to seek their views on all matters affecting their interests and to seek consultation with any organisation appearing to the Corporation to be appropriate with respect to the establishment and maintenance of adequate arrangements for:-

(a) the settlement by negotiation of terms and conditions of employment of persons employed by the Corporation; and

(b) the discussion of matters affecting the safety, health and welfare, equal opportunities, and the provision of training for persons employed by the Corporation, and of other matters of mutual interest to the Corporation and such persons, including efficiency in the operation of the Corporation's services.

## **FINANCIAL**

16(1) The Corporation is hereby authorised, empowered and required:-

(a) to collect the Licence Revenue and to receive all funds which may be paid by Our Secretary of State out of moneys provided by Our United Kingdom Parliament in furtherance of the purposes of this Our Charter and to apply and administer such funds in accordance with the terms and conditions which may be attached to the grant thereof; and

(b) to receive all other moneys which may be obtained by or given to the Corporation or derived from any source not hereinbefore mentioned and (subject always to such direction as may be given by Our Secretary of State pursuant to Article 24) to apply and administer such moneys exclusively in furtherance of the purposes of this Our Charter and in accordance with any terms and conditions upon which such moneys may have been obtained, given or derived.

16(2) Subject to any such terms and conditions as aforesaid the Corporation may treat such funds and moneys either as capital or as income at its discretion.

16(3) Except as in this Our Charter expressly provided, no funds or moneys of the Corporation derived from any source shall in any event be divided by way of profit or otherwise amongst the Governors of the Corporation.

17(1) In the event of the Corporation exercising (otherwise than for the purpose of obtaining temporary banking accommodation and facilities) the power hereinbefore contained of borrowing or raising money upon the security of or otherwise charging all or any part of its property or rights to which such power extends, it shall set aside out of its revenue such sums as will be sufficient to provide for the repayment of the amount so borrowed or raised within such period in each instance as the Corporation may with the prior approval of Our Secretary of State determine.

17(2) The Corporation shall make proper provision for replacing or renewing any property of the Corporation.

17(3) The Corporation may set aside as a reserve or carry over out of its revenue such sums as it may deem expedient, and may invest, deal with and apply such sums in such manner as it may think conducive to its objects.

## **ANNUAL REPORT AND STATEMENT OF ACCOUNTS**

18(1) The accounts of the Corporation shall be audited annually by an auditor or auditors to be appointed by the Corporation with the prior approval of Our Secretary of State, and a person shall not be qualified to be so appointed unless he is a member of a qualifying body of accountants established in Our United Kingdom and for the time being recognised under section 32(4) of the Companies Act 1989.

18(2) The Corporation shall, once in every year at least, prepare an Annual Report of its proceedings during the preceding financial year or residual part thereof of the Corporation, and attach thereto an Account or Accounts of the Income and Expenditure of the Corporation and a Balance Sheet, which Account or Accounts and Balance Sheet shall be duly certified by the auditor or auditors of the Corporation. The Corporation, if required so to do by Our Secretary of State or by Our Secretary of State for Foreign and Commonwealth Affairs after consultation with the Corporation, shall include in such Report such information relating to its finance, administration and its work generally as such Secretary of State may from time to time specify in writing, and shall comply with any directions which may be given in writing by Our Secretary of State or by Our Secretary of State for Foreign and Commonwealth Affairs after consultation with the Corporation, as regards the information to be given in such Account or Accounts and Balance Sheet or in appendices thereto.

18(3) The Chairman shall, on the completion of every such Annual Report, Account or Accounts and Balance Sheet, forthwith submit the same, together with the Reports for the same year or residual part thereof made under paragraph (8) of Article 12 of this Our Charter by the National Broadcasting Councils, to Our Secretary of State to be considered by him and presented to Our United Kingdom Parliament.

18(4) The Corporation shall at all reasonable times upon demand give to Our Secretary of State or Our Secretary of State for Foreign and Commonwealth Affairs and all other persons nominated by either of them full liberty to examine the accounts of the Corporation and furnish him and them with all forecasts, estimates, information and documents which he or they may require with regard to the financial transactions and engagements of the Corporation.

## **GENERAL**

19(1) The Corporation may at any time and from time to time apply for and accept a Supplemental Charter, or promote a Bill in Parliament, if it appears to the Corporation that a Supplemental Charter or an Act of Parliament is required for, or will be conducive to, the carrying into effect of any of the purposes or powers of this Our Charter.

19(2) No act or proceeding of the Corporation, or of any Council or Committee appointed under the provisions of this Our Charter, or of any sub-committees appointed by any such Council or Committee, shall be questioned on account of any vacancy or vacancies in the Corporation, or in such Council or Committee, or in such sub-committee.

19(3) No defect in the appointment of any person acting as Chairman, Vice Chairman or Governor of the Corporation or as a member of any Council or Committee appointed by the Corporation, or as a member of any sub-committee appointed by such Council or Committee shall be deemed to vitiate any proceedings of the Corporation or of such Council or Committee, or of such sub-committee in which he has taken part, in cases where the majority of members who are parties to such proceedings are duly entitled to act.

19(4) Any instrument which, if made by a private person, would be required to be executed as a Deed shall be under the seal of the Corporation and signed by one or more Governors authorised for that purpose by a resolution of the Corporation and countersigned by the proper officer. Any notice, appointment, contract, order or other document made by or proceeding from the Corporation which is not required to be executed as a Deed shall be signed by such Governor or such officer, or by an officer of such class as the Corporation may, in relation to any specified document or any document of any specified class, from time to time direct.

19(5) The proper officer of the Corporation shall be any officer duly authorised as such by the Corporation.

20(1) The grant of this Our Charter is made upon the express condition that the Corporation shall strictly and faithfully observe and perform and cause to be observed and performed the provisions prescribed therein or thereunder, and also the provisions prescribed in or under any licences which Our Secretary of State for Trade and Industry may from time to time grant to the Corporation or contained in or prescribed under any agreement which Our Secretary of State or Our Secretary of State for Foreign and Commonwealth Affairs may from time to time make with the Corporation.

20(2) If it is made to appear or appears to Our Secretary of State, either on the representation of any person or body politic or corporate appearing to be interested or in any other manner howsoever, that there is reasonable cause to suppose that any of the provisions prescribed in or under this Our Charter or in or under any such agreement (including any stipulations, directions or instructions of Our Secretary of State or Our Secretary of State for Foreign and Commonwealth Affairs) have not been observed, performed, given effect to or complied with by the Corporation, Our Secretary of State may require the Corporation to satisfy him that such provisions have been observed, performed, given effect to or complied with, and if within a time specified by him the Corporation shall fail to do so Our Secretary of State may, if he thinks fit, certify the same under his hand to Us, Our Heirs or Successors, and upon such certificate being given it shall be lawful for Us, Our Heirs or Successors, if We or They shall be so minded, by Letters made Patent under the Great Seal, absolutely to revoke and make void this Our Charter, and everything therein contained: Provided that the power of revocation hereby reserved shall not have or be construed to have the effect of preventing or barring any proceedings which may be lawfully taken to annul or repeal this Our Charter.

21. And We do further will and declare that on the determination of the said term expiring on the thirty-first day of December Two thousand and - six the undertaking of the Corporation shall cease, so far as the same may depend upon or be carried on under or by virtue of the powers and provisions herein given and contained, unless We, Our Heirs or Successors, shall by writing under Our or Their Sign Manual declare to the contrary, and shall authorise the continuance of the said undertaking under the provisions of this Our Charter or a further Royal Charter for such further term, and under such provisions and conditions as We, Our Heirs or Successors, shall think fit, any term for which this Our Charter is so renewed shall be construed to be part of the term of this Our Charter.

## **DISSOLUTION AND WINDING UP**

22. It shall be lawful for the Corporation to surrender this Our Charter subject to the sanction of Us, Our Heirs or Successors in Council, and upon such terms as We or They may consider fit, and to wind up or otherwise deal with the affairs of the Corporation in such manner as may be approved by Our Secretary of State.

23. Upon the voluntary or compulsory dissolution of the Corporation the property and assets of the Corporation shall be applied in satisfaction of the debts and liabilities of the Corporation and subject thereto shall be disposed of in accordance with the directions of Our Secretary of State.

#### **DIRECTIONS AND APPROVALS**

24(1) Where in this Our Charter any act or thing is required to be done with the approval of Our Secretary of State or Our Secretary of State for Foreign and Commonwealth Affairs, such approval shall be in writing and may be given absolutely or subject to such terms or conditions as may to such Secretary of State seem fit and may, after consultation with the Corporation, be revoked or varied by any subsequent notice in writing given by him.

24(2) The purposes and powers of the Corporation pursuant to this Our Charter to hold or own stations shall be subject to any directions which may be given to the Corporation by Our Secretary of State pursuant to any agreement or agreements which he may make from time to time with the Corporation.

#### **INTERPRETATION**

25. In this Our Charter, (unless the context otherwise requires):

"broadcast" means broadcast by wireless telegraphy;

"for general reception" means capable of being received at any place or places, or in any area, in the United Kingdom, the Channel Islands and the Isle of Man and elsewhere free of charge and without payment other than such payment as may be required under the Wireless Telegraphy Act 1949 for a television licence or such other form of funding or payment for the Home Services as may from time to time be approved by Our Secretary of State;

"Licence Revenue" means such sums as are collected by the Corporation in respect of the issue and renewal of television licences under section 1 of the Wireless Telegraphy Act 1949;

"reception" means receiving by any means and over any medium (whether corporeal or not and whether now known or hereafter invented or developed) and cognate expressions shall be construed accordingly;

"Our Secretary of State" (unless further qualified) shall mean Our Secretary of State for National Heritage;

"station" (unless further qualified) means any business or other operation (whether or not in the nature of a commercial venture and including any apparatus, equipment or installation used therefor) which is engaged in the transmission or reception of telecommunication signals;

"telecommunication signals" has the same meaning as in the Broadcasting Act 1990;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"transmission" means sending by any means and over any medium (whether corporeal or not and whether now known or hereafter invented or developed) and cognate expressions shall be construed accordingly.

"wireless telegraphy" has the same meaning as in the Wireless Telegraphy Act 1949; and

reference to any statute shall include reference to such statute as amended re-enacted or substituted from time to time and words importing the masculine gender shall include the feminine and the neuter and vice versa.

## **GENERAL DECLARATION**

26. Lastly, We do further will, ordain and declare that these Our Letters or the enrolment or exemplification thereof shall be in and by all things good, firm, valid, sufficient and effectual in law according to the true intent and meaning thereof, and shall be taken, construed and judged in the most favourable and beneficial sense for the best advantage of the Corporation and its successors, as well in all Our Courts of Record as elsewhere by all and singular Judges, Justices, Officers, Ministers and other Our Subjects whatsoever, any non-recital, mis-recital or any other omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in anywise notwithstanding.

IN WITNESS whereof We have caused these Our Letters to be made Patent.  
WITNESS Ourselves at Westminster the first day of May in the forty-fifth year of Our Reign.

**BY WARRANT UNDER THE QUEEN'S SIGN MANUAL**