

Procedural arrangements

Paragraph 5(1) of Schedule 7 to the Broadcasting Act 1981 provides that arrangements for the proceedings of the Commission (including the quorum of meetings) shall be such as the Commission may determine. The Commission have decided that the arrangements set out below will ordinarily apply to their proceedings. However in particular cases or in particular circumstances variations in the arrangements may be made by the Commission.

Meetings

1. The Commission shall meet at such places on such dates and at such times as they may determine.
2. The quorum for meetings shall be three. If the number of appointed members should at any time be less than five, the quorum shall be two.
3. In the absence of the Chairman, the longest serving member present shall act as Chairman.
4. Decisions shall be by majority vote.
5. Except as otherwise provided in these arrangements, or in cases of urgency, decisions of the Commission under the provisions of Part III of the Act shall be taken at their meetings.
6. Meetings, including hearings, shall be held in private.

Complaints

7. Complaints must be in writing, and must specify the unjust or unfair treatment in a programme or the unwarranted infringement of privacy complained of.
8. Where the complaint is made on behalf of a body or a person, an authority in writing to make the complaint must be produced.
9. If a complaint is made of unjust or unfair treatment in a programme, and the complainant was not himself the subject of that treatment, he must explain his interest in making the complaint and the Commission will decide whether it is sufficiently direct to fall within their jurisdiction.
10. If a complaint is received that appears not to be within the Commission's jurisdiction, the Secretary to the Commission will so inform the complainant.
11. The Commission will inform the complainant and the BBC, the IBA or the Cable Authority, as appropriate, if a complaint is entertained and will inform the complainant if the complaint is not entertained.

Provision of transcripts and statements

12. If, after entertaining a complaint, the Commission ask under section 56 of the Act for a transcript of the programme to be provided for them and for the complainant, a transcript is to be furnished within seven days from the receipt of the request.

13. On the receipt of the transcript the complainant may if he wishes add to, modify or withdraw his complaint, subject to paragraph 21.

14. If the Commission ask, under section 56 of the Act, for a statement in answer to the complaint and for copies of documents, the statement and copies are to be furnished within one calendar month from the making of the requirement or request or within such other time as may be specified in the requirement or request.

15. A request for an extension of time for the furnishing of a statement is to be made in such time that it reaches the Commission at least seven days before the time originally set for its delivery.

16. If after the receipt of the statement the complainant wishes to make a response to it, it is to be made so as to reach the Commission within fourteen days after the receipt of the statement.

17. Comments on the complainant's response by the other party or parties are to be made so as to reach the Commission fourteen days after the receipt of the response.

18. If a statement, response, or comment on a response is not furnished within the period specified above, or as extended by the Commission's direction, the Commission may if they think fit proceed to consider the complaint and adjudicate on it on the basis of the material in their possession.

Transmission of statements, letters and other documents

19. Any statement, letter or other document sent to the Commission by one party to the complaint is also to be copied to the other party or parties. If they are not copied the Commission will if they think fit send copies.

20. Independent producers and programme contractors should however transmit transcripts of programmes, statements, correspondence and other documents through the BBC or the IBA who are responsible for onward transmission to the Commission and to the complainant.

21. Documents provided under the preceding two paragraphs are to be used only for the purposes of Part III of the Broadcasting Act 1981.

Modification of complaints

22. A complaint shall not be modified or added to after the furnishing of statements under section 56 of the Act without the leave of the Commission. Applications for such leave are to be made in writing.

Consideration of complaints

23. Part III of the Act specifies circumstances in which the Commission are not to proceed with the consideration of a complaint. If a representation is made to the Commission that any of these circumstances obtains the complainant will be given an opportunity to comment before the Commission reaches a decision.

24. The Commission may adjudicate on a complaint —

1. After a hearing at which the complainant, the BBC, the IBA, or the Cable Authority and cable licensee, and any other person responsible for the programme (including an independent producer or a programme contractor) may attend and be heard; or

2. After the parties or their representatives have attended separately before the Commission to assist the Commission in their consideration of the complaint; or
3. By reference solely to the material furnished by the parties.

25. The Commission will give not less than fourteen days notice of the date on which a hearing is to be held, or on which representatives of the parties are to attend to assist the Commission. An earlier date may however be fixed with the parties' agreement.

Adjudications

26. After the Commission have considered a complaint and made their findings on it a copy of their adjudication will be sent to each party.

27. The adjudication shall be treated as confidential until a summary of it approved by the Commission has been published under directions given by the Commission or until the Commission have stated that they do not intend to give such directions.

28. Adjudications will either be signed by the members of the Commission participating or authenticated by the signatures of the Chairman or Acting Chairman and the Secretary.

Summary of Adjudication

29. If the Commission intends to direct the publication of a summary of the adjudication under section 57 of the Act, a draft will be prepared and sent to each party who will be entitled to comment upon it in time for the comment to be received before the next meeting of the Commission. Any such comments are to be confined to whether the draft adequately reflects the adjudication and is in a style suitable for broadcasting. A copy of the summary finally approved by the Commission and of the direction to publish it will be sent by the Commission to the complainant.

Delegation of power

30. Where the complainant was himself the subject of the treatment complained of as being unjust or unfair, a single member of the Commission may on behalf of the Commission, entertain the complaint, send a copy of the complaint to the appropriate broadcasting body, and make such requirements and requests under section 56 of the Act as are appropriate.

Hearings

31. Statements at a hearing should be confined to an outline of the party's case and the stressing of points considered to be of particular importance. A main purpose of a hearing is to enable members of the Commission to ask questions about any matter which is in doubt.

32. The BBC and IBA are asked, on their being notified that the Commission have decided to hold a hearing, to arrange for any person to whom they consider section 56(2) of the Broadcasting Act 1981 applied to be given an opportunity to attend the hearing and be heard as a person responsible for the making or provision of the programme complained of.

33. Hearings are in private, and members of the public are not admitted. Attendance at hearings is therefore limited to the parties, their representatives and to others responsible for the making or provision of the programme. The names of those who will attend and a description of their functions should be provided to the Secretary at least seven days before the hearing. Since the hearings are in private, the proceedings at them are to be regarded as confidential and are not to be disclosed, except to the extent that they are recorded in the Commission's adjudication.

34. The procedure at hearings will normally be as follows:—

- (1) the complainant will summarise his case;
- (2) if the complaint is in respect of a programme broadcast by the BBC, the BBC will answer;
- (3) if the complaint is in respect of a programme broadcast by the IBA, the programme contractor will answer, followed by the IBA;
- (4) the Commission will hear any other person who has a right to be heard and who wishes to be heard;
- (5) the complainant may, if he wishes, reply to the statements of others present. The reply must be limited to comment on points made in those statements;
- (6) questions to persons present will be put only by the Commission. They will normally be put at the conclusion of a statement and when all parties have been heard. A party may ask the Chairman to put a particular question, but it is a matter for the Chairman's discretion whether it is put.

35. The same procedures with the necessary modifications apply to a cable programme complaint.

26 October 1988

Chairman
Secretary

LADY ANGLESEY
R. D. HEWLETT

REPORT OF THE AUDITORS TO THE MEMBERS OF
THE BROADCASTING COMPLAINTS COMMISSION

We have examined the attached receipts and payments account set out on page 2 prepared from the books, accounts and vouchers of the Broadcasting Complaints Commission and have information and explanations received during the course of the audit to be satisfactory.

BDO Binder Hamlyn
Chartered Accountants