



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER V

SUPPLEMENTAL

121 Computation of qualifying revenue

Part II of Schedule 7 (which contains provisions relating to the computation of qualifying revenue for the purposes of this Part) shall have effect.

122 Certain receipts of Authority to be paid into Consolidated Fund

- (1) Where the Authority receive in respect of any licence any of the amounts specified in subsection (2), that amount shall not form part of the revenues of the Authority but shall—
 - (a) if the licence is for the provision of a service for any area, locality, establishment or other place, or for any event, in Great Britain, be paid into the Consolidated Fund of the United Kingdom;
 - (b) if the licence is for the provision of a service for any area, locality, establishment or other place, or for any event, in Northern Ireland, be paid into the Consolidated Fund of Northern Ireland; or
 - (c) if the licence is for the provision of a national or satellite service or any additional services, be paid into both of those Funds in such proportions as the Authority consider appropriate.
- (2) The amounts referred to in subsection (1) are—
 - (a) any amount payable to the Authority by virtue of section 102(1) or 118(1);
 - (b) any amount payable to them by virtue of section 101(3); and

Status: This is the original version (as it was originally enacted).

- (c) any amount payable to them by virtue of section 110(1)(a), 113(3) or 120(1).
- (3) Subsection (1) shall not be construed as applying to any amount which is required by the Authority for the making of an adjustment in respect of an overpayment made by any person.
- (4) Any amount payable by any person to the Authority under or by virtue of this Part shall be recoverable by them as a debt due to them from that person; and, where any amount is so payable by a person as the holder of any licence under this Part, his liability to pay it shall not be affected by his licence ceasing (for any reason) to be in force.
- (5) The Authority shall, in respect of each financial year, prepare an account showing—
 - (a) all such amounts falling within subsection (1) as have been received by them, and
 - (b) the sums paid into the Consolidated Funds of the United Kingdom and Northern Ireland respectively under that subsection in respect of those amounts,
 and shall send that account to the Comptroller and Auditor General not later than the end of the month of November following the financial year to which it relates; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

123 Frequency planning and general research and development

- (1) The Authority may make arrangements for such work relating to frequency planning to be carried out as they consider appropriate in connection with the discharge of their functions.
- (2) Any such work shall be directed towards securing that the frequencies assigned to the Authority under this Act are used as efficiently as is reasonably practicable.
- (3) The Authority may make arrangements for such research and development work to be carried out as they consider appropriate in connection with the discharge of their functions.
- (4) The Authority shall secure that, so far as is reasonably practicable—
 - (a) any work carried out under arrangements made in pursuance of subsection (1) or (3) is carried out, under the supervision of the Authority, by persons who are neither members nor employees of the Authority; and
 - (b) any work carried out under arrangements made in pursuance of subsection (3) is to a substantial extent financed by persons other than the Authority.

124 Authority to assist Secretary of State in connection with licensing functions under 1949 Act

The Authority shall give to the Secretary of State such information or other assistance as he may reasonably require in connection with his functions under section 1 of the Wireless Telegraphy Act 1949 as respects the granting, variation or revocation of licences under that section.

125 Representation by Authority of Government and other interests in connection with broadcasting matters

The functions of the Authority shall include representing—

- (a) Her Majesty’s Government in the United Kingdom, and
- (b) persons providing independent radio services,

on bodies concerned with the regulation (whether nationally or internationally) of matters relating to sound broadcasting.

126 Interpretation of Part III

(1) In this Part (unless the context otherwise requires)—

“additional service” and “additional services licence” shall be construed in accordance with section 114(1) and section 115(9) respectively;

“the appropriate percentage”, in relation to any year, has the meaning given by section 102(10);

“assigned frequency” means a frequency for the time being assigned to the Authority under section 84(4);

“the Authority” means the Radio Authority established under this Part;

“cash bid” has the meaning given by section 98(8);

“independent radio service” has the meaning given by section 84(1);

“licence” means a licence under this Part, and “licensed” shall be construed accordingly;

“licensable sound programme service” has the meaning given by section 112(1);

“local licence” and “national licence” mean a licence to provide a local service and a licence to provide a national service, respectively;

“local service”, “national service”, “restricted service” and “satellite service” shall be construed in accordance with section 84(2);

“sound broadcasting service” means a broadcasting service whose broadcasts consist of transmissions in sound only;

“spare capacity” shall be construed in accordance with section 114(2).

(2) Any reference in this Part to an area in the United Kingdom does not include an area which comprises or includes the whole of England; and nothing in this Part shall be read as precluding a local service from being provided for an area or locality that is to any extent comprised in the area or locality for which another local service is to be provided.

(3) Where the person who is for the time being the holder of any licence (“the present licence holder”) is not the person to whom the licence was originally granted, any reference in this Part (however expressed) to the holder of the licence shall be construed, in relation to any time falling before the date when the present licence holder became the holder of it, as including a reference to a person who was previously the holder of the licence.