

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RESTRICTIONS ON THE HOLDING OF LICENCES

PART II

DISQUALIFICATION FOR HOLDING LICENCES

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. II applied (with modifications) (20.7.2004) by [The Community Radio Order 2004 \(S.I. 2004/1944\)](#), arts. 1(2), 6 (as amended (27.3.2015) by S.I. 2015/1000, art. 2)
- C1** Sch. 2 Pt. 2 applied (with modifications) (25.10.2019) by [The Small-scale Radio Multiplex and Community Digital Radio Order 2019 \(S.I. 2019/1387\)](#), arts. 1, 5

General disqualification on grounds of undue influence

- 4 (1) A person is a disqualified person in relation to [^{F1}a Broadcasting Act licence] if in the opinion of [^{F2}OFCOM]—
- (a) any relevant body is, by the giving of financial assistance or otherwise, exerting influence over the activities of that person, and
 - (b) that influence has led, is leading or is likely to lead to results which are adverse to the public interest.
- (2) In sub-paragraph (1) “relevant body”—
- (a) in relation to a licence granted [^{F3}under Part 1 of this Act or Part 1 of the Broadcasting Act 1996, means a person] falling within paragraph 1(1)(c) to (h) or (j) above or a body which is controlled—
 - (i) by a person falling within paragraph 1(1)(c) to (g) above, or
 - (ii) by two or more such persons taken together; and
 - (b) in relation to a licence granted [^{F4}under Part 3 of this Act or Part 2 of the Broadcasting Act 1996, means a person] falling within paragraph 1(1)(c) to (h) or (j) or 3 above or a body which is controlled .
 - [^{F5}(i) by a person falling within paragraph 1(1)(c) to (g) above;
 - (ii) by a person falling within paragraph 3 above; or
 - (iii) by two or more persons taken together each of whom falls within sub-paragraph (i) or (ii) (whether or not they all fall within the same sub-paragraph).]

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Textual Amendments

- F1** Words in Sch. 2 Pt. II substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in Sch. 2 Pt. II para. 4(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(7\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in Sch. 2 Pt. II para. 4(2)(a) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(8\)\(a\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** Words in Sch. 2 Pt. II para. 4(2)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(8\)\(b\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F5** Words in Sch. 2 Pt. II para. 4(2)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. [348\(4\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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