



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER II

SOUND BROADCASTING SERVICES

Local and other services

[^{F1}104A] Variation of conditions relating to digital services

- (1) This section applies where—
 - (a) a licence that is an approved licence has been renewed under section 104A and includes a local digital services condition,
 - (b) an application has been made under section 104AA for the renewal of another approved licence and the applicant has made a national nomination under section 104AB, and
 - (c) the nomination specifies the licence mentioned in paragraph (a) in accordance with section 104AB(4).
- (2) OFCOM may, if the requirements of subsections (3) and (4) are met, vary the licence mentioned in subsection (1)(a) by—
 - (a) removing the local digital services condition, and
 - (b) adding a national digital services condition.
- (3) OFCOM must have received an application for the variation from the licence holder.
- (4) OFCOM must be satisfied that, if they varied the licence, the programmes included in the nominated national digital sound programme service in each calendar month would include at least 80% of the programmes included in the service provided under that licence.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 104AC. (See end of Document for details)

(5) In this section—

“local digital services condition” means a condition requiring the licence holder to do all that the licence holder can to ensure that a local digital sound programme service is broadcast by means of a local radio multiplex service;

“national digital services condition” means a condition requiring the licence holder to do all that the licence holder can to ensure that the nominated national digital sound programme service is broadcast by means of the nominated national radio multiplex service until the day on which the licence (as renewed under section 104A) is to expire;

“nominated” means nominated in the nomination referred to in subsection (1)(b).]

Textual Amendments

F1 Ss. 104AA-104AC inserted (8.4.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 32(2)**, 47(2)(b) (with [s. 32\(3\)\(4\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 104AC.