



# Broadcasting Act 1996

## 1996 CHAPTER 55

### PART VIII

#### MISCELLANEOUS AND GENERAL

##### *Provision of false information, etc.*

#### **144 Offence of providing false information in certain circumstances.**

- (1) A person who, in connection with an application by him for, or his continued holding of, a licence under the 1990 Act or this Act—
- makes [<sup>F1</sup>a statement to OFCOM] which he knows to be false in a material particular, or
  - recklessly makes [<sup>F1</sup>a statement to OFCOM] which is false in a material particular,
- is guilty of an offence if the statement relates to a matter which would be relevant in determining whether he is by virtue of any of the provisions specified in subsection (3) a disqualified person, and he is by virtue of any of those provisions a disqualified person in relation to that licence.
- (2) A person who, in connection with an application by him for, or his continued holding of, a licence under the 1990 Act or this Act, withholds any information with the intention of causing [<sup>F2</sup>OFCOM] to be misled is guilty of an offence if—
- the information would be relevant in determining whether he is by virtue of any of the provisions specified in subsection (3) a disqualified person, and
  - he is by virtue of any of those provisions a disqualified person in relation to that licence.
- (3) The provisions referred to in subsections (1) and (2) are the following provisions of paragraph 1(1) of Part II of Schedule 2 to the 1990 Act—
- paragraphs (d) to (g),
  - paragraph (h) so far as relating to participation by bodies falling within paragraph (d), (e) or (g),

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- (c) paragraph (hh) so far as relating to a body corporate controlled by a body corporate in which a body falling within paragraph (d), (e) or (g) is a participant with more than a 5 per cent. interest,
  - (d) paragraph (i) so far as relating to control by a person falling within any of paragraphs (d) to (g) or by two or more such persons, and
  - (e) paragraph (j) so far as relating to participation by a body corporate which is controlled by a person falling within any of paragraphs (d) to (g) or by two or more such persons.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

<sup>F3</sup>(5) .....

#### Textual Amendments

- F1** Words in s. 144(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 139\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F2** Words in s. 144(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 139\(3\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** S. 144(5) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 139\(4\), Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

#### 145 Disqualification for offence of supplying false information, etc.

- (1) Where a person is convicted of an offence under section 144 the court by which he is convicted may make an order (in this section referred to as a “disqualification order”) disqualifying him from holding a licence during a period specified in the order.
- (2) The period specified in a disqualification order shall not exceed five years beginning with the date on which the order takes effect.
- (3) Where an individual is disqualified from holding a licence by virtue of a disqualification order, any body corporate—
  - (a) of which he is a director, or
  - (b) in the management of which he is directly or indirectly concerned,
 is also disqualified from holding a licence.
- (4) Where the holder of a licence is disqualified by virtue of a disqualification order, the licence shall be treated as being revoked with effect from the time when the order takes effect.
- (5) For the purposes of any of the provisions specified in subsection (6) (which relate to the imposition of a financial penalty on the revocation of a licence), a licence which is revoked by virtue of subsection (4) shall be taken to have been revoked by [<sup>F4</sup>OFCOM] as mentioned in that provision.
- (6) The provisions referred to in subsection (5) are as follows—
  - (a) section 18(3) of the 1990 Act,
  - (b) section 101(3) of the 1990 Act,
  - (c) section 11(5), and

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(d) section 53(5).

(7) In sections [F55(1)(a) and (2)(db)<sup>F6</sup>... and 88(1)(a) and (2)(db)] of the 1990 Act and sections [F75(1)(a) and (2)(db) and 44(1)(a) and (2)(db)] of this Act, the reference to a person who is a disqualified person by virtue of Part II of Schedule 2 to the 1990 Act includes a reference to a person who is disqualified by virtue of a disqualification order.

(8) In this section—

[F8“licence” means a licence under Part 1 or 3 of the 1990 Act or under Part 1 or 2 of this Act;]  
F9 ...

#### Textual Amendments

- F4** Words in s. 145(5) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 140(2)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** Words in s. 145(7) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 140(3)(a)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F6** Words in s. 145(7) repealed (29.12.2003) by The Media Ownership (Local Radio and Appointed News Provider) Order 2003 (S.I. 2003/3299), arts. 1(2), **13(2)**
- F7** Words in s. 145(7) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 140(3)(b)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F8** Words in s. 145(8) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 140(4)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F9** Words in s. 145(8) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1) Note 1** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

#### 146 Supplementary provisions as to disqualification orders.

- (1) A person disqualified by a disqualification order may appeal against the order in the same manner as against a conviction.
- (2) A disqualification order made by a court in England and Wales or Northern Ireland—
- shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the order, and
  - if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- (3) A disqualification order made by a court in Scotland—
- shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the order, and
  - if an appeal against the order or the conviction is taken within that period, shall not take effect until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (4) In this section “disqualification order” means an order under section 145.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 97(1)-(2A) substituted for s. 97(1)(2) by [2003 c. 21 s. 299\(1\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 97(5A)(5B) inserted by [2003 c. 21 s. 299\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(1)-(1D) substituted for s. 101(1) by [2003 c. 21 s. 300\(2\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(5) inserted by [2003 c. 21 s. 300\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)