
STATUTORY INSTRUMENTS

1990 No. 2536

BROADCASTING

**The Broadcasting Act 1990 (Independent
Radio Services: Exceptions) Order 1990**

<i>Made</i>	- - - -	<i>12th December 1990</i>
<i>Laid before Parliament</i>		<i>18th December 1990</i>
<i>Coming into force</i>	- -	<i>1st January 1991</i>

In exercise of the powers conferred upon me by sections 97(2) and 200 of the Broadcasting Act 1990(1), and after consultation with the Radio Authority, I hereby make the following Order:

1.—(1) This Order may be cited as the Broadcasting Act 1990 (Independent Radio Services: Exceptions) Order 1990 and shall come into force on 1st January 1991.

(2) In this Order “the 1990 Act” means the Broadcasting Act 1990.

2.—(1) Section 97(1) of the 1990 Act (by which any person who provides any independent radio service without being authorised to do so by or under a licence under Part III of that Act is guilty of an offence) shall not apply to the services or descriptions of services which are specified in paragraph (2) below.

(2) The services and descriptions of services referred to in paragraph (1) above are:

- (a) any independent radio service, as defined by section 84(1) of the 1990 Act, provided under and in accordance with Schedule 11 to the 1990 Act;
- (b) any independent radio service, as so defined,—
 - (i) which is provided for reception at a place or places in the United Kingdom provided that no such place is a dwelling-house (within the meaning of section 202(1) of the 1990 Act),
 - (ii) which is so provided for the purpose of its being heard there either by members of the public or by a group of persons some or all of whom do not have a business interest in hearing it,
 - (iii) which does not include any advertisement, and
 - (iv) in respect of which no payment is made either directly or indirectly for its provision by the persons by whom it is heard; and

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- (c) any independent radio service, as so defined, consisting only of sounds sent by means of a telecommunication system run by a person who is a public telecommunications operator, as defined by section 9(3) of the Telecommunications Act 1984⁽²⁾ and who is not licensed to provide a local delivery service, as defined by section 72 of the 1990 Act.

Home Office
12th December 1990

Kenneth Baker
One of Her Majesty's Principal Secretaries of
State

(2) 1984 c. 12.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 97(1) of the Broadcasting Act 1990, it is an offence for a person to provide any independent radio service (as defined by section 84(1) of that Act) without being authorised to do so by or under a licence under Part III of that Act. However, the offence in section 97(1) does not apply to such services or descriptions of services as are specified in an order made by the Secretary of State. Article 2(2) of this Order exercises that power and specifies exceptions.

Schedule 11 to the 1990 Act, to which article 2(2)(a) refers, makes transitional provisions relating to the broadcasting services of the Independent Broadcasting Authority.

Under article 3(1) of, and Schedule 2 to, the Broadcasting Act 1990 (Commencement No. 1 and Transitional Provisions) Order 1990 (S.I.1990/2347), section 97 of the 1990 Act comes into force on 1st January 1991 when this Order also comes into force.