

SCHEDULE

Modification of legislation in relation to community radio services

PART 1

Modifications to the Broadcasting Act 1990

Character and coverage of services

6. Section 106 (requirements as to character and coverage of national and local services) shall have effect as if—

- (a) in subsection (1)(1), for the words “national or local”, there were substituted the words “community radio”;
- (b) in subsection (1A)(2)—
 - (i) in paragraph (b), for the words from “living in” to the end there were substituted the words “comprising the relevant community”;
 - (ii) paragraph (c) and the word “or” following it were omitted;
 - (iii) in paragraph (d), the words “, in the case of a local licence,” were omitted and for the words “living in that area or locality” there were substituted the words “comprising that community”; and
 - (iv) after the word “departure” in that paragraph there were added—
“;”,
- (e) that the departure would not be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities; or
- (f) that the departure would not be prejudicial to the delivery of social gain resulting from the provision of the service provided under that licence”;
- (c) in subsection (1B)(3), for the word “local” there were substituted the words “community radio”, and after that subsection there were added—

“;”,

(1C) Without prejudice to the generality of subsection (1), a community radio licence shall include such conditions as appear to OFCOM to be appropriate for securing that the holder of the licence does not enter into, or remain subject to, any arrangement if an effect of that arrangement is to allow another holder of a Broadcasting Act licence or the BBC or the Welsh Authority to exercise an undue influence over the nature and content of the programmes included in the service provided under that licence.

(1D) In subsection (1C), “arrangement” includes any agreement or arrangement with one or more other persons, whether or not it is, or is intended to be, legally enforceable.”;

- (d) for subsection (2), there was substituted the following subsection—

(1) Section 106(1) was amended by section 360(3) of, and paragraph 49, Part 1, of Schedule 15 to, the Communications Act 2003. The words from “, except” onwards in section 106(1) were repealed by section 312(1) and (2) and 406(7) of, and Schedule 19(1) to, the Communications Act 2003.

(2) Section 106(1A) was inserted by section 312(1) and (3) of the Communications Act 2003.

(3) Section 106(1B) was inserted by section 312(1) and (3) of the Communications Act 2003.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2) Without prejudice to the generality of the provisions in subsections (1) to (1D), a community radio licence shall include such conditions as OFCOM consider are appropriate to ensure that the licence holder provides the service described in the application for that licence.”;

- (e) in subsection (4)(4), for the word “local” there were substituted the words “community radio”;
- (f) in subsections (4), (5)(5) and (6), for the words “locality for which”, wherever they occur, there were substituted the words “locality in which”;
- (g) in subsection (7)(6), for the word “local” there were substituted the words “community radio”, and for the words “living and working in the area or locality” there were substituted the words “comprising the relevant community”.

(4) Section 106(4) and (6) were amended by section 360(3) of, and paragraph 49, Part 1, of Schedule 15 to, the Communications Act 2003.

(5) Section 106(5) was substituted by section 312(1) and (4) of the Communications Act 2003.

(6) Section 106(7) was inserted by section 312(1) and (5) of the Communications Act 2003.