

2007 No. 272

BROADCASTING

**The Broadcasting Act 1990 (Independent Radio Services
Exceptions) Order 2007**

<i>Made</i> - - - -	<i>5th February 2007</i>
<i>Laid before Parliament</i>	<i>6th February 2007</i>
<i>Coming into force</i> - -	<i>19th March 2007</i>

The Secretary of State, in exercise of the power conferred by section 97(2) of the Broadcasting Act 1990(a), makes the following Order.

In accordance with section 97(2) of that Act she has consulted OFCOM.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Broadcasting Act 1990 (Independent Radio Services Exceptions) Order 2007 and shall come into force on 19th March 2007.

(2) In this Order, “wireless telegraphy apparatus” has the meaning given by section 117 of the Wireless Telegraphy Act 2006(b).

Excepted radio services

2.—(1) Section 97(1) of the Broadcasting Act 1990 does not apply to any service of the description specified in paragraph (2).

(2) The description of services referred to in paragraph (1) is any service which—

- (a) is transmitted on wireless telegraphy apparatus designed or adapted for the provision of voice radiocommunications in the frequency bands 26.97 to 27.41 MHz and 27.60 to 27.99 MHz;
- (b) consists solely of the onward transmission of a live event of a kind falling within paragraph (3) at the same time as that event takes place;
- (c) is not a retransmission of a transmission described in paragraph (a);
- (d) is not transmitted from an antenna whose highest point exceeds a height of 10 metres above ground level;

(a) 1990 c. 42; section 97 was amended by the Broadcasting Act 1996 (c.55), Schedule 10, Part 1, paragraph 7 and the Communications Act 2003 (c.21), section 360(3), Schedule 15, Part 1, paragraph 37. Section 97(1) has effect as if any order made under section 97(2) which is for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey and the Bailiwick of Guernsey; see paragraph 27 of the Schedule to SI 1991/1710 and paragraph 27 of the Schedule to SI 1991/1709 respectively.

(b) 2006 c. 36.

- (e) does not include any advertisement or sponsorship for which any person has received, will receive, or is or will be entitled to receive, any payment or other financial benefit (whether direct or indirect) in consideration for so including it; and
 - (f) is transmitted for a total of not more than four hours each day and in which there is, after any continuous period of transmission of four hours, a break of at least one hour before there is any further transmission.
- (3) An event falls within this paragraph if –
- (a) it is held in a place to which the public are permitted to have access (whether on payment or otherwise); and
 - (b) it is not held wholly or mainly for the purpose of its distribution by an electronic communications network within the meaning of the Communications Act 2003(a).

Signatory text

Shaun Woodward
Minister for Creative Industries and Tourism
Department for Culture, Media and Sport

5th February 2007

(a) 2003 c. 21; section 32 (1) defines the meaning of an electronic communications network.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 97(1) of the Broadcasting Act 1990 (“the 1990 Act”), it is an offence for a person to provide any relevant regulated radio service (as defined by section 97(1A) of that Act) without being authorised to do so by or under a licence under Part 3 of that Act or Part 2 of the Broadcasting Act 1996. Under section 97(2) of the 1990 Act the Secretary of State may, after consultation with OFCOM, by order provide that section 97(1) does not apply to such services or descriptions of services as are specified.

This Order specifies a category of services to which section 97(1) does not apply. Article 2(2) specifies the characteristics of the services which are exempted by this order whilst Article 2(3) imposes limitations on the type of event which may be the subject of the service.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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