



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER I

REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

Function of Authority

^{F1}84 Regulation by Authority of independent radio services.

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Textual Amendments

F1 S. 84 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#)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)

85 Licensing functions of Authority.

- (1) Subject to subsection (2), [^{F2}OFCOM] may, in accordance with the following provisions of this Part, grant [^{F3} licences to provide relevant independent radio services].
- (2) [^{F2}OFCOM] shall do all that they can to secure the provision within the United Kingdom of—
 - (a) a diversity of national services each catering for tastes and interests different from those catered for by the others and of which—

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: Function of Authority. (See end of Document for details)

- (i) one is a service the greater part of which consists in the broadcasting of spoken material, and
 - (ii) another is a service which consists, wholly or mainly, in the broadcasting of music which, in the opinion of [^{F2}OFCOM], is not pop music; and
 - (b) a range and diversity of local services.
- ^{F4}(3)
- ^{F4}(4)
- (5) The Secretary of State may by order make such amendments of subsection (2)(a) as he considers appropriate—
- (a) for including in that provision a requirement that one of the national services there referred to should be a service of a particular description, or
 - (b) for removing such a requirement from that provision;
- and (without prejudice to the generality of section 200(2)(b)) any such order may make such consequential amendments of section 98(1)(b)(iii) as the Secretary of State considers appropriate.
- (6) In subsection (2)(a)(ii) “pop music” includes rock music and other kinds of modern popular music which are characterised by a strong rhythmic element and a reliance on electronic amplification for their performance (whether or not, in the case of any particular piece of rock or other such music, the music in question enjoys a current popularity as measured by the number of recordings sold).
- (7) An order shall not be made under subsection (5) unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- [^{F5}(8) In this section “relevant independent radio services” means the following services so far as they are services falling to be regulated under section 245 of the Communications Act 2003—
- (a) sound broadcasting services;
 - (b) radio licensable content services;
 - (c) additional radio services.]

Textual Amendments

- F2** Words in s. 85(1)(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 32\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in s. 85(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 32\(3\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F4** S. 85(3)(4) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 32\(4\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F5** S. 85(8) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 32\(5\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading:
Function of Authority.