



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER I

REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

Prohibition on providing unlicensed independent radio services

97 Prohibition on providing independent radio services without a licence.

- (1) Subject to subsection (2), any person who provides any independent radio service [^{F1}or any service falling within section 84(1)(d), (e) or (f)] without being authorised to do so by or under a licence under this Part [^{F2}or Part II of the Broadcasting Act 1996] shall be guilty of an offence.
- (2) The Secretary of State may, after consultation with the Authority, by order provide that subsection (1) shall not apply to such services or descriptions of services as are specified in the order.
- (3) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) No proceedings in respect of an offence under this section shall be instituted—
 - (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Status: Point in time view as at 01/10/1996.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Cross
Heading: Prohibition on providing unlicensed independent radio services. (See end of Document for details)

- (5) Without prejudice to subsection (3) above, compliance with this section shall be enforceable by civil proceedings by the Crown for an injunction or interdict or for any other appropriate relief.
- (6) Any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in S. 97(1) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 7(a)** (with s. 43(1) (6)); S.I. 1996/2120, art. 4, **Sch. 1**
- F2** Words in S. 97(1) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 7(b)** (with s. 43(1) (6)); S.I. 1996/2120, art. 4, **Sch. 1**
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Modifications etc. (not altering text)

- C1** S. 97(1) excluded by S.I. 1990/2536, **art. 2(1)**

Status:

Point in time view as at 01/10/1996.

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Cross Heading: Prohibition on providing unlicensed independent radio services.