



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 [^{F1}relevant regulated radio service] 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.

[^{F3}(1A) In subsection (1) “relevant regulated radio service” means a service falling to be regulated by OFCOM under section 245 of the Communications Act 2003, other than a radio multiplex service.]

- (2) The Secretary of State may, after consultation with [^{F4}OFCOM], 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;

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)

- (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (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) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 37(2)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- 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**
- F3** S. 97(1A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 37(3)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** Words in s. 97(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 37(4)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Modifications etc. (not altering text)

- C1** S. 97(1) excluded by [S.I. 1990/2536](#), **art. 2(1)**
- C2** S. 97(1) excluded (19.3.2007) by [The Broadcasting Act 1990 \(Independent Radio Services Exceptions\) Order 2007 \(S.I. 2007/272\)](#), arts. 1(1), **2**

Changes to legislation:

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