

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### RESTRICTIONS ON THE HOLDING OF LICENCES

##### PART II

##### DISQUALIFICATION FOR HOLDING LICENCES

###### Modifications etc. (not altering text)

- C1** Sch. 2 Pt. II applied (with modifications) (20.7.2004) by [The Community Radio Order 2004 \(S.I. 2004/1944\)](#), arts. 1(2), 6 (as amended (27.3.2015) by S.I. 2015/1000, art. 2)
- C1** Sch. 2 Pt. 2 applied (with modifications) (25.10.2019) by [The Small-scale Radio Multiplex and Community Digital Radio Order 2019 \(S.I. 2019/1387\)](#), arts. 1, 5

###### *Disqualification of publicly-funded bodies for radio service licences*

- 3 (1) The following persons are disqualified persons in relation to any licence granted [<sup>F1</sup>under Part 3 of this Act or Part 2 of the Broadcasting Act 1996] other than a licence to provide a restricted service—
- (a) a body [<sup>F2</sup>(other than a local authority, the Welsh Authority or the BBC)] which has, in its last financial year, received more than half its income from public funds;
  - (b) a body which is controlled by a body falling within paragraph (a) or by two or more such bodies taken together; and
  - (c) a body corporate in which a body falling within paragraph (a) or (b) is a participant with more than a 5 per cent. interest.
- (2) For the purposes of sub-paragraph (1)(a) money is received from public funds if it is paid—
- (a) by a Minister of the Crown out of money provided by Parliament or out of the National Loans Fund;
  - (b) by a Northern Ireland department out of the Consolidated Fund of Northern Ireland or out of money appropriated by Measure of the Northern Ireland Assembly; or
  - (c) by a body which itself falls within sub-paragraph (1)(a), including a body which falls within that provision by virtue of this paragraph;
- but, in each case, there shall be disregarded any money paid as consideration for the acquisition of property or the supply of goods or services or as remuneration, expenses, pensions, allowances or similar benefits for or in respect of a person as the holder of an office.

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#### Textual Amendments

- F1** Words in Sch. 2 Pt. II para. 3(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(8\)\(a\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F2** Words in Sch. 2 Pt. II para. 3(1)(a) substituted (24.7.1996 for certain purposes, otherwise 1.11.1996) by [1996 c. 55](#), [ss. 73, 149\(1\)\(a\)](#), [Sch. 2 Pt. II para. 7](#) (with [s. 43\(1\)\(6\)](#)); [S.I. 1996/2120](#), [art. 5](#), [Sch. 2](#)

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