

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, SCHEDULE 7. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 7

Sections 67, 77 and 121.

#### QUALIFYING REVENUE: SUPPLEMENTARY PROVISIONS

#### PART I

#### QUALIFYING REVENUE FOR PURPOSES OF PART I OR II OF THIS ACT

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

- C1** Sch. 7 Pt. I applied (with modifications) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 9 para. 8\(7\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- C2** Sch. 7 Pt. I applied (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 10 para. 15\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- C3** Sch. 7 Pt. I applied (with modifications) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 237\(5\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

##### *Computation of qualifying revenue*

- 1 (1) It shall be the duty of [F1OFCOM] to draw up, and from time to time review, a statement setting out the principles to be followed in ascertaining the qualifying revenue in relation to a person—
- (a) for any accounting period of his, or
  - (b) for any year,
- for the purposes of any provision of Part I or Part II of this Act.
- (2) A statement under this paragraph may set out different principles for persons holding different kinds of licences.
- (3) Before drawing up or revising a statement under this paragraph [F1OFCOM] shall consult the Secretary of State and the Treasury.
- (4) [F1OFCOM] shall—
- (a) publish the statement drawn up under this paragraph and every revision of that statement; and
  - (b) transmit a copy of that statement, and every revision of it, to the Secretary of State;
- and the Secretary of State shall lay copies of the statement and of every such revision before each House of Parliament.

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#### Textual Amendments

- F1** Words in [Sch. 7 Pt. I](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 72\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

#### *Disputes*

- 2 (1) For the purposes of any provision of Part I or Part II of this Act—
- (a) the amount of the qualifying revenue in relation to any person for any accounting period of his, or (as the case may be) for any year, or
  - (b) the amount of any payment to be made to [<sup>F1</sup>OFCOM] by any person in respect of any such revenue, or of an instalment of any such payment,
- shall, in the event of a disagreement between [<sup>F1</sup>OFCOM] and that person, be the amount determined by [<sup>F1</sup>OFCOM] .
- (2) No determination of [<sup>F1</sup>OFCOM] under this paragraph shall be called in question in any court of law, or be the subject of any arbitration; but nothing in this sub-paragraph shall prevent the bringing of proceedings for judicial review.

#### Textual Amendments

- F1** Words in [Sch. 7 Pt. I](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 72\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

## PART II

### QUALIFYING REVENUE FOR PURPOSES OF PART III OF THIS ACT

#### *Computation of qualifying revenue*

- 1 (1) It shall be the duty of [<sup>F2</sup>OFCOM] to draw up, and from time to time review, a statement setting out the principles to be followed in ascertaining the qualifying revenue for any accounting period of a licence holder for the purposes of any provision of Part III of this Act.
- (2) A statement under this paragraph may set out different principles for persons holding different kinds of licences.
- (3) Before drawing up or revising a statement under this paragraph [<sup>F2</sup>OFCOM] shall consult the Secretary of State and the Treasury.
- (4) [<sup>F2</sup>OFCOM] shall—
- (a) publish the statement drawn up under this paragraph and every revision of that statement; and
  - (b) transmit a copy of that statement, and every revision of it, to the Secretary of State;
- and the Secretary of State shall lay copies of the statement and of every such revision before each House of Parliament.

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**Textual Amendments**

- F2** Words in [Sch. 7 Pt. II](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 72\(3\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

*Disputes*

- 2 (1) For the purposes of any provision of Part III of this Act—
- (a) the amount of the qualifying revenue for any accounting period of a person, or
  - (b) the amount of any payment to be made to [F<sup>2</sup>OFCOM] by any person in respect of any such revenue, or of an instalment of any such payment,
- shall, in the event of a disagreement between [F<sup>2</sup>OFCOM] and that person, be the amount determined by [F<sup>2</sup>OFCOM] .
- (2) No determination of [F<sup>2</sup>OFCOM] under this paragraph shall be called in question in any court of law, or be the subject of any arbitration; but nothing in this sub-paragraph shall prevent the bringing of proceedings for judicial review.

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**Textual Amendments**

- F2** Words in [Sch. 7 Pt. II](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 72\(3\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

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