



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER II

SOUND BROADCASTING SERVICES

Local and other services

104B ^{F1} **Special application procedure for local licences.**

(1) Where—

(a) a local licence is due to expire (otherwise than by virtue of section 110),
[^{F2}and]

^{F3}(b)

(c) [^{F4}OFCOM] propose to grant a further licence to provide the service in question,

[^{F4}OFCOM] may if they think fit publish a notice under subsection (2) instead of a notice under section 104(1).

[^{F5}(1A) In subsection (1)(c) the reference to the service in question, in relation to a case in which it is a pre-transfer local licence that is due to expire, is a reference to the equivalent local service for which a licence is capable of being granted at times on or after the radio transfer date.]

(2) A notice under this subsection is a notice—

(a) stating that [^{F4}OFCOM] propose to grant a further licence to provide a specified local service,

(b) specifying the area or locality in the United Kingdom for which the service is to be provided,

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- (c) inviting declarations of intent to apply for a licence to provide the service,
- (d) specifying the closing date for such declarations, and
- (e) specifying—
 - (i) the application fee payable on any declaration made in pursuance of the notice, and
 - (ii) a deposit of such amount as [^{F4}OFCOM] may think fit.
- (3) A declaration of intent made in pursuance of a notice under subsection (2) must be in writing and accompanied by the application fee and deposit specified under subsection (2)(e)(i) and (ii).
- (4) Where [^{F4}OFCOM] receive a declaration of intent in accordance with the provisions of this section from a person other than the licence holder in relation to the service in question, they shall—
 - (a) publish a notice under section 104(1),
 - (b) specify—
 - (i) in relation to persons who have made a declaration of intent in accordance with the provisions of this section, no further application fee, and
 - (ii) in relation to all other applicants, an application fee of the same amount as the fee referred to in subsection (2)(e)(i), and
 - (c) repay the deposit referred to in subsection (2)(e)(ii) to every person—
 - (i) who has made a declaration of intent in accordance with the provisions of this section, and
 - (ii) who duly submits an application in pursuance of the notice referred to in paragraph (a).
- (5) Where [^{F4}OFCOM] receive a declaration of intent in accordance with the provisions of this section from the licence holder in relation to the service in question, and no such declaration from any other person, they shall—
 - (a) invite the licence holder to apply for the licence in such manner as they may determine (but without requiring any further application fee), and
 - (b) on receiving an application duly made by him, repay to him the deposit referred to in subsection (2)(e)(ii).

^{F6}(6)

^{F6}(7)

Textual Amendments

- F1** S. 104A, 104B inserted (1.11.1996) by 1996 c. 55, s. 94(1) (with s. 43(1)(6)); S.I. 1996/2120, art. 5, Sch. 2
- F2** Word in s. 104B(1)(a) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 255(a), 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** S. 104B(1)(b) repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 255(b), 411(2), Sch. 19(1) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F4** Words in s. 104B substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 47(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** S. 104B(1A) inserted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 47(3) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

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F6 S. 104B(6)(7) 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)

Modifications etc. (not altering text)

C1 Pt. III: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 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, Section 104B.