



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER II

SOUND BROADCASTING SERVICES

Enforcement of licences

109 Power to require scripts etc. or broadcasting of correction or [^{F1}a statement of findings].

- (1) If [^{F2}OFCOM] are satisfied that the holder of a licence granted under this Chapter has failed to comply with any condition of the licence or with any direction given by [^{F2}OFCOM] under or by virtue of any provision of this Part, they may serve on him a notice—
- (a) stating that [^{F2}OFCOM] are so satisfied as respects any specified condition or direction;
 - (b) stating the effect of subsection (2); and
 - (c) specifying for the purposes of that subsection a period not exceeding twelve months.
- (2) If, at any time during the period specified in a notice under subsection (1), [^{F2}OFCOM] are satisfied that the licence holder has again failed to comply with any such condition or direction as is mentioned in that subsection (whether or not the same as the one specified in the notice), [^{F2}OFCOM] may direct him—
- (a) to provide [^{F2}OFCOM] in advance with such scripts and particulars of the programmes to be included in the licensed service as are specified in the direction; and

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 109. (See end of Document for details)

- (b) in relation to such of those programmes as will consist of or include recorded matter, to produce to [F²OFCOM] in advance for examination or reproduction such recordings of that matter as are so specified;
- and a direction under this subsection shall have effect for such period, not exceeding six months, as is specified in the direction.
- (3) If [F²OFCOM] are satisfied—
- (a) that the holder of a licence has failed to comply with any condition of the licence, and
 - (b) that that failure can be appropriately remedied by the inclusion in the licensed service of a correction or [F¹a statement of findings] (or both) under this subsection,
- they may (subject to subsection (4)) direct the licence holder to include in the licensed service a correction or [F¹a statement of findings] (or both) in such form, and at such time or times, as they may determine.
- (4) [F²OFCOM] shall not give any person a direction under subsection (3) unless they have given him a reasonable opportunity of making representations to [F²OFCOM] about the matters complained of.
- (5) Where the holder of a licence includes a correction or [F¹a statement of findings] in the licensed service in pursuance of a direction under subsection (3), he may announce that he is doing so in pursuance of such a direction.
- [F³(6) For the purposes of this section a statement of findings, in relation to a case in which OFCOM are satisfied that the holder of a licence has contravened the conditions of his licence, is a statement of OFCOM's findings in relation to that contravention.]

Textual Amendments

- F1** Words in s. 109 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 344(2)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), **art. 3(1)**, [Sch. 1](#) (with [art. 11](#))
- F2** Words in ss. 109-111A substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 50** (with [Sch. 18](#)); [S.I. 2003/3142](#), **art. 3(1)**, [Sch. 1](#) (with [art. 11](#))
- F3** S. 109(6) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 344(3)**, 411(2) (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](#))
- C2** S. 109 applied (with modifications) (1.10.1996) by [1996 c. 55](#), **ss. 62(10)**, 66(10) (with s. 43(1)(6)); [S.I. 1996/2120](#), **art. 5**, **Sch. 2**
- C3** Ss. 109-111A applied (with modifications) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 250(3)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), **art. 3(1)**, [Sch. 1](#) (with [art. 11](#))
- C4** S. 109(3) modified (20.7.2004) by [The Contracting Out \(Functions relating to Broadcast Advertising and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\)](#), **art. 1**, **Sch. para. 2(b)** (with [art. 5](#))

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 109.