



Broadcasting Act 1990

1990 CHAPTER 42

^{F1}PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER II

TELEVISION BROADCASTING ON CHANNELS 3, 4 AND 5

Channel 3

16 Procedure to be followed by Commission in connection with consideration of applications for licences.

- (1) Where a person has made an application for a Channel 3 licence in accordance with section 15, [^{F1}OFCOM] shall not proceed to consider whether to award him the licence on the basis of his cash bid in accordance with section 17 unless it appears to them—
- (a) that his proposed service would comply with the requirements [^{F2}that have to be imposed under Chapter 4 of Part 3 of the Communications Act 2003 by conditions relating to—
 - (i) the public service remit for that service,
 - (ii) programming quotas,
 - (iii) news and current affairs programmes, and
 - (iv) programme production and regional programming], and
 - (b) that he would be able to maintain that service throughout the period for which the licence would be in force,

and any reference to an applicant in section 17 (except in section 17(12)(b)) is accordingly a reference to an applicant in whose case it appears to [^{F1}OFCOM] that the requirements of paragraphs (a) and (b) above are satisfied.

^{F3}(2)

*Changes to legislation: There are currently no known outstanding effects
 for the Broadcasting Act 1990, Section 16. (See end of Document for details)*

^{F3}(3)

(4) In deciding whether an applicant's proposed service would comply with the requirements [^{F4}that have to be imposed under Chapter 4 of Part 3 of the Communications Act 2003 by conditions relating to—

- (a) the public service remit for that service,
- (b) programming quotas,
- (c) news and current affairs programmes, and
- (d) programme production and regional programming,]

[^{F1}OFCOM] shall take into account any representations made to them in pursuance of section 15(6)(b) with respect to that service; ^{F5}....

^{F6}(5)

^{F6}(6)

^{F6}(7)

^{F6}(8)

Textual Amendments

- F1** Words in s. 16 substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 8(2)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F2** Words in s. 16(1) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 8(3)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** S. 16(2)(3) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 8(4), **Sch. 19(1)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F4** Words in s. 16(4) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 8(5)(a)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** Words in s. 16(4) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 8(5)(b), **Sch. 19(1)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F6** S. 16(5)-(8) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 8(6), **Sch. 19(1)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Modifications etc. (not altering text)

- C1** Pt. I: transfer of functions (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 1 para. 3(a)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- C2** Ss. 15-17A excluded (29.12.2003) by Communications Act 2003 (c. 21), **ss. 215(3)**, 411(2) (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 16.