



# Broadcasting Act 1990

## 1990 CHAPTER 42

### <sup>F1</sup>PART I

#### INDEPENDENT TELEVISION SERVICES

#### CHAPTER 1

##### REGULATION BY COMMISSION OF TELEVISION SERVICES GENERALLY

##### *General provisions about licences*

#### **4 General licence conditions.**

(1) A licence may include—

- (a) such conditions as appear to [<sup>F1</sup>OFCOM] to be appropriate having regard to any duties which are or may be imposed on them, or on the licence holder, by or under this Act [<sup>F2</sup>, the Broadcasting Act 1996 or the Communications Act 2003];
- (b) conditions requiring the payment by the licence holder to [<sup>F1</sup>OFCOM] (whether on the grant of the licence or at such times thereafter as may be determined by or under the licence, or both) of a fee or fees of an amount or amounts so determined;
- (c) conditions requiring the licence holder to provide [<sup>F1</sup>OFCOM], in such manner and at such times as they may reasonably require, with such information as they may require for the purpose of exercising the functions assigned to them by or under this Act [<sup>F3</sup>, the Broadcasting Act 1996 or the Communications Act 2003];
- (d) conditions providing for such incidental and supplemental matters as appear to [<sup>F1</sup>OFCOM] to be appropriate.

(2) A licence may in particular include conditions requiring the licence holder—

*Changes to legislation: There are currently no known outstanding effects  
 for the Broadcasting Act 1990, Section 4. (See end of Document for details)*

- (a) to comply with any direction given by [F<sup>1</sup>OFCOM] as to such matters as are specified in the licence or are of a description so specified; or
  - (b) (except to the extent that [F<sup>1</sup>OFCOM] consent to his doing or not doing them) not to do or to do such things as are specified in the licence or are of a description so specified.
- (3) The fees required to be paid to [F<sup>1</sup>OFCOM] by virtue of subsection (1)(b) shall be in accordance with such tariff as may from time to time be fixed by [F<sup>1</sup>OFCOM]; <sup>F<sup>4</sup></sup>....
- (4) A tariff fixed under subsection (3) may specify different fees in relation to different cases or circumstances; and [F<sup>1</sup>OFCOM] shall publish every such tariff in such manner as they consider appropriate.
- (5) Where the holder of any licence—
- (a) is required by virtue of any condition [F<sup>5</sup>contained in the licence] to provide [F<sup>1</sup>OFCOM] with any information, and
  - (b) in purported compliance with that condition provides them with information which is false in a material particular,
- he shall be taken for the purposes of sections 41 and 42 [F<sup>6</sup>or (as the case may be) sections 237 and 238 of the Communications Act 2003 (enforcement of television licensable content service licences)] to have failed to comply with that condition.
- (6) Nothing in this Act which authorises or requires the inclusion in a licence of conditions relating to any particular matter or having effect for any particular purpose shall be taken as derogating from the generality of subsection (1).

#### Textual Amendments

- F1** Words in s. 4 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 2\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F2** Words in s. 4(1)(a) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 2\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F3** Words in s. 4(1)(c) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 2\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F4** Words in s. 4(3) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 2\(4\), Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F5** Words in s. 4(5) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 2\(5\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F6** Words in s. 4(5) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 2\(5\)\(b\)](#) (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** [S. 4\(1\)\(c\)](#) modified (20.7.2004) by [The Contracting Out \(Functions relating to Broadcast Advertising and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\), arts. 1, 10\(1\)\(a\)\(2\)\(a\)](#) (with art. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 4.