



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART III

#### INDEPENDENT RADIO SERVICES

#### CHAPTER I

##### REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

##### *Function of Authority*

#### **85 Licensing functions of Authority.**

- (1) Subject to subsection (2), [<sup>F1</sup>OFCOM] may, in accordance with the following provisions of this Part, grant [<sup>F2</sup> licences to provide relevant independent radio services].
- (2) [<sup>F1</sup>OFCOM] shall do all that they can to secure the provision within the United Kingdom of—
  - (a) a diversity of national services each catering for tastes and interests different from those catered for by the others and of which—
    - (i) one is a service the greater part of which consists in the broadcasting of spoken material, and
    - (ii) another is a service which consists, wholly or mainly, in the broadcasting of music which, in the opinion of [<sup>F1</sup>OFCOM], is not pop music; and
  - (b) a range and diversity of local services.

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

---

*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 85. (See end of Document for details)*

---

- (5) The Secretary of State may by order make such amendments of subsection (2)(a) as he considers appropriate—
- (a) for including in that provision a requirement that one of the national services there referred to should be a service of a particular description, or
  - (b) for removing such a requirement from that provision;
- and (without prejudice to the generality of section 200(2)(b)) any such order may make such consequential amendments of section 98(1)(b)(iii) as the Secretary of State considers appropriate.
- (6) In subsection (2)(a)(ii) “pop music” includes rock music and other kinds of modern popular music which are characterised by a strong rhythmic element and a reliance on electronic amplification for their performance (whether or not, in the case of any particular piece of rock or other such music, the music in question enjoys a current popularity as measured by the number of recordings sold).
- (7) An order shall not be made under subsection (5) unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- [<sup>F4</sup>(8) In this section “relevant independent radio services” means the following services so far as they are services falling to be regulated under section 245 of the Communications Act 2003—
- (a) sound broadcasting services;
  - (b) radio licensable content services;
  - (c) additional radio services.]

#### **Textual Amendments**

- F1** Words in s. 85(1)(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 32(2)** (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in s. 85(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 32(3)** (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F3** S. 85(3)(4) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 32\(4\)](#), **Sch. 19(1)** (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F4** S. 85(8) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 32(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 85.