



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER I

REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

General provisions about licences

86 Licences under Part III.

- (1) A licence shall be in writing and (subject to the provisions of this Part) shall continue in force [^{F1}(subject to a suspension of the licence under section 111B)—
 - (a) in the case of a licence to provide radio licensable content services, until such time as it is surrendered or is revoked in accordance with any of the following provisions of this Part; and
 - (b) in any other case, until whichever is the earlier of any such time or the end of the period specified in the licence.]
- (2) A licence may be granted by [^{F2}OFCOM] for the provision of such a service as is specified in the licence or for the provision of a service of such a description as is so specified; and (without prejudice to the generality of the preceding provision) a licence may be so granted for the provision of a service which to any extent consists in the simultaneous broadcasting of different programmes on different frequencies.
- [^{F3}(3) A licence to provide a local or national service or to provide an additional service must specify a period of no more than twelve years as the period for which it is to be in force.]
- (4) [^{F2}OFCOM] —

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 86. (See end of Document for details)

- (a) shall not grant a licence to any person unless they are satisfied that he is a fit and proper person to hold it; and
- (b) shall do all that they can to secure that, if they cease to be so satisfied in the case of any person holding a licence, that person does not remain the holder of the licence;

and nothing in this Part shall be construed as affecting the operation of this subsection or of section 88(1) or (2)(b) or (c) or 89(1).

[^{F4}(4A) Where [^{F2}OFCOM] are not satisfied that a BBC company which has applied for a licence is a fit and proper person to hold it, they shall, before refusing the application, notify the Secretary of State that they are not so satisfied.]

- (5) [^{F2}OFCOM] may vary a licence by a notice served on the licence holder if—
 - (a) in the case of a variation of the period for which the licence is to continue in force, the licence holder consents; or
 - (b) in the case of any other variation, the licence holder has been given a reasonable opportunity of making representations to [^{F2}OFCOM] about the variation.

(6) Paragraph (a) of subsection (5) does not affect the operation of [^{F5}section 97B [^{F6}, 105A] or 110(1)(b)]; and that subsection shall not authorise the variation of any conditions included in a licence in pursuance of section 102(1) or section 118(1).

(7) A licence granted to any person under this Part shall not be transferable to any other person without the previous consent in writing of [^{F2}OFCOM] .

(8) Without prejudice to the generality of subsection (7), [^{F2}OFCOM] shall not give their consent for the purposes of that subsection unless they are satisfied that any such other person would be in a position to comply with all of the conditions included in the licence which would have effect during the period for which it is to be in force.

[^{F7}(9) The holding of a licence by a person shall not relieve him of—

- (a) any liability in respect of a failure to hold [^{F8}a licence under section 8 of the Wireless Telegraphy Act 2006]; or
- (b) any obligation to comply with requirements imposed by or under Chapter 1 of Part 2 of the Communications Act 2003 (electronic communications networks and electronic communications services).]

Textual Amendments

- F1** Words in s. 86(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 252(1)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F2** Words in s. 86 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 33(2)** (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F3** S. 86(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 252(2)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F4** S. 86(4A) inserted (24.7.1996) by [1996 c. 55](#), s. 136, 149(1)(f), **Sch. 8 para. 5** (with s. 43(1)(6))
- F5** Words in s. 86(6) substituted (8.4.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 30(1)**, 47(2)(b)
- F6** Words in s. 86(6) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 33(1)**, 47(1)
- F7** S. 86(9) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 33(3)** (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F8** Words in s. 86(9)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 7 para. 11**

Changes to legislation: *There are currently no known outstanding effects for the Broadcasting Act 1990, Section 86. (See end of Document for details)*

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 86.