



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER II

SOUND BROADCASTING SERVICES

National services

98 Applications for national licences.

- (1) Where [^{F1}OFCOM] propose to grant a licence to provide a national service, they shall publish, in such manner as they consider appropriate, a notice—
- (a) stating that they propose to grant such a licence;
 - (b) specifying—
 - (i) the period for which the licence is to be granted,
 - (ii) the minimum area of the United Kingdom for which the service is to be provided,
 - [^{F2}(ia) the digital capacity that is likely, in their opinion, to be available from the holders of national radio multiplex licences for the broadcasting of a simulcast radio service corresponding to the service;]
 - (iii) if the service is to be one falling within section 85(2)(a)(i) or (ii), that the service is to be such a service, and
 - (iv) if there is any existing licensed national service, that the service is to be one which caters for tastes and interests different from those already catered for by any such service (as described in the notice);
 - (c) inviting applications for the licence and specifying the closing date for such applications; and
 - (d) specifying—

*Changes to legislation: There are currently no known outstanding effects
 for the Broadcasting Act 1990, Section 98. (See end of Document for details)*

- (i) the fee payable on any application made in pursuance of the notice, and
 - (ii) the percentage of qualifying revenue for each accounting period that would be payable by an applicant in pursuance of section 102(1)(c) if he were granted the licence.
- (2) In determining the minimum area of the United Kingdom for which a national service is to be provided [^{F1}OFCOM] shall have regard to the following considerations, namely—
 - (a) that the service in question should, so far as is reasonably practicable, make the most effective use of the frequency or frequencies on which it is to be provided; but
 - (b) that the area for which it is to be provided should not be so extensive that the costs of providing it would be likely to affect the ability of the person providing the service to maintain it.
- (3) Any application made in pursuance of a notice under this section must be in writing and accompanied by—
 - (a) the applicant's proposals for providing a service that would ^{F3}...—
 - (i) comply with any requirement specified in the notice under subsection (1)(b)(iii) or (iv), ^{F4}...
 - ^{F4}(ii)
 - [^{F5}(aa) the applicant's proposals (if any) for providing a simulcast radio service corresponding to the service;]
 - (b) the fee specified in the notice under subsection (1)(d)(i);
 - (c) the applicant's proposals for training or retraining persons employed or to be employed by him in order to help fit them for employment in, or in connection with, the making of programmes to be included in his proposed service;
 - (d) the applicant's cash bid in respect of the licence;
 - (e) such information as [^{F1}OFCOM] may reasonably require—
 - (i) as to the applicant's present financial position and his projected financial position during the period for which the licence would be in force, and
 - (ii) as to the arrangements which the applicant proposes to make for, and in connection with, the transmission of his proposed service; and
 - (f) such other information as [^{F1}OFCOM] may reasonably require for the purpose of considering the application.
- [^{F6}(3A) For the purposes of subsection (1)(d)(ii)—
 - (a) different percentages may be specified for different accounting periods; and
 - (b) the percentages that may be specified for an accounting period include a nil percentage.]
- (4) At any time after receiving such an application and before determining it [^{F1}OFCOM] may require the applicant to furnish additional information under any of paragraphs (a), [^{F7}(aa),] (c), (e) and (f) of subsection (3).
- (5) Any information to be furnished to [^{F1}OFCOM] under this section shall, if they so require, be in such form or verified in such manner as they may specify.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 98. (See end of Document for details)

- (6) [F¹OFCOM] shall, as soon as reasonably practicable after the date specified in a notice under this section as the closing date for applications, publish in such manner as they consider appropriate—
- (a) the name of every person who has made an application to them in pursuance of the notice;
 - (b) the proposals submitted by him under subsection (3)(a) [F⁸ and (aa)]; and
 - (c) such other information connected with his application as [F¹OFCOM] consider appropriate.
- (7) In this section
- [F⁹“national radio multiplex licence” has the same meaning as in Part 2 of the Broadcasting Act 1996; and]
- “programme” does not include an advertisement.
- (8) In this Part “cash bid”, in relation to a licence, means an offer to pay to [F¹OFCOM] a specified amount of money in respect of the first complete calendar year falling within the period for which the licence is in force (being an amount which, as increased by the appropriate percentage, is also to be payable in respect of subsequent years falling wholly or partly within that period).

Textual Amendments

- F1** Words in s. 98 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 38\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** S. 98(1)(b)(ia) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 257\(2\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Word in s. 98(3)(a) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 38\(3\)\(a\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** S. 98(3)(a)(ii) and the word immediately preceding it repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 38\(3\)\(b\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F5** S. 98(3)(aa) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 257\(3\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F6** S. 98(3A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 38\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F7** Word in s. 98(4) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 38\(5\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F8** Words in s. 98(6)(b) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 38\(6\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F9** Words in s. 98(7) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 257\(4\)](#), 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)

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 98.