



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER II

SOUND BROADCASTING SERVICES

Enforcement of licences

110 Power to impose financial penalty or suspend or shorten licence period.

(1) If [^{F1}OFCOM] are satisfied that the holder of a licence granted under this Chapter has failed to comply with any condition of the licence or with any direction given by them under or by virtue of any provision of this Part, they may (subject to the following provisions of this section) serve on him—

- (a) a notice requiring him to pay, within a specified period, a specified financial penalty to [^{F1}OFCOM];
- (b) a notice reducing the period for which the licence is to be in force by a specified period not exceeding two years; or
- (c) a notice suspending the licence for a specified period not exceeding six months.

[^{F2}(1A) The maximum amount which the holder of a national licence may be required to pay by way of a financial penalty imposed in pursuance of subsection (1)(a) is the maximum penalty given by subsection (1B).

(1B) The maximum penalty is whichever is the greater of—

- (a) £250,000; and

Changes to legislation: Broadcasting Act 1990, Section 110 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) 5 per cent. of the qualifying revenue for his last complete accounting period falling within the period for which his licence has been in force (“the relevant period”).
- (1C) In relation to a person whose first complete accounting period falling within the relevant period has not ended when the penalty is imposed, subsection (1B)(b) is to be construed as referring to 5 per cent. of the amount which OFCOM estimate to be the qualifying revenue for that accounting period.
- (1D) Section 102(2) to (6) applies for determining or estimating qualifying revenue for the purposes of subsection (1B) or (1C) above.]
- (3) The amount of any financial penalty imposed in pursuance of subsection (1)(a) on the holder of any other licence shall not exceed [^{F3}£250,000].
- (4) [^{F1}OFCOM] shall not serve on any person such a notice as is mentioned in subsection (1)(a), (b) or (c) unless they have given him a reasonable opportunity of making representations to them about the matters complained of.
- (5) Where a licence is due to expire on a particular date by virtue of a notice served on any person under subsection (1)(b), [^{F1}OFCOM] may, on the application of that person, revoke that notice by a further notice served on him at any time before that date, if they are satisfied that, since the date of the earlier notice, his conduct in relation to the operation of the licensed service has been such as to justify the revocation of that notice.
- (6) It is hereby declared that any exercise by [^{F1}OFCOM] of their powers under subsection (1) of this section in respect of any failure to comply with any condition or direction shall not preclude any exercise by them of their powers under section 109 in respect of that failure.

^{F4}(7)

Textual Amendments

- F1** Words in ss. 109-111A substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 50** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** S. 110(1A)-(1D) substituted for s. 110(2) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 13 para. 7\(1\)\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in s. 110(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 13 para. 7\(2\)\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** S. 110(7) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Modifications etc. (not altering text)

- C1** S. 110(1B)(a): power to amend conferred (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 13 para. 9** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- C2** 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)
- C3** Ss. 109-111A applied (with modifications) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 250(3), 411(2)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- C4** S. 110(1) modified (20.7.2004) by [The Contracting Out \(Functions relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\)](#), art. 1, **Sch. para. 3(d)** (with art. 5)

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C5 S. 110(3): power to amend conferred (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 13 para. 9](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18A applied (with modifications) by 2003 c. 21, Sch. 9 para. 8(7) (as substituted) by [2024 c. 15 s. 19\(6\)](#)
- s. 18A inserted by [2024 c. 15 s. 19\(3\)](#)
- s. 23A inserted by [2024 c. 15 s. 29\(2\)](#)
- s. 56A inserted by [2024 c. 15 s. 33\(3\)](#)
- s. 58(1)-(1C) substituted for s. 58(1)(1A) by [2024 c. 15 s. 35\(2\)](#)
- s. 61A(4A) inserted by [2024 c. 15 Sch. 4 para. 6\(4\)](#)
- s. 97B(5) inserted by [2024 c. 15 s. 41\(3\)](#)
- s. 104AA(4ZA)-(4ZC) inserted by [2024 c. 15 s. 42\(3\)\(b\)](#)
- s. 193(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3A(2)(b) (as inserted) by [S.I. 2019/1245 reg. 20](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 2 Pt. 2 para. 2(1A)(d) omitted by [2024 c. 15 Sch. 2 para. 5\(a\)](#)
- Sch. 2 Pt. 2 para. 3(1)(a) word substituted by [2024 c. 15 Sch. 4 para. 15](#)
- Sch. 2 Pt. 2 para. 2(1B) words omitted by [2024 c. 15 Sch. 2 para. 5\(b\)](#)
- Sch. 3 para. 13(1A) inserted by [2024 c. 15 s. 29\(3\)](#)
- Sch. 6 para. 12(5)(6) inserted by [2024 c. 15 s. 34\(3\)](#)
- Sch. 6 para. 12(2A)-(2F) substituted for Sch. 6 para. 12(2)(3) by [2024 c. 15 s. 34\(2\)](#)
- Sch. 6A inserted by [2024 c. 15 s. 33\(4\)](#)
- Sch. 7 Pt. 1 para. 1(5) inserted by [2024 c. 15 s. 19\(5\)](#)