



Broadcasting Act 1990

1990 CHAPTER 42

PART II

LOCAL DELIVERY SERVICES

Licensing of local delivery services

75 Procedure to be followed by Commission in connection with consideration of applications for licences

- (1) Where a person has made an application for a local delivery licence in accordance with section 74, the Commission shall not proceed to consider whether to award him the licence on the basis of his cash bid in accordance with section 76 unless it appears to them—
 - (a) that any telecommunication system proposed to be used by the applicant in the provision of his proposed service would be acceptable to the relevant licensing authorities and would be capable of being established in accordance with the timetable indicated by him in the technical plan submitted under section 74(3)(b); and
 - (b) that he would be able to maintain that service throughout the period for which the licence would be in force;and any reference to an applicant in section 76 (except in subsection (12)(b)) is accordingly a reference to an applicant in whose case it appears to the Commission that the requirements of paragraphs (a) and (b) above are satisfied.
- (2) Before forming any view as to whether the requirements of subsection (1)(a) are satisfied in the case of an applicant the Commission shall consult the relevant licensing authorities; and in that provision and this subsection “the relevant licensing authorities” means—
 - (a) where any telecommunication system proposed to be used as mentioned in that provision would be required to be licensed under the Wireless Telegraphy Act 1949, the Secretary of State; and

Status: This is the original version (as it was originally enacted).

- (b) where any telecommunication system proposed to be so used would be required to be licensed under Part II of the Telecommunications Act 1984, the Secretary of State and the Director General of Telecommunications.