



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART III U.K.

#### INDEPENDENT RADIO SERVICES

### CHAPTER I U.K.

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

##### *Function of Authority*

#### 84 Regulation by Authority of independent radio services. U.K.

(1) It shall be the function of the Authority to regulate, in accordance with this Part <sup>F1</sup>and Part II of the Broadcasting Act 1996], the provision of the following services, namely—

- (a) sound broadcasting services to which this section applies and which are provided from places in the United Kingdom;
- <sup>F2</sup>(b) .....
- (c) additional services (as defined by section 114(1)) which are provided from places in the United Kingdom;
- <sup>F3</sup>(d) radio multiplex services (as defined by section 40(1) of the Broadcasting Act 1996) which are provided from places in the United Kingdom by persons other than the BBC;
- (e) digital sound programme services (as defined by section 40(5) of that Act) which are provided from places in the United Kingdom by persons other than the BBC; and
- (f) digital additional services (as defined by section 63(1) of that Act) which are provided from places in the United Kingdom by persons other than the BBC;]

and in this Part “independent radio service” means a service falling within paragraph (a), (b) or (c) above.

---

*Status: Point in time view as at 16/02/2001. This version of this provision has been superseded.*

*Changes to legislation: Broadcasting Act 1990, Section 84 is up to date with all changes known to be in force on or before 14 July 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)*

---

(2) This section applies to—

- (a) any sound broadcasting service which is provided, on a frequency or frequencies assigned to the Authority under subsection (4)—
  - (i) for any such minimum area of the United Kingdom as the Authority may determine in accordance with section 98(2) (a “national service”), or
  - (ii) for a particular area or locality in the United Kingdom (a “local service”), or
  - (iii) for a particular establishment or other defined location, or a particular event, in the United Kingdom (a “restricted service”); and
- (b) any sound broadcasting service (other than one provided by the BBC) which consists—
  - (i) in the transmission of sound programmes by satellite from a place in the United Kingdom for general reception there, or
  - (ii) in the transmission of such programmes by satellite from a place outside the United Kingdom for general reception there, if and to the extent that the programmes included in the service consist of material provided by a person in the United Kingdom who is in a position to determine what is to be included in the service (so far as it consists of programme material provided by him),

and any such service is referred to in this Part as a “satellite service”.

(3) For the purposes of this Part satellite services shall [<sup>F4</sup>subject to subsection (3A)] be regarded as provided by the following persons—

- (a) a service falling within subsection (2)(b)(i)—
  - (i) shall, if and to the extent that the programmes included in it consist of material provided by a person in the United Kingdom who is in a position to determine what is to be included in the service (so far as it consists of programme material provided by him), be regarded as provided by that person (whether the programmes are transmitted by him or not), but
  - (ii) shall otherwise be regarded as provided by the person by whom the programmes are transmitted; and
- (b) a service falling within subsection (2)(b)(ii) shall be regarded as provided by the person by whom the programme material in question is provided as mentioned in that provision.

[<sup>F5</sup>(3A) For the purposes of this Part, any satellite service which is composed by, and transmitted for, a BBC company, a Channel 4 company or an S4C company—

- (a) shall be regarded as provided by that company and not by the relevant broadcasting body (even if the relevant broadcasting body is in a position to determine what is to be included in the service), and
- (b) shall be regarded as provided from a place in the United Kingdom.

(3B) In subsection (3A) “relevant broadcasting body” means—

- (a) in relation to a BBC company, the BBC,
- (b) in relation to a Channel 4 company, the Channel Four Television Corporation, and
- (c) in relation to an S4C company, the Welsh Authority.]

*Status: Point in time view as at 16/02/2001. This version of this provision has been superseded.*

*Changes to legislation: Broadcasting Act 1990, Section 84 is up to date with all changes known to be in force on or before 14 July 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)*

- (4) For the purposes of this Part the Secretary of State may by notice assign to the Authority such frequencies as he may determine; and any frequency so assigned shall be taken to be so assigned for the purpose only of being used for the provision of one or more independent radio services.
- (5) Any frequency assigned by the Secretary of State under subsection (4) may be so assigned for use only in such area or areas as may be specified by the Secretary of State when making the assignment.
- (6) The Secretary of State may by notice revoke the assignment under subsection (4) of any frequency specified in the notice, and may do so whether or not that frequency is for the time being one on which an independent radio service is being provided.

#### Textual Amendments

- F1** Words in S. 84(1) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 5(a)** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**
- F2** S. 84(1)(b) and the word “and” repealed (1.10.1996) by 1996 c. 55, s. 148(2), **Sch. 11 Pt. I** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**
- F3** S. 84(1)(d)(e)(f) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 5(b)** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**
- F4** Words in S. 84(3) substituted (24.7.1996 for certain purpose otherwise 1.10.1996) by 1996 c. 55, ss. 148(1), 149(1), **Sch. 10 Pt. II para. 19(2)** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**
- F5** S. 84(3A)(3B) inserted (24.7.1996 for certain purposes otherwise 1.10.1996) by 1996 c. 55, ss. 148(1), 149(1), **Sch. 10 Pt. II para. 19(3)** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**

**Status:**

Point in time view as at 16/02/2001. This version of this provision has been superseded.

**Changes to legislation:**

Broadcasting Act 1990, Section 84 is up to date with all changes known to be in force on or before 14 July 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.