



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART III

#### INDEPENDENT RADIO SERVICES

#### CHAPTER IV

##### ADDITIONAL SERVICES PROVIDED ON SOUND BROADCASTING FREQUENCIES

#### **117 Procedure to be followed by Authority in connection with consideration of applications for, and awarding of, licences**

- (1) Where a person has made an application for an additional services licence in accordance with section 116, the Authority shall not proceed to consider whether to award him the licence on the basis of his cash bid in accordance with subsections (3) and (4) below unless it appears to them—
  - (a) that the technical plan submitted under section 116(3)(b) is, so far as it involves the use of any telecommunication system, acceptable to the relevant licensing authorities; and
  - (b) that the services proposed to be provided under the licence would be capable of being maintained throughout the period for which the licence would be in force;and any reference to an applicant in section 100 (as applied by subsection (3) below) is accordingly a reference to an applicant in whose case it appears to the Authority that the requirements of paragraphs (a) and (b) above are satisfied.
- (2) Before forming any view as to whether the requirement specified in subsection (1)(a) is satisfied in the case of an applicant the Authority shall consult the relevant licensing authorities.
- (3) Subject to subsection (4), section 100 shall apply in relation to an additional services licence as it applies in relation to a national licence.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In the application of section 100 in relation to an additional services licence—
- (a) subsection (6) shall have effect with the substitution in paragraph (a) of a reference to section 118(1) for the reference to section 102(1); and
  - (b) subsection (9) shall have effect with the substitution in paragraph (b) of a reference to the requirement specified in subsection (1)(a) above for the reference to the requirement specified in section 99(1)(a).
- (5) If at any time after an additional services licence has been granted to any person but before the licence has come into force—
- (a) that person indicates to the Authority that none of the services in question will be provided once the licence has come into force, or
  - (b) the Authority for any other reason have reasonable grounds for believing that none of those services will be so provided,
- then, subject to subsection (6)—
- (i) the Authority shall serve on him a notice revoking the licence as from the time the notice is served on him, and
  - (ii) section 100 (as applied by subsection (3) above) shall, subject to section 100(11), have effect as if he had not made an application for the licence.
- (6) Subsection (5) shall not apply in the case of any person by virtue of paragraph (b) of that subsection unless the Authority have served on him a notice stating their grounds for believing that none of the services in question will be provided once his licence has come into force; and they shall not serve such a notice on him unless they have given him a reasonable opportunity of making representations to them about the matters complained of.
- (7) In this section “the relevant licensing authorities” means the Secretary of State and the Director General of Telecommunications.