Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER I

REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

Function of Authority

85   Licensing functions of Authority.

(1) Subject to subsection (2), the Authority may, in accordance with the following provisions of this Part, grant such licences to provide independent radio services as they may determine.

(2) The Authority shall do all that they can to secure the provision within the United Kingdom of—

    (a)   a diversity of national services each catering for tastes and interests different from those catered for by the others and of which—

        (i)   one is a service the greater part of which consists in the broadcasting of spoken material, and

        (ii)   another is a service which consists, wholly or mainly, in the broadcasting of music which, in the opinion of the Authority, is not pop music; and

    (b)   a range and diversity of local services.

(3) It shall be the duty of the Authority to discharge their functions as respects the licensing of independent radio services **[**F1**and services falling within section 84(1)(d), (e) and (f)]** in the manner which they consider is best calculated—

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(a) to facilitate the provision of licensed services **[F2(including digital sound programme services licensed under Part II of the Broadcasting Act 1996)]** which (taken as a whole) are of high quality and offer a wide range of programmes calculated to appeal to a variety of tastes and interests; and

(b) to ensure fair and effective competition in the provision of such services and services connected with them.

(4) Subsection (3)(b) shall not be construed as affecting the discharge by the Director General of Fair Trading, the Secretary of State or the Monopolies and Mergers Commission of any of his or their functions in connection with competition.

(5) The Secretary of State may by order make such amendments of subsection (2)(a) as he considers appropriate—

(a) for including in that provision a requirement that one of the national services there referred to should be a service of a particular description, or

(b) for removing such a requirement from that provision;

and (without prejudice to the generality of section 200(2)(b)) any such order may make such consequential amendments of section 98(1)(b)(iii) as the Secretary of State considers appropriate.

(6) In subsection (2)(a)(ii) "pop music" includes rock music and other kinds of modern popular music which are characterised by a strong rhythmic element and a reliance on electronic amplification for their performance (whether or not, in the case of any particular piece of rock or other such music, the music in question enjoys a current popularity as measured by the number of recordings sold).

(7) An order shall not be made under subsection (5) unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

Textual Amendments

F1 Words in S. 85(3) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 6(a)** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**

F2 Words in S. 85(3)(a) inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. I para. 6(b)** (with s. 43(1)(6)); S.I. 1996/2120, art. 4, **Sch. 1**

Status:
Point in time view as at 01/10/1996. This version of this provision has been superseded.

Changes to legislation:
Broadcasting Act 1990, Section 85 is up to date with all changes known to be in force on or before 08 September 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.