



Media Act 2024

2024 CHAPTER 15

PART 5

REGULATION OF RADIO SERVICES

PROSPECTIVE

42 Licensing and local services

- (1) The Broadcasting Act 1990 is amended as follows.
- (2) For section 104 (applications for other licences) substitute—

“104 Applications for licences: local services and restricted services

- (1) An application for a licence to provide a local service must—
 - (a) be made in such manner as OFCOM may determine, and
 - (b) be accompanied by such fee (if any) as OFCOM may determine.
- (2) An application for a licence to provide a restricted service must—
 - (a) be made in such manner as OFCOM may determine, and
 - (b) be accompanied by such fee (if any) as OFCOM may determine.”
- (3) In section 104AA (further renewal of local licences)—
 - (a) in subsection (3), for “subsections (4), (4A) and (5)” substitute “subsections (4) to (5)”;
(b) after subsection (4) insert—

“(4ZA) Where the application for the renewal of the licence under this section has been duly made to OFCOM (as mentioned in section 104A(5)), OFCOM must grant the application if—

 - (a) the condition in section 104A(5)(a) is met,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Media Act 2024, Section 42. (See end of Document for details)

- (b) the conditions in section 104A(5)(b) and (c) are not met because the applicant does not make the nomination required by section 104A(4), and
- (c) the alternative condition in [subsection \(4ZB\)](#) below is met instead.

(4ZB) The alternative condition is met if—

- (a) in the application for the renewal, or at any time before the consideration of that application, the applicant makes to OFCOM—
 - (i) a statement of explanation — which is a statement that it has not been possible for the applicant to make the nomination required by section 104A(4) because of the lack of availability of a relevant local radio multiplex service, or of a relevant small-scale radio multiplex service, that is suitable for the applicant’s needs and could be nominated in accordance with section 104A(4)(b); and
 - (ii) a statement of intent — which is a statement that the applicant will make to OFCOM a nomination of the kind required by section 104A(4) as soon as it is reasonably possible to do so because of the availability of a relevant local radio multiplex service, or of a relevant small-scale radio multiplex service, that is suitable for the applicant’s needs and meets the requirements of section 104A(4); and
- (b) OFCOM are satisfied that it has not been possible for the applicant to make the nomination required by section 104A(4) for a reason of the kind set out in paragraph (a)(i).

(4ZC) Where OFCOM grant the application in accordance with [subsection \(4ZA\)](#) they must include in the licence as renewed—

- (a) a condition requiring the licence holder to do all that it can to ensure that it makes the nomination described in the statement of intent as soon as it is reasonably possible to do so, and
- (b) a condition requiring the licence holder to do all that it can to ensure that it starts broadcasting the nominated digital sound programme service, by means of the nominated multiplex service, as soon as reasonably possible after it has made that nomination.”

(4) Omit sections 104B (special application procedure for local licences) and 105 (special requirements relating to grant of local licences).

Commencement Information

II S. 42 not in force at Royal Assent, see [s. 55\(3\)\(e\)](#)

Status:

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Changes to legislation:

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