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STATUTORY INSTRUMENTS

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**1990 No. 2536**

**The Broadcasting Act 1990 (Independent  
Radio Services: Exceptions) Order 1990**

2.—(1) Section 97(1) of the 1990 Act (by which any person who provides any independent radio service without being authorised to do so by or under a licence under Part III of that Act is guilty of an offence) shall not apply to the services or descriptions of services which are specified in paragraph (2) below.

(2) The services and descriptions of services referred to in paragraph (1) above are:

- (a) any independent radio service, as defined by section 84(1) of the 1990 Act, provided under and in accordance with Schedule 11 to the 1990 Act;
- (b) any independent radio service, as so defined,—
  - (i) which is provided for reception at a place or places in the United Kingdom provided that no such place is a dwelling-house (within the meaning of section 202(1) of the 1990 Act),
  - (ii) which is so provided for the purpose of its being heard there either by members of the public or by a group of persons some or all of whom do not have a business interest in hearing it,
  - (iii) which does not include any advertisement, and
  - (iv) in respect of which no payment is made either directly or indirectly for its provision by the persons by whom it is heard; and
- (c) any independent radio service, as so defined, consisting only of sounds sent by means of a telecommunication system run by a person who is a public telecommunications operator, as defined by section 9(3) of the Telecommunications Act 1984(1) and who is not licensed to provide a local delivery service, as defined by section 72 of the 1990 Act.