

SCHEDULE

Modification of legislation in relation to community radio services

PART 1

Modifications to the Broadcasting Act 1990

Applications for licences

3. Section 104(1) (which makes provision as to the giving of notice of proposals to grant licences, and as to the content of applications) shall have effect as if—

- (a) in subsection (1), for the word “local” there were substituted the words “community radio”, and in paragraph (b) of that subsection, for the words from “the area” to the end, there were substituted the words “any areas or localities in the United Kingdom in relation to which no applications may be made”;
- (b) in subsection (2)(b)—
 - (i) in sub-paragraph (i), for the words “living in the area or locality for which it would be provided” there were substituted the words “comprising the relevant community”, and the word “and” following that sub-paragraph were omitted;
 - (ii) in sub-paragraph (ii), for the words “living in that area or locality;” there were substituted the words “comprising that community;” and
 - (iii) after sub-paragraph (ii), there was added—
 - “(iii) broaden the range of local services provided in the area or locality in which the proposed service would be provided, and
 - (iv) be of a nature or have a content distinct from that of any local service the licence for which would overlap with that for the proposed service;”;
- (c) after subsection (2)(b), there was added—
 - “(ba) evidence that the provision of the service will result in the delivery of significant social gain to the public or the relevant community;”;
- (d) in subsection (2)(c)—
 - (i) in sub-paragraph (i), after the words “projected financial position”, there were added the words “(with regard, in particular, to the number and nature of any persons from whom he proposes to receive the income required to provide the proposed service and the proportion of that income that he proposes to receive from each of those persons)”; and
 - (ii) in sub-paragraph (ii), after the word “service”, there was added—
 - “, and—
 - (iii) as to the effect that the provision of the service would be likely to have on the economic viability of any other local service;”;
- (e) in subsection (3) after the words “subsection (2)(b),” there was added “(ba),”;
- (f) in subsection (4)—
 - (i) after “(2)(b)” there were added the words “or (ba)”, and

(1) Section 104 was amended by section 360(3) of, and paragraph 45, Part 1, of Schedule 15 to the Communications Act 2003. Subsections (5) and (6)(a) were repealed by sections 94(2) and 148(2) of, and Part 1 of Schedule 11 to, the Broadcasting Act 1996.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Community Radio Order 2004 No. 1944

(ii) for the word “local” there were substituted the words “community radio”.