

*Changes to legislation:* There are currently no known outstanding effects for the Broadcasting Act 1990, Part II. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### RESTRICTIONS ON THE HOLDING OF LICENCES

#### PART II

#### DISQUALIFICATION FOR HOLDING LICENCES

**Modifications etc. (not altering text)**

- C1** Sch. 2 Pt. II applied (with modifications) (20.7.2004) by [The Community Radio Order 2004 \(S.I. 2004/1944\)](#), arts. 1(2), 6 (as amended (27.3.2015) by S.I. 2015/1000, art. 2)
- C2** Sch. 2 Pt. 2 applied (with modifications) (25.10.2019) by [The Small-scale Radio Multiplex and Community Digital Radio Order 2019 \(S.I. 2019/1387\)](#), arts. 1, 5

*General disqualification of non-EEC nationals and bodies having political connections*

- 1 (1) Subject to [<sup>F1</sup>sub-paragraph (1A)], the following persons are disqualified persons in relation to [<sup>F2</sup>a Broadcasting Act licence]—
- <sup>F3</sup>(a) .....
  - <sup>F3</sup>(b) .....
  - (c) a local authority;
  - (d) a body whose objects are wholly or mainly of a political nature;
  - (e) a body affiliated to a body falling within paragraph (d);
  - (f) an individual who is an officer of a body falling within paragraph (d) or (e);
  - (g) a body corporate which is an associate of a body corporate falling within paragraph (d) or (e);
  - (h) a body corporate in which a body falling within any of paragraphs (c) to (e) and (g) is a participant with more than a 5 per cent. interest;
  - [<sup>F4</sup>(hh) a body corporate which is controlled by a body corporate falling within paragraph (h);]
  - (i) a body which is controlled by a person falling within any of paragraphs [<sup>F5</sup>(c)] to (g) or by two or more such persons taken together; and
  - (j) a body corporate in which a body falling within paragraph (i), other than one which is controlled—
    - (i) by a person falling within paragraph <sup>F6</sup>... (f), or
    - (ii) by two or more such persons taken together,is a participant with more than a 5 per cent. interest.

[<sup>F7</sup>(1A) Where a service is provided exclusively for the purposes of the carrying out of the functions of a local authority under section 142 of the Local Government Act 1972

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(provision by local authorities of information relating to their activities), a person is disqualified by virtue of sub-paragraph (1) in relation to a licence to provide that service only if he would be so disqualified disregarding paragraph (c) of that sub-paragraph.]

<sup>F8</sup>(2) .....

<sup>F8</sup>(3) .....

#### Textual Amendments

- F1** Words in Sch. 2 Pt. II para 1(1) substituted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), s. 349(1)(a)** (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)
- F2** Words in Sch. 2 Pt. II substituted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 69(4)** (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)
- F3** Sch. 2 Pt. II para. 1(1)(a)(b) repealed (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), s. 348(1), Sch. 19(1)** Note 1 (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)
- F4** Sch. 2 Pt. II para. 1(1)(hh) inserted (1.11.1996) by **1996 c. 55, s. 73, Sch. 2 Pt. I para. 6(2)** (with s. 43(1)(6)); 1996/2120, art. 5, Sch. 2
- F5** Words in Sch. 2 Pt. II para 1(1)(i) substituted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 69(5)** (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)
- F6** Words in Sch. 2 Pt. II para. 1(1)(j)(i) repealed (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1)** Note 1 (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)
- F7** Sch. 2 Pt. II para. 1(1A) inserted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), s. 349(1)(b)** (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)
- F8** Sch. 2 Pt. II para. 1(2)(3) repealed (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1)** Note 1 (with **Sch. 18**); **S.I. 2003/3142, art. 3(1), Sch. 1** (with art. 11)

#### *Disqualification of religious bodies*

- 2 (1) [<sup>F9</sup>The following persons are disqualified persons in relation only to licences falling within sub-paragraph (1A)—]
- (a) a body whose objects are wholly or mainly of a religious nature;
  - (b) a body which is controlled by a body falling within paragraph (a) or by two or more such bodies taken together;
  - (c) a body which controls a body falling within paragraph (a);
  - (d) a body corporate which is an associate of a body corporate falling within paragraph (a), (b) or (c);
  - (e) a body corporate in which a body falling within any of paragraphs (a) to (d) is a participant with more than a 5 per cent. interest;
  - (f) an individual who is an officer of a body falling within paragraph (a); and
  - (g) a body which is controlled by an individual falling within paragraph (f) or by two or more such individuals taken together.

[<sup>F10</sup>(1A) A licence falls within this sub-paragraph if it is—

- (a) a Channel 3 licence;
- (b) a Channel 5 licence;
- (c) a national sound broadcasting licence;
- (d) a public teletext licence;
- (e) an additional television service licence;

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- (f) a television multiplex licence; or
- (g) a radio multiplex licence.

(1B) In this paragraph—

“additional television service licence” means a licence under Part 1 of this Act to provide an additional television service within the meaning of Part 3 of the Communications Act 2003;

“Channel 3 licence” and “Channel 5 licence” each has the same meaning as in Part 1 of this Act;

“national sound broadcasting licence” means a licence to provide a sound broadcasting service (within the meaning of Part 3 of this Act) which is a national service (within the meaning of that Part);

“public teletext licence” means a licence to provide the public teletext service (within the meaning of Part 3 of the Communications Act 2003);

“radio multiplex licence” means a licence under Part 2 of the Broadcasting Act 1996 to provide a radio multiplex service within the meaning of that Part; and

“television multiplex licence” means a licence under Part 1 of the Broadcasting Act 1996 to provide a multiplex service within the meaning of that Part.]

#### Textual Amendments

- F9** Words in Sch. 2 Pt. 2 para. 2(1) substituted (18.9.2003) by [Communications Act 2003 \(c. 21\), ss. 348\(2\), 411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, art. 2\(2\)](#), [Sch. 2](#) (art. 5)
- F10** Sch. 2 Pt. 2 para. 2(1A)(1B) substituted for Sch. 2 Pt. 2 para. 2(2)(3) (18.9.2003) by [Communications Act 2003 \(c. 21\), ss. 348\(2\), 411\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, art. 2\(2\)](#), [Sch. 2](#) (art. 5)

#### *Disqualification of publicly-funded bodies for radio service licences*

- 3 (1) The following persons are disqualified persons in relation to any licence granted [F11 under Part 3 of this Act or Part 2 of the Broadcasting Act 1996] other than a licence to provide a restricted service—
- (a) a body [F12 (other than a local authority, the Welsh Authority or the BBC)] which has, in its last financial year, received more than half its income from public funds;
  - (b) a body which is controlled by a body falling within paragraph (a) or by two or more such bodies taken together; and
  - (c) a body corporate in which a body falling within paragraph (a) or (b) is a participant with more than a 5 per cent. interest.
- (2) For the purposes of sub-paragraph (1)(a) money is received from public funds if it is paid—
- (a) by a Minister of the Crown out of money provided by Parliament or out of the National Loans Fund;
  - (b) by a Northern Ireland department out of the Consolidated Fund of Northern Ireland or out of money appropriated by Measure of the Northern Ireland Assembly; or
  - (c) by a body which itself falls within sub-paragraph (1)(a), including a body which falls within that provision by virtue of this paragraph;

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but, in each case, there shall be disregarded any money paid as consideration for the acquisition of property or the supply of goods or services or as remuneration, expenses, pensions, allowances or similar benefits for or in respect of a person as the holder of an office.

#### Textual Amendments

- F11** Words in Sch. 2 Pt. II para. 3(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(8\)\(a\)](#), [411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F12** Words in Sch. 2 Pt. II para. 3(1)(a) substituted (24.7.1996 for certain purposes, otherwise 1.11.1996) by 1996 c. 55, ss. 73, 149(1)(a), [Sch. 2 Pt. II para. 7](#) (with s. 43(1)(6)); S.I. 1996/2120, art. 5, [Sch. 2](#)

#### *General disqualification on grounds of undue influence*

- 4 (1) A person is a disqualified person in relation to [<sup>F2</sup>a Broadcasting Act licence] if in the opinion of [<sup>F13</sup>OFCOM]—
- (a) any relevant body is, by the giving of financial assistance or otherwise, exerting influence over the activities of that person, and
  - (b) that influence has led, is leading or is likely to lead to results which are adverse to the public interest.
- (2) In sub-paragraph (1) “relevant body”—
- (a) in relation to a licence granted [<sup>F14</sup>under Part 1 of this Act or Part 1 of the Broadcasting Act 1996, means a person] falling within paragraph 1(1)(c) to (h) or (j) above or a body which is controlled—
    - (i) by a person falling within paragraph 1(1)(c) to (g) above, or
    - (ii) by two or more such persons taken together; and
  - (b) in relation to a licence granted [<sup>F15</sup>under Part 3 of this Act or Part 2 of the Broadcasting Act 1996, means a person] falling within paragraph 1(1)(c) to (h) or (j) or 3 above or a body which is controlled .
    - <sup>F16</sup>(i) by a person falling within paragraph 1(1)(c) to (g) above;
    - (ii) by a person falling within paragraph 3 above; or
    - (iii) by two or more persons taken together each of whom falls within sub-paragraph (i) or (ii) (whether or not they all fall within the same sub-paragraph).]

#### Textual Amendments

- F2** Words in Sch. 2 Pt. II substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F13** Words in Sch. 2 Pt. II para. 4(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(7\)](#), [411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F14** Words in Sch. 2 Pt. II para. 4(2)(a) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(8\)\(a\)](#), [411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F15** Words in Sch. 2 Pt. II para. 4(2)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [Sch. 15 para. 69\(8\)\(b\)](#), [411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F16** Words in Sch. 2 Pt. II para. 4(2)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 348(4), [411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

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*General disqualification of broadcasting bodies*

- 5 The following persons are disqualified persons in relation to [<sup>F2</sup>a Broadcasting Act licence] —
- (a) the BBC;
  - (b) the Welsh Authority;
  - <sup>F17</sup>(c) .....
  - <sup>F17</sup>(d) .....

**Textual Amendments**

- F2** Words in Sch. 2 Pt. II substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F17** Sch. 2 Pt. II para. 5(c)(d) repealed (24.7.1996 for certain purposes, otherwise 1.11.1996) by [1996 c. 55](#), ss. 73, 149(1)(a), [Sch. 2 Pt. I para. 8](#), [Sch. 11 Pt. I](#) (with s. 43(1)(6)); S.I. 1996/2120, art. 5, [Sch. 2](#)

*[<sup>F18</sup>Disqualification of certain companies for certain licences]*

**Textual Amendments**

- F18** Sch. 2 Pt. II para. 5A and cross-heading inserted (24.7.1996 for certain purposes, otherwise 1.10.1996) by [1996 c. 55](#), ss. 73, 149(1)(a), [Sch. 2 Pt. II para. 9](#) (with s. 43(1)(6)); S.I. 1996/2120, art. 4, [Sch. 1](#)

- [<sup>F19</sup>5A(1) A BBC company, a Channel 4 company or an S4C company is a disqualified person in relation to—
- (a) any licence <sup>F20</sup>... to provide regional or national Channel 3 services or Channel 5, <sup>F21</sup>...
  - <sup>F21</sup>(b) .....
- (2) A BBC company is also a disqualified person in relation to any licence <sup>F22</sup>... to provide a national, local or restricted service within the meaning of Part III of this Act.
- <sup>F23</sup>(3)] .....

**Textual Amendments**

- F19** Sch. 2 Pt. II para. 5A inserted (24.7.1996 for certain purposes, otherwise 1.10.1996) by [1996 c. 55](#), ss. 73, 149(1)(a), [Sch. 2 Pt. II para. 9](#) (with s. 43(1)(6)); S.I. 1996/2120, art. 4, [Sch. 1](#)
- F20** Words in Sch. 2 para. 5A(1)(a) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(9\)\(a\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F21** Sch. 2 para. 5A(1)(b) and the word immediately preceding it repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(9\)\(b\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F22** Words in Sch. 2 para. 5A(2) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(9\)\(c\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F23** Sch. 2 para. 5A(3) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

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*General disqualification of advertising agencies*

- 6 The following persons are disqualified persons in relation to [<sup>F2</sup>a Broadcasting Act licence]—
- (a) an advertising agency;
  - (b) an associate of an advertising agency;
  - (c) any body which is controlled by a person falling within sub-paragraph (a) or (b) or by two or more such persons taken together;
  - (d) any body corporate in which a person falling within any of sub-paragraphs (a) to (c) is a participant with more than a 5 per cent. interest.

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**Textual Amendments**

- F2** Words in Sch. 2 Pt. II substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 69\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)

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