



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART III

#### INDEPENDENT RADIO SERVICES

#### CHAPTER I

##### REGULATION BY AUTHORITY OF INDEPENDENT RADIO SERVICES GENERALLY

##### *General provisions about licences*

#### **87 General licence conditions.**

(1) A licence may include—

- (a) such conditions as appear to [F<sup>1</sup>OFCOM] to be appropriate having regard to any duties which are or may be imposed on them, or on the licence holder, by or under this Act [F<sup>2</sup>, the Broadcasting Act 1996 or the Communications Act 2003];
- (b) conditions enabling [F<sup>1</sup>OFCOM] to supervise and enforce technical standards in connection with the provision of the licensed service;
- (c) conditions requiring the payment by the licence holder to [F<sup>1</sup>OFCOM] (whether on the grant of the licence or at such times thereafter as may be determined by or under the licence, or both) of a fee or fees of an amount or amounts so determined;
- (d) conditions requiring the licence holder to furnish [F<sup>1</sup>OFCOM], in such manner and at such times as they may reasonably require, with such information as they may require for the purpose of exercising the functions assigned to them by or under this Act [F<sup>3</sup>, the Broadcasting Act 1996 or the Communications Act 2003];
- (e) conditions requiring the licence holder, if found by [F<sup>1</sup>OFCOM] to be in breach of any condition of his licence, to reimburse to [F<sup>1</sup>OFCOM], in

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- such circumstances as are specified in any conditions, any costs reasonably incurred by them in connection with the breach of that condition;
- (f) conditions providing for such incidental and supplemental matters as appear to [F1OFCOM] to be appropriate.
- (2) A licence may in particular include—
- (a) conditions requiring the licence holder—
- (i) to comply with any direction given by [F1OFCOM] as to such matters as are specified in the licence or are of a description so specified, or
- (ii) (except to the extent that [F1OFCOM] consent to his doing or not doing them) not to do or to do such things as are specified in the licence or are of a description so specified; and
- (b) conditions requiring the licence holder to permit—
- (i) any employee of, or person authorised by, [F1OFCOM], F4...
- F4(ii) . . . . .
- to enter any premises which are used in connection with the broadcasting of the licensed service and to inspect, examine, operate or test any equipment on the premises which is used in that connection.
- (3) The fees required to be paid to [F1OFCOM] by virtue of subsection (1)(c) shall be in accordance with such tariff as may from time to time be fixed by [F1OFCOM]; F5...
- (4) A tariff fixed under subsection (3) may specify different fees in relation to different cases or circumstances; and [F1OFCOM] shall publish every such tariff in such manner as they consider appropriate.
- (5) Where the holder of any licence—
- (a) is required by virtue of any condition imposed under this Part to provide [F1OFCOM] with any information, and
- (b) in purported compliance with that condition provides them with any information which is false in a material particular,
- he shall be taken for the purposes of sections 110 and 111 to have failed to comply with that condition.
- (6) Nothing in this Act which authorises or requires the inclusion in a licence of conditions relating to any particular matter or having effect for any particular purpose shall be taken as derogating from the generality of subsection (1).

#### Textual Amendments

- F1** Words in s. 87 substituted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 34(2)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F2** Words in s. 87(1)(a) inserted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 34(3)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** Words in s. 87(1)(d) inserted (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 34(3)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F4** S. 87(2)(b)(ii) and the word immediately preceding it repealed (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 34(4), Sch. 19(1)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** Words in s. 87(3) repealed (29.12.2003) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 34(5), Sch. 19(1)** (with **Sch. 18**); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

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

- C1** Pt. III: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 5](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- C2** S. 87(1)(d) modified (20.7.2004) by [The Contracting Out \(Functions relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\)](#), arts. 1, [10\(1\)\(a\)\(2\)](#) (a) (with art. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 87.