



Digital Economy Act 2010

2010 CHAPTER 24

Independent radio services

34 Content and character of local sound broadcasting services

- (1) In section 106(1A) of the Broadcasting Act 1990 (conditions relating to departures from character of licensed service), after paragraph (d) insert “; or
(e) that, in the case of a local licence—
 - (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but
 - (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).”
- (2) Section 314 of the Communications Act 2003 (local content and character of local sound broadcasting services) is amended as follows.
- (3) In subsection (1), in paragraph (a), omit the words from “but” to “that case”.
- (4) After that subsection insert—

“(1A) Paragraphs (a) and (b) of subsection (1) apply in the case of each local sound broadcasting service only if and to the extent (if any) that OFCOM consider it appropriate in that case.”
- (5) In subsection (7)—
 - (a) before the definition of “local material” insert—

““approved area”, in relation to programmes included in a local sound broadcasting service, means an area approved by OFCOM for the purposes of this section that includes the area or locality for which the service is provided;”, and
 - (b) in the definition of “locally-made”, at the end insert “or, if there is an approved area for the programmes, that area”.

(6) After subsection (8) insert—

“(9) Before approving an area for the purposes of this section, OFCOM must publish a document specifying—

- (a) the area that they propose to approve, and
- (b) a period in which representations may be made to OFCOM about the proposals.

(10) OFCOM may withdraw their approval of all or part of an area at any time if the holder of the licence to provide the local sound broadcasting service concerned consents.

(11) Where OFCOM approve an area or withdraw their approval of an area, they must publish, in such manner as they consider appropriate, a notice giving details of the area.”

(7) The requirement under section 314(9) of the Communications Act 2003 may be satisfied by the publication of a document before this section comes into force.