
STATUTORY INSTRUMENTS

2004 No. 1944

The Community Radio Order 2004

Interpretation

2.—(1) In this Order—

“the 1990 Act” means the Broadcasting Act 1990(1);

“the 2003 Act” means the Communications Act 2003;

“community” means—

- (a) the persons who live or work or undergo education or training in a particular area or locality, or
- (b) persons who (whether or not they fall within paragraph (a)) have one or more interests or characteristics in common;

“community radio licence” means a licence under Part 3 of the 1990 Act (as it has effect by virtue of this Order) to provide a community radio service;

“community radio service” means a local service having the characteristics set out in article 3;

“coverage area” means, in relation to a service provided under a local sound broadcasting licence, the area in the United Kingdom within which that service is capable of being received at a level satisfying such technical standards as have been laid down by OFCOM for the purposes of Part 2 of the Media Ownership (Local Radio and Appointed News Provider) Order 2003(2) in relation to such a service;

“local authority” has the meaning given in paragraph 1(1)(3) of Part 1 of Schedule 2 to the 1990 Act;

“local service”, “national service” and “restricted service” each has the meaning given in section 245(4) of the 2003 Act;

“potential audience” means, in relation to any local service, the persons who reside within the coverage area for that service;

“social enterprise” means a business which has as its primary objective the support of one or more projects of a social nature (rather than the production of a financial profit);

“social gain” has the meaning given by paragraph (2).

(2) In relation to a community radio service, “social gain” means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives—

- (a) the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
- (b) the facilitation of discussion and the expression of opinion,

(1) 1990 c. 42.

(2) S.I.2003/3299.

(3) The definition of “local authority” in paragraph 1(1) of Part 1 of Schedule 2 to the Broadcasting Act 1990 was amended by section 66(6) of, and paragraph 89 of Schedule 16 to, the Local Government (Wales) Act 1994 (c. 19) and was repealed in part by section 66(8) of, and Schedule 18 to, that Act. It was also amended by section 180(1) of, and paragraph 166 of Schedule 13 to, the Local Government etc. (Scotland) Act 1994 (c. 39).

- (c) the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- (d) the better understanding of the particular community and the strengthening of links within it,

and may also include the achievement of other objectives of a social nature and, in particular, those mentioned in paragraph (3).

(3) Those objectives are—

- (a) the delivery of services provided by local authorities and other services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities;
- (b) the promotion of economic development and of social enterprises;
- (c) the promotion of employment;
- (d) the provision of opportunities for the gaining of work experience;
- (e) the promotion of social inclusion;
- (f) the promotion of cultural and linguistic diversity;
- (g) the promotion of civic participation and volunteering.

(4) For the purposes of this Order, two local sound broadcasting licences overlap if (but only if) the potential audience of the service provided under either of those licences includes 50 per cent. or more of the potential audience of the service provided under the other licence.

(5) In this Order, in relation to any service which is intended to serve more than one community, any reference to the community which that service is intended to serve shall be taken to include a reference to every such community.

(6) In this Order, one person shall be treated as being connected with another person if he would be so treated for the purposes of Schedule 2(4) to the 1990 Act.

(4) Paragraph 3 of Part 1 of Schedule 2 to the Broadcasting Act 1990 sets out which persons are to be treated as being connected with a particular person, for the purposes of that Schedule. This paragraph was substituted by section 73 of, and paragraph 3, Part 1, of Schedule 2 to, the Broadcasting Act 1996 (c. 55). Paragraph 3 of Part 1 of Schedule 2 to the Broadcasting Act 1990 must be read with the definition of “control” in paragraph 1(1) (taken with paragraph 1(3) and (3A)) of Part 1 of that Schedule. This definition was amended by section 73 of, and paragraph 1(1) and (2)(c), Part 1, of Schedule 2 to, the Broadcasting Act 1996. Paragraph 1(3) and (3A) were substituted for paragraph 1(3) by section 73 of, and paragraph 1(1) and (4), Part 1, of Schedule 2 to, the Broadcasting Act 1996 and paragraph 1(3)(b) was amended in part by section 357(1) of the Communications Act 2003. Paragraph 3 of Part 1 of Schedule 2 to the Broadcasting Act 1990 must also be read with the definitions of “associate” in paragraph 1(1A) and 1(2) of Part 1 of that Schedule. Paragraph 1(1A) was inserted by section 73 of, and paragraph 1(1) and (3), Part 1, of Schedule 2 to, the Broadcasting Act 1996.