



Broadcasting Act 1990

1990 CHAPTER 42

PART III

INDEPENDENT RADIO SERVICES

CHAPTER IV

ADDITIONAL SERVICES PROVIDED ON SOUND BROADCASTING FREQUENCIES

116 Applications for additional services licences.

- (1) Where [^{F1}OFCOM] propose to grant a licence to provide additional services they shall publish, in such manner as they consider appropriate, a notice—
- (a) stating that they propose to grant such a licence;
 - (b) specifying—
 - (i) the period for which the licence is to be granted,
 - (ii) the sound broadcasting service or services on whose frequency or frequencies the services are to be provided, and
 - (iii) ^{F2}... the extent and nature of the spare capacity which is to be allocated by the licence;
 - (c) inviting applications for the licence and specifying the closing date for such applications; and
 - (d) specifying—
 - (i) the fee payable on any application made in pursuance of the notice, and
 - (ii) the percentage of qualifying revenue for each accounting period that would be payable by an applicant in pursuance of section 118(1)(c) if he were granted the licence.
- (2) [^{F1}OFCOM] may, if they think fit, specify under subsection (1)(d)(ii)—
- (a) different percentages in relation to different accounting periods falling within the period for which the licence would be in force;

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 116. (See end of Document for details)

- (b) a nil percentage in relation to any accounting period so falling.
- (3) Any application made in pursuance of a notice under this section must be in writing and accompanied by—
- (a) the fee specified in the notice under subsection (1)(d)(i);
 - (b) a technical plan indicating—
 - (i) the nature of any additional services which the applicant proposes to provide, and
 - (ii) so far as known to the applicant, the nature of any additional services which any other person proposes to provide in accordance with section 115(3);
 - (c) the applicant’s cash bid in respect of the licence; and
 - (d) such information as [F1OFCOM] may reasonably require as to the applicant’s present financial position and his projected financial position during the period for which the licence would be in force.
- (4) At any time after receiving such an application and before determining it [F1OFCOM] may require the applicant to furnish additional information under subsection (3)(b) or (d).
- (5) Any information to be furnished to [F1OFCOM] under this section shall, if they so require, be in such form or verified in such manner as they may specify.
- (6) [F1OFCOM] shall, as soon as reasonably practicable after the date specified in a notice under this section as the closing date for applications, publish in such manner as they consider appropriate—
- (a) the name of every person who has made an application to them in pursuance of the notice;
 - (b) particulars of the technical plan submitted by him under subsection (3)(b); and
 - (c) such other information connected with his application as [F1OFCOM] consider appropriate.

Textual Amendments

- F1** Words in s. 116 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 54\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in s. 116(1)(b)(iii) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 54\(3\)](#), [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)

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 116.