Draft Order laid before Parliament under section 262(5) of the Communications Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

BROADCASTING

Community Radio (Amendment) Order 2010

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 262 and 402(3) of the Communications Act 2003(**1**).

The community radio services to which this Order applies are, or are to be, provided primarily for the good of members of the public or of a particular community, rather than for commercial reasons. The Secretary of State considers that the provision of those services confers, or would confer, significant benefits on the public or on the communities for which they are provided.

In accordance with section 262(5) of the Communications Act 2003 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Community Radio (Amendment) Order 2010 and comes into force on the day after the day on which it is made.

Amendment of the Community Radio Order 2004

2. The Schedule to the Community Radio Order 2004(**2**) (which contains modifications of legislation in relation to community radio services) is amended as follows.

3.—(1) Paragraph 5(2) (which adds subsections (2) to (8) in section 105 of the Broadcasting Act 1990(**3**) as it has effect in relation to a community radio service) is amended as follows.

(2) The subsection (2) added to that section is omitted.

(3) In the subsection (3) added to that section, after "any other local service" there is inserted ", other than a community radio service".

(4) In the subsection (4) added to that section—

(**1**) 2003 c.21
(**2**) SI.2004/1944
(**3**) 1990 c.42. Section 105 of that Act was amended by paragraph 48 of Part 1 of Schedule 15 to the Communications Act 2003

(a) the words "Accordingly, and" are omitted;

(b) paragraph (a) is omitted;

(c) in paragraph (b)—

(i) after "any other local licence" there is inserted "for a service, other than a community radio service,";

(ii) after "includes" there is inserted "no";

(iii) for "50,000" there is substituted "150,000";

(iv) the words ", but no more than 150,000 such persons," are omitted.

4. After paragraph 6 there is inserted—

"Consultation about change of character of services

6A. Section 106ZA(**4**) (consultation about change of character of local services) shall have effect as if, in subsection (1)—

(a) for the words "local licence" there were substituted the words "community radio licence";

(b) for the words "paragraphs (b) to (d)" there were substituted the words "paragraphs (b), (d), (e) and (f)"."(**5**)

5. After paragraph 10 there is inserted—

"Extension of existing licences

10A. Chapter 3 of Part 3 shall have effect as if section 253 were omitted and before section 254 there were inserted—

"**253A. Extension of community radio licences**

(1) A person who holds a community radio licence is entitled to apply to OFCOM, in accordance with the following provisions of this section, for one extension of the licence.

(2) The period for which a licence may be extended on such an application is a period ending not more than five years after the end of the period for which it was granted originally.

(3) An application under subsection (1) may only be made in the period which—

(a) begins eighteen months before the date on which the licence would otherwise expire; and

(b) ends six months before that date.

(4) An application under subsection (1)—

(a) must be made in such manner,

(b) must contain such information about the applicant, the applicant's business and the service the applicant proposes to provide, and

(c) must be accompanied by such fee (if any),

as OFCOM may determine.

(**4**) Section 106ZA was inserted by section 313 of the Communications Act 2003

(**5**) Section 106(1A) of the Broadcasting Act 1990 (to which section 106ZA(1) refers) was modified by paragraph 6 of the Schedule to the Community Radio Order 2004. Modifications were made to paragraphs (b) and (d) of section 106(1A), while paragraph (c) was omitted and paragraphs (e) and (f) were added