STATUTORY INSTRUMENTS

2026 No. 300

BROADCASTING

The Broadcasting Act 1990 (Independent Radio Services Exception) Order 2026

Made - - - -	*16th March 2026*
Laid before Parliament	*17th March 2026*
Coming into force - -	*1st May 2026*

The Secretary of State makes this Order in exercise of the powers conferred by section 97(2) of the Broadcasting Act 1990(**a**).

In accordance with that section, the Secretary of State has consulted OFCOM.

Citation, commencement and extent

1.—(1) This Order may be cited as the Broadcasting Act 1990 (Independent Radio Services Exception) Order 2026.

(2) This Order comes into force on 1st May 2026.

(3) This Order extends to the United Kingdom.

Interpretation

2. In this Order—

"AM broadcasting frequency" means a frequency that falls within the frequency band 526.5 kilohertz to 1.6065 megahertz;

"FM broadcasting frequency" means a frequency that falls within the frequency band 87.5 to 108 megahertz;

"restricted service" has the meaning given by section 245(4)(c) of the Communications Act 2003;

"wireless telegraphy apparatus" has the meaning given by section 117(1) of the Wireless Telegraphy Act 2006(**b**).

(**a**) 1990 c. 42. Section 97 was amended by paragraph 7 of Schedule 10 to the Broadcasting Act 1996 (c. 55) and paragraph 37 of Schedule 15 to the Communications Act 2003 (c. 21). Section 97(1) has effect as if any order made under section 97(2) which is for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey and the Bailiwick of Guernsey; see paragraph 27 of the Schedule to S.I. 1991/1710 and paragraph 27 of the Schedule to S.I. 1991/1709.

(**b**) 2006 c. 36.

Excepted radio services

3.—(1) Section 97(1) of the Broadcasting Act 1990 (prohibition on providing independent radio services without a licence) does not apply to any service of the description specified in paragraph (2).

(2) The service is—

(a) a restricted service, and

(b) transmitted on—

(i) a frequency other than an AM or FM broadcasting frequency using wireless telegraphy apparatus, or

(ii) an FM broadcasting frequency using wireless telegraphy apparatus which emits electromagnetic energy having an effective radiated power not exceeding 50 nanowatts.

Revocations

4. The following enactments are revoked—

(a) the Broadcasting Act 1990 (Independent Radio Services: Exceptions) Order 1990(**a**);

(b) the Broadcasting Act 1990 (Independent Radio Services Exceptions) Order 2007(**b**).

Ian Murray
Minister of State
16th March 2026 Department for Culture, Media and Sport

(**a**) S.I. 1990/2536, as amended by S.I. 2003/2155.
(**b**) S.I. 2007/272.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 97(1) of the Broadcasting Act 1990 (c. 42) provides that it is an offence for a person to provide any relevant regulated radio service (as defined by section 97(1A) of that Act) without being authorised to do so by or under a licence under Part 3 of that Act or Part 2 of the Broadcasting Act 1996 (c. 55). This Order specifies a description of services to which section 97(1) does not apply.

This Order also revokes the Broadcasting Act 1990 (Independent Radio Services: Exceptions) Order 1990 (S.I. 1990/2536) and the Broadcasting Act 1990 (Independent Radio Services Exceptions) Order 2007 (S.I. 2007/272).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen. Instead a de minimis assessment has been prepared as this instrument is likely to entail some costs for businesses, but the net impact is estimated to be below £10 million per year. A copy of the assessment is published on legislation.gov.uk with this instrument or can be obtained from the Department for Culture, Media and Sport at 100 Parliament Street, London, SW1A 2BQ. An Explanatory Memorandum is also available alongside the instrument on legislation.gov.uk.

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