Draft Order laid before Parliament under sections 258A(8) and 262(5) of, and paragraph 17(2) of Schedule 14 to, the Communications Act 2003 (c. 21) for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. ****

BROADCASTING

The Community Radio Order 2025

Made - - - -	***
Coming into force - -	*1st April 2025*

The Secretary of State makes this Order in exercise of the powers conferred by sections 258A, 262 and 402(3) of, and paragraphs 11 and 13 of Schedule 14 to, the Communications Act 2003(**a**).

The Secretary of State considers that the provision of services of the description set out in the provisions of this Order made under section 262 of that Act would confer significant benefits on the public or on communities for which they are provided.

In accordance with paragraph 17(1) of Schedule 14 to that Act, the Secretary of State has consulted the Office of Communications.

In accordance with sections 258A(8) and 262(5) of, and paragraph 17(2) of Schedule 14 to, that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Community Radio Order 2025.

(2) This Order comes into force on 1st April 2025.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

Interpretation

2.—(1) In this Order—

"the 1990 Act" means the Broadcasting Act 1990(**b**);

"the 2003 Act" means the Communications Act 2003;

(**a**) 2003 c. 21. Section 258A was inserted by the Broadcasting (Radio Multiplex Services) Act 2017 (c. 12).
(**b**) 1990 c. 42.

"the 2004 Order" means the Community Radio Order 2004(**a**);

"the 2019 Order" means the Small-scale Radio Multiplex and Community Digital Radio Order 2019(**b**);

"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(**c**) 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(**d**) for the purposes of this Order;

"local authority" has the meaning given in paragraph 1(1) of Part 1 of Schedule 2 to the 1990 Act (restrictions on the holding of licences)(**e**);

"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 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 under served by such services,

(b) the facilitation of discussion and the expression of opinion,

(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**) S.I. 2004/1944.
(**b**) S.I. 2019/1387.
(**c**) "Local service" is defined in section 245(4)(b) of the Communications Act 2003.
(**d**) "OFCOM" is defined in section 405(1) of the Communications Act 2003.
(**e**) The definition of "local authority" was amended by paragraph 89 of Schedule 16 and Schedule 18 to the Local Government (Wales) Act 1994 (c. 19) and by paragraph 166 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(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% 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 is be taken to include a reference to every such community.

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

Characteristics of community radio services

3.—(1) It is a characteristic of community radio services that they are local services provided primarily—

(a) for the good of members of the public, or of particular communities, and

(b) in order to deliver social gain,

rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service.

(2) It is a characteristic of every community radio service that it is intended primarily to serve one or more communities (whether or not it also serves other members of the public).

(3) It is a characteristic of every community radio service that the person providing the service—

(a) does not do so in order to make a financial profit, and

(b) uses any profit that is produced in the provision of the service wholly and exclusively for securing or improving the future provision of the service, or for the delivery of social gain to members of the public or the community that the service is intended to serve.

(4) It is a characteristic of every community radio service that members of the community it is intended to serve are given opportunities to participate in the operation and management of the service.

(**a**) 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 paragraph 3 of 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 paragraph 1(2)(c) of Part 1 of Schedule 2 to the Broadcasting Act 1996. Paragraph 1(3) and (3A) were substituted for paragraph 1(3) by paragraph 1(4) of Part 1 of Schedule 2 to the Broadcasting 1996, and paragraph 1(3)(b) was amended 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 paragraph 1(3) of Part 1 of Schedule 2 to the Broadcasting Act 1996. Paragraph 1(2) was amended by paragraph 139 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and by S.I. 2005/3129.

(5) It is a characteristic of every community radio service that, in respect of the provision of that service, the person providing the service makes themselves accountable to the community that the service is intended to serve.

Application of broadcasting legislation

4. Part 3 of the 1990 Act (independent radio services) and Part 3 of the 2003 Act (television and radio services etc.) have effect in relation to a community radio service with the modifications set out in the Schedule.

Disqualified persons

5.—(1) In addition to the modifications made by article 4 of, and the Schedule to, this Order, Part 2 of Schedule 2 to the 1990 Act (disqualifications for holding licences)(**a**) has effect in relation to community radio licences as if the persons who are disqualified persons by virtue of that Part of that Schedule included, in relation to such licences, any person falling within paragraph (2).

(2) Those persons are—

(a) any person who is not a body corporate,

(b) any body corporate falling within paragraph (3), and

(c) any C4 company or S4C company(**b**) that would not otherwise be a disqualified person by virtue of paragraph (3).

(3) A body corporate falls within this paragraph if—

(a) that body holds at least one relevant Broadcasting Act licence, or

(b) that body is connected with a person who holds one or more such licences.

(4) In this article, a relevant Broadcasting Act licence is a Broadcasting Act licence which is not a licence to provide one of the following services—

(a) a community radio service;

(b) a digital sound programme service;

(c) a restricted service;

(d) a radio licensable content service;

(e) a restricted television service;

(f) a television licensable content service;

(g) a local digital television programme service.

(**a**) In Part 2 of Schedule 2 to the Broadcasting Act 1990, paragraph 1(1) was amended by paragraph 6(2) of Part 2 of Schedule 2 to the Broadcasting Act 1996 and by section 349(1)(a) of, and paragraph 69(4) and (5) of Part 1 of Schedule 15 to, the Communications Act 2003. Paragraph 1(1) was also repealed in part by sections 348(1) of, and Schedule 19(1) to, the Communications Act 2003. Paragraph 1(1A) was inserted by section 349(1)(b) of the Communications Act 2003. Paragraph 1(2) and (3) were repealed by Schedule 19(1) to the Communications Act 2003. Paragraph 2 was amended by section 348(2) and (3) of the Communications Act 2003 and by paragraph 5 of Schedule 2 to the Media Act 2024 (c. 15). Paragraph 3(1) was amended by paragraph 7 of Part 2 of Schedule 2 to the Broadcasting Act 1996, paragraph 69(6) of Part 1 of Schedule 15 to the Communications Act 2003 and paragraph 15 of Schedule 4 to the Media Act 2024. Paragraph 4(1) was amended by paragraph 69(4) and (7) of Part 1 of Schedule 15 to the Communications Act 2003. Paragraph 4(2) was amended by sections 348(4) of, and paragraph 69(8)(a) and (b) of Part 1 of Schedule 15 to, the Communications Act 2003. Paragraph 5 was repealed in part by paragraph 8 of Part 2 of Schedule 2 and Part 1 of Schedule 11 to the Broadcasting Act 1996 and was amended by paragraph 69(4) of Part 1 of Schedule 15 to the Communications Act 2003 and by paragraph 15 of Schedule 4 to the Media Act 2024. Paragraph 5A was inserted by paragraph 9 of Part 2 of Schedule 2 to the Broadcasting Act 1996 and was repealed in part by paragraph 69(9) of Part 1 of Schedule 15 and Schedule 19(1) to the Communications Act 2003. Paragraph 6 was amended by paragraph 69(4) of Part 1 of Schedule 15 to the Communications Act 2003.

(**b**) "C4 company" and "S4C company" are defined in section 362(1) of the Communications Act 2003. The definition of "S4C company" was amended by paragraph 45(2) of Schedule 4 to the Media Act 2024.

Restrictions on holding of community radio licences

6.—(1) No body corporate may hold more than one community radio licence at any one time.

(2) For the purposes of this article, any body corporate which is connected with another such body which holds such a licence is to be treated as if it also were a holder of that licence.

Revocation

7. The following enactments are revoked—

(a) the 2004 Order;

(b) the Community Radio (Amendment) Order 2010(**a**);

(c) the Community Radio (Amendment) Order 2015(**b**).

Transitional provision for community radio

8.—(1) Anything done, or being done, under Part 3 of the 1990 Act, as that Part had effect by virtue of the 2004 Order, is to be treated as having been done, or being done, under Part 3 of the 1990 Act, as that Part has effect by virtue of this Order, including but not limited to—

(a) the award or grant of a community radio licence under Part 3 of the 1990 Act;

(b) the variation of a community radio licence under section 86(5) of the 1990 Act(**c**);

(c) the enforcement of a community radio licence under sections 109 to 111 and 111B of the 1990 Act(**d**).

(2) A community radio licence extended, on one or more occasions, under section 253A of the 2003 Act (extension of community radio licences)(**e**), as that section had effect by virtue of the 2004 Order, is to be treated as having been extended, for the same number of occasions, under section 253A of the 2003 Act, as that section has effect by virtue of this Order.

(3) A condition included in a community radio licence pursuant to section 105(4) to (6) of the 1990 Act, as it had effect by virtue of the 2004 Order (income restrictions relating to advertisements and sponsorship)(**f**), is treated as not being so included in the licence on or after 1st April 2025.

(4) Paragraph (b) of section 86(5) of the 1990 Act (licence holder representations about a variation of a licence), as it has effect by virtue of this Order, does not apply in relation to the variation by OFCOM of a community radio licence under that section for the purposes of including a condition in the licence pursuant to section 105(2) of the 1990 Act, as it has effect by virtue of this Order.

Amendment of the Small-scale Radio Multiplex and Community Digital Radio Order 2019

9.—(1) The 2019 Order is amended as follows.

(2) In article 2(1) (interpretation), in the definition of "community radio service", for "Community Radio Order 2004" substitute "Community Radio Order 2025".

(**a**) S.I. 2010/118.
(**b**) S.I. 2015/1000.
(**c**) Section 86(5) was amended by paragraph 33(2) of Part 1 of Schedule 15 to the Communications Act 2003.
(**d**) Sections 109 to 111 were amended by paragraph 50 of Schedule 15 to the Communications Act 2003. Section 109 was amended by section 344(2) and (3) of that Act. Section 110 was amended by paragraph 7 of Schedule 13 to that Act. Section 111B was substituted by section 91(1) of the Digital Economy Act 2017 (c. 30).
(**e**) Section 253A was a modification to the Communications Act 2003 made by S.I. 2004/1944. Section 253A was inserted into S.I. 2004/1944 by S.I. 2010/118 and amended by S.I. 2015/1000 and S.I. 2019/1387. A new section 253A is inserted by paragraph 13 of the Schedule to this Order.
(**f**) Section 105(4) to (6) was a modification to the Broadcasting Act 1990 made by S.I. 2004/1955. This modification was amended by S.I. 2010/118 and S.I. 2015/1000.

(3) Omit article 7.

(4) In Part 1 of the Schedule (modifications of Part 2 of the 1996 Act in relation to small-scale radio multiplex services)—

(a) in paragraph 6(f), omit paragraph (i);

(b) in paragraph 6, omit sub-paragraph (g);

(c) in paragraph 7(c), in paragraph (i), for ", (d) and (e) were" substitute "was";

(d) in paragraph 7(c), omit paragraph (iv);

(e) in paragraph 10(b), in paragraph (iii), omit the words from "and at the end" to the end;

(f) in paragraph 10(b), omit paragraph (iv);

(g) in paragraph 12(e), omit paragraph (ii).

(5) In Part 2 of the Schedule (modifications of Part 2 of the 1996 Act in relation to community digital sound programme services), in paragraph 18, in the modifications to the 1996 Act, omit section 61A.

(6) In Part 3 of the Schedule (modifications of Part 2 of the 1996 Act in relation to small-scale radio multiplex and community digital sound programme services), in paragraph 21, in the modifications to the 1996 Act, omit the definition of the "2004 Order".

Transitional provision for community digital radio

10. A condition included in a community digital sound programme licence pursuant to section 61A of the 1996 Act, as it had effect by virtue of the 2019 Order (advertising restrictions for community digital sound programme services), is treated as not being so included in the licence on or after 1st April 2025.

Name
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

SCHEDULE

Article 4

Modification of legislation in relation to community radio services

PART 1

Modifications to the Broadcasting Act 1990

1. Part 3 of the 1990 Act is modified as follows.

2. Section 86 (duration of certain licences)(**a**) has effect as if in subsection (3)—

(a) for "local or national service or to provide an additional service", there were substituted "community radio service", and

(b) for "twelve", there were substituted "ten".

3. Part 3 has effect as if for section 104 (applications for licences: local and restricted services)(**b**) there were substituted—

"104 Application for community radio licences

(1) Where OFCOM propose to grant a licence to provide a community radio service, they must publish, in such manner as they consider appropriate, a notice—

(a) stating that they propose to grant such a licence,

(b) specifying any areas or localities in the United Kingdom in relation to which no applications may be made,

(c) inviting applications for the licence and specifying the closing date for applications, and

(d) stating the fee payable on any application made in pursuance of the notice.

(2) Any application made in pursuance of a notice under subsection (1) must be in writing and accompanied by—

(a) the fee specified in the notice under paragraph (d) of that subsection;

(b) the applicant's proposals for providing a service that would—

(i) cater for the tastes and interests of persons comprising the relevant community or for any particular tastes and interests of such persons,

(ii) broaden the range of programmes available by way of local services to persons comprising that community,

(iii) broaden the range of local services provided in the area or locality in which the proposed service would be provided, and

(iv) be of a nature or have a content distinct from that of any other community radio service the licence for which would overlap with that for the proposed service;

(c) evidence that the provision of the service will result in the delivery of significant social gain to the public or the relevant community;

(**a**) Section 86(3) was amended by section 252(2) of the Communications Act 2003.
(**b**) Section 104 was substituted by section 42(2) of the Media Act 2024 (c. 15).

(d) such information as OFCOM may reasonably require—

(i) as to the applicant's present financial position and projected financial position (with regard, in particular, to the number and nature of any persons from whom the applicant proposes to receive the income required to provide the proposed service and the proportion of that income that the applicant proposes to receive from each of those persons) during the period for which the licence would be in force, and

(ii) as to the arrangements which the applicant proposes to make for, and in connection with, the transmission of the proposed service;

(e) such other information as OFCOM may reasonably require for the purpose of considering the application.

(3) At any time after receiving such an application and before determining it OFCOM may require the applicant to furnish additional information under subsection (2)(b), (c), (d) or (e).

(4) OFCOM must, at the request of any person and on the payment by that person of such sum (if any) as OFCOM may reasonably require, make available for inspection by that person any information furnished under subsection (2)(b) or (c) by the applicants for a community radio licence.

(5) In this section and sections 105 and 106 "programme" does not include an advertisement.".

4. Section 104A (renewal of local licences), section 104AA (further renewal of local licences), section 104AB (renewal under section 104AA: nomination of national services) and section 104AC (variation of conditions relating to digital services)(**a**) do not have effect.

5. Part 3 has effect as if after section 104AC(**b**) there were inserted—

"105 Special requirements relating to the grant of community radio licences

(1) Where OFCOM have published a notice under section 104(1), they must, in determining whether, or to whom, to grant the community radio licence in question, have regard to the following matters—

(a) the ability of each of the applicants for the licence to maintain, throughout the period for which the licence would be in force, the service which the applicant proposes to provide;

(b) the extent to which any such proposed service would cater for the tastes and interests of persons comprising the relevant community, and, where it is proposed to cater for any particular tastes and interests of such persons, the extent to which the service would cater for those tastes and interests;

(c) the extent to which any such proposed service would broaden the range of programmes available by way of local services to persons living in the area or locality in which it would be provided, and, in particular, the extent to which the service would be of a nature or have a content distinct from that of any other community radio service the licence for which would overlap with the licence for the proposed service;

(**a**) Section 104A was inserted by section 94(1) of the Broadcasting Act 1996. Sections 104AA to 104AC were inserted by section 32(2) of the Digital Economy Acy 2010 (c. 24). There are amendments to sections 104A, 104AA to 104AC which are not relevant to this Order.

(**b**) Sections 104B and 105 were omitted by section 42(4) of the Media Act 2024.

(d) the extent to which there is evidence, that amongst persons living in that area or locality, there is a demand for, or support for, the provision of the proposed service;

(e) the extent to which the provision of any such proposed service would result in the delivery of social gain to the public or the relevant community;

(f) the provision that each of the applicants proposes to make in order to render themselves accountable to the relevant community in respect of the provision of the proposed service;

(g) the provision that each of the applicants proposes to make to allow for access by members of the relevant community to the facilities to be used for the provision of the service and for their training in the use of those facilities.

(2) Every licence to provide a community radio service that overlaps with a relevant local licence must include such conditions as appear to OFCOM to be appropriate for ensuring that the relevant income for that community radio licence as is attributable to any arrangement for—

(a) the inclusion in that service of any remunerated advertisement, and

(b) the sponsorship of any programmes included in that service,

does not, in any financial year of the holder of the licence, exceed £30,000.

(3) For the purposes of subsection (2), a local licence is a relevant local licence where—

(a) the service provided by the licence is not a community radio service,

(b) the potential audience of that service includes no more than 150,000 persons who have attained the age of 15 years,

(c) the licence was granted before 1st April 2025, and

(d) the licence has not been varied pursuant to section 106(1A)(e)(**a**) before 17th October 2024.

(4) The Secretary of State may request OFCOM to review whether the £30,000 figure in subsection (2) remains appropriate.

(5) In this section—

"relevant income", in relation to any community radio licence, means any payment or other financial benefit (whether direct or indirect) attributable to the provision of the service under that licence which any relevant person has received, will receive or is or will be entitled to receive in the financial year in question;

"relevant person", in relation to a community radio licence, means the holder of that licence and every person who is connected with that person;

"remunerated advertisement", in relation to a service provided under a community radio licence, means any advertisement included in that service for which any relevant person has received, will receive or is or will be entitled to receive, any payment or other financial benefit (whether direct or indirect) in consideration for so including it.

(**a**) Subsection (1A) was inserted by section 312(3) of the Communications Act 2003. Paragraphs (b) to (e) of that subsection were omitted by section 43(2) of the Media Act 2024.

(6) Any reference in this section to sponsorship does not include a reference to any payment made, or other financial benefit (whether direct or indirect) conferred, by a person for purposes that are wholly or mainly philanthropic in nature.".

6. Section 106 (requirements as to character and coverage of national and local services) has effect as if—

(a) in subsection (1)(**a**), for "national", there were substituted "community radio";

(b) in subsection (1A)(**b**), after paragraph (a) there were inserted—

"(b) that the departure would not narrow the range of programmes available by way of community radio services to persons comprising the relevant community;

(c) that there is evidence that, amongst persons comprising that community, there is a significant demand for, or significant support for, the change that would result from the departure;

(d) that the departure would not be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities; or

(e) that the departure would not be prejudicial to the delivery of social gain resulting from the provision of the service provided under that licence.";

(c) after subsection (1A) there were inserted—

"(1B) The matters to which OFCOM must have regard in determining, for the purposes of this section, the character of a service provided under a community radio licence include, in particular, the selection of spoken material and music in programmes included in the service.

(1C) Without limiting subsection (1), a community radio licence must include such conditions as appear to OFCOM to be appropriate for securing that the holder of the licence does not enter into, or remain subject to, any arrangement if an effect of that arrangement is to allow another holder of a Broadcasting Act licence or the BBC or S4C to exercise an undue influence over the nature and content of the programmes included in the service provided under that licence.

(1D) In subsection (1C), "arrangement" includes any agreement or arrangement with one or more other persons, whether or not it is, or is intended to be, legally enforceable.";

(d) for subsection (2), there were substituted—

"(2) Without limiting subsections (1) to (1D), a community radio licence must include such conditions as OFCOM consider are appropriate to ensure that the licence holder provides the service described in the application for that licence.";

(e) in subsection (4)(**c**), for "local" there were substituted "community radio";

(f) in subsections (4), (5)(**d**) and (6)(**e**), for "locality for which", in each place those words occur, there were substituted "locality in which".

(**a**) Section 106(1) was amended by paragraph 49 of Part 1 of Schedule 15 and by Schedule 19 to the Communications Act 2003, and by section 43(2) of the Media Act 2024.

(**b**) Section 106(1A) and (1B) was inserted by section 312(3) of the Communications Act 2003. Subsections (1A)(b) to (e) and (1B) were omitted by section 43(2) of the Media Act 2024.

(**c**) Section 106(4) was amended by paragraph 49 of Part 1 of Schedule 15 to the Communications Act 2003.

(**d**) Section 106(5) was substituted by section 312(4) of the Communications Act 2003.

(**e**) Section 106(6) was amended by paragraph 49 of Schedule 15 to the Communications Act 2003.

7. Part 3 has effect as if after section 106 there were inserted(**a**)—

"106ZA Consultation about change of character of community radio service

(1) Before deciding, for the purposes of a condition imposed under subsection (1A) of section 106, whether to consent to a departure from the character of a service provided under a community radio licence on any of the grounds mentioned in paragraphs (b) to (e) of that subsection, OFCOM must publish a notice specifying—

(a) the proposed departure, and

(b) the period in which representations may be made to OFCOM about the proposal.

(2) That period must end not less than 28 days after the date of publication of the notice.

(3) The notice must be published in such manner as appears to OFCOM to be appropriate for bringing it to the attention of the persons who, in OFCOM's opinion, are likely to be affected by the departure.

(4) OFCOM—

(a) are not required to publish a notice under this section, and

(b) may specify a period of less than 28 days in such a notice as the period for representations,

if they consider that the publication of the notice, or allowing a longer period for representations, would result in a delay that would be likely prejudicially to affect the interests of the licence holder.

(5) OFCOM are not required under this section—

(a) to publish any matter that is confidential in accordance with subsection (6) or (7), or

(b) to publish anything that it would not be reasonably practicable to publish without disclosing such a matter.

(6) A matter is confidential under this subsection if—

(a) it relates specifically to the affairs of a particular body, and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that body.

(7) A matter is confidential under this subsection if—

(a) it relates specifically to the private affairs of an individual, and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that individual.".

8. Section 126 (interpretation of Part 3) has effect as if—

(a) after the definition of "cash bid" there were added—

""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;

(**a**) Section 106ZA was omitted by section 43(3) of the Media Act 2024.

"community radio licence" means a licence to provide a community radio service;

"community radio service" has the meaning given in article 2(1) of the Community Radio Order 2025;";

(b) after the definition of "local service", "national service" and "restricted service"(**a**), there were added—

""overlap" is be construed in accordance with article 2(4) of the Community Radio Order 2025;

"potential audience" has the meaning given in article 2(1) of the Community Radio Order 2025;";

(c) after the definition of "radio transfer date"(**b**), there were added—

""relevant community" means, in relation to a community radio service, the community or communities which that service is intended to serve;".

9. Part 2 of Schedule 2 (disqualification for holding licences) has effect as if—

(a) in paragraph 1, sub-paragraph (1)(f) (individual who is an officer of a political body etc.) were omitted;

(b) paragraph 3 (disqualification of publicly-funded bodies for radio services licence) were omitted;

(c) in paragraph 4 (general disqualification on grounds of undue influence)—

(i) in sub-paragraph (1)(a), for "relevant body" there were substituted "person";

(ii) sub-paragraph (2) were omitted.

PART 2

Modifications to the Communications Act 2003

10. Part 3 of the Communications Act 2003 is modified as follows.

11. Section 245 (regulation of independent radio services) has effect as if, in subsection (4), after paragraph (b) there were inserted—

"(ba) a service is a community radio service if it is a local service having the characteristics set out in article 3 of the Community Radio Order 2025;".

12. Section 314 (local news and information in local sound broadcasting services)(**c**) does not have effect.

13. Chapter 3 of Part 3 has effect as if section 253 (extension and modification of existing licences) were omitted and before section 254 (renewal of local licences) there were inserted—

"253A Extension of community radio licences

(1) A person who holds a community radio licence may apply to OFCOM for four extensions of the licence.

(2) The period for which a licence may be extended, for each of the first three extensions, is a period ending not more than five years after the date the licence would otherwise expire.

(**a**) This definition was substituted by paragraph 59(b) of Schedule 15 to the Communications Act 2003.
(**b**) This definition was substituted by paragraph 59(b) of Schedule 15 to the Communications Act 2003.
(**c**) Section 314 was amended by section 44 of the Media Act 2024.

(3) The period for which a licence may be extended, for the fourth extension, is a period ending not more than ten years after the date the licence would otherwise expire.

(4) 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—

(i) where the application is for a fourth extension and the licence would otherwise expire before 1st November 2025, eight weeks before the date on which the licence would otherwise expire, or

(ii) in other cases, six months before the date on which the licence would otherwise expire.

(5) 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.

(6) If, on an application for an extension under subsection (1), OFCOM are satisfied as to the matters mentioned in subsection (7), they must modify the licence by extending the period for which the licence is to be in force by such period authorised by subsection (2) or (3) as they think fit.

(7) Those matters are—

(a) the ability of the licence holder to maintain the service for the period of the extension, and

(b) the licence holder would, if the licence were extended, be in a position to comply with the conditions included in the licence in pursuance of section 106 of the 1990 Act.".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates, with modifications, the Community Radio Order 2004 (S.I. 2004/1944) ("the 2004 Order") and subsequent amending instruments. This Order also makes amendments to the Small-scale Radio Multiplex and Community Digital Radio Order 2019 (S.I. 2019/1387) ("the 2019 Order").

This Order (except for article 9) contains provision for a special regulatory framework for a category of radio broadcasting services known as "community radio services". The provision includes modifications to the Broadcasting Act 1990 (c. 42) ("the 1990 Act") and the 2003 Act.

Article 2(1) sets out definitions. It defines a community radio service as a form of local sound broadcasting service having the characteristics set out in article 3.

The first such characteristic is that all community radio services are provided primarily for the good of members of the public or of particular communities (a community being defined by article 2(1)) rather than primarily for commercial reasons.

In addition, a service must be provided in order to deliver social gain (article 3(1)(b)). Social gain is defined in article 2 as the achievement of the four objectives set out in paragraph (2) of that article together with the achievement of any other objectives of a social nature, which may include those listed in paragraph (3).

Further characteristics of a community radio service are that it must be provided primarily to serve one or more communities (article 3(2)), it must be run on a not-for-profit or non profit-distributing basis (article 3(3)), that members of the community or communities that it is intended to serve are given opportunities to help run the service (article 3(4)), and that arrangements are made to make the provider of the service accountable for its provision to the community or communities it is intended to serve (article 3(5)).

Article 4 provides that Part 3 of the 1990 Act and Part 3 of the 2003 Act have effect in relation to community radio services with the modifications set out in the Schedule.

Article 5 makes provision about which persons are disqualified persons in relation to community radio licences.

Article 6 makes provision on the restrictions of holding community radio licences.

Article 7 revokes the 2004 Order, the Community Radio (Amendment) Order 2010 (S.I. 2010/118) and the Community Radio (Amendment) Order 2015 (S.I. 2015/1000).

Article 8 consists of transitional provision. Article 8(1) and (2) provides that anything done in relation to community radio under the 1990 Act and the 2003 Act, as they had effect by virtue of the 2004 Order, are treated as having been done under those Acts, as they now have effect by virtue of this Order. Article 8(3) provides that conditions included in community radio licences including restrictions on the amount of income the holders of such licences may receive in respect of advertisements or sponsorship cease to have effect on 1st April 2025. Article 8(4) provides that certain procedural requirements before OFCOM can vary a licence under section 86 of the 1990 Act do not apply where OFCOM are varying a community radio licence to include new conditions pursuant to section 105(2), as modified by this Order.

Article 9 makes amendments to the Schedule to the 2019 Order. Part 1 of that Schedule modifies the Broadcasting Act 1996 (c. 55) as it applies to small-scale radio multiplex services. Article 9(2) and (3) makes amendments consequential to the provisions of this Order and the revocation of the 2004 Order. Article 9(4) makes amendments consequential to the amendments by the Media Act 2024 (c. 15) to the provisions of the 1996 Act which are modified by the 2019 Order.

Article 9(5) makes an amendment to Part 2 of the Schedule to the 2019 Order, as it applies to community digital sound programme services, to omit the insertion of section 61A into the 1996 Act (advertising restrictions for community digital sound programme services).

Article 10 consists of transitional provision so that: conditions included in community digital sound programme licences including restrictions on the amount of income the holders of such licences may receive in respect of advertisements or sponsorship cease to have effect on 1st April 2025.

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 £5 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.

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£8.14

http://www.legislation.gov.uk/id/ukdsi/2025/9780348266900

ISBN 978-0-34-826690-0

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