

Guidance for religious bodies

(Part 2, Schedule 2, Broadcasting Act 1990 & Part 4, Schedule 14, Communications Act 2003)

1. This guidance applies to any applicant for a broadcasting licence:

- a. whose objects are wholly or mainly of a religious nature;
- b. that is controlled by a body or bodies whose objects are wholly or mainly of a religious nature;
- c. that controls a body whose objects are wholly or mainly of a religious nature;
- d. that is an associate of a body corporate whose objects are wholly or mainly of a religious nature;
- e. that is a body corporate in which a body falling within paragraph 1(a) to (d) holds more than a 5 per cent interest;
- f. who is an individual who is an officer of a body falling with paragraph 1(a); or
- g. that is a body which is controlled by one or more individuals falling within paragraph 1(f).

2. Ofcom will consider applications from bodies described in paragraph 1 for the following broadcasting licences in accordance with the guidance set out in this note:

- a. a restricted (television) service licence within the meaning of Part 1 of the Broadcasting Act 1990;
- b. a digital (television) programme service licence within the meaning of section 18 of the Broadcasting Act 1996 for the purposes of Part 1 of that Act;
- c. a digital (television) additional service licence within the meaning of section 25 of the Broadcasting Act 1996 for the purposes of Part 1 of that Act;
- d. a television licensable content service licence within the meaning of Part 3 of the Communications Act 2003;
- e. a local analogue sound programme service licence within the meaning of section 245 of the Communications Act 2003;
- f. a restricted (radio) service licence within the meaning of section 245 of the Communications Act 2003;
- g. a radio licensable content service licence within the meaning of section 247 of the Communications Act 2003;
- h. a local or national digital sound programme service licence within the meaning of section 60 of the Broadcasting Act 1996 for the purposes of Part 2 of that Act; and
- i. a digital additional sound service licence within the meaning of section 64 of the Broadcasting Act 1996 for the purposes of Part 2 of that Act.

3. In accordance with paragraph 2(1A) of Part 2 of Schedule 2 to the Broadcasting Act 1990 (as amended by the Communications Act 2003), religious bodies are not eligible to hold the following licences:

- a. a Channel 3 licence;
- b. a Channel 5 licence;
- c. a national sound broadcasting licence;
- d. a public teletext licence;

- e. an additional television service licence;
- f. a television multiplex licence; or
- g. a radio multiplex licence.

4. Pursuant to paragraph 2(1) of Part II of Schedule 2 to the Broadcasting Act 1990, paragraphs 9 and 10 of Schedule 1 to the Human Rights Act 1998, and paragraph 15 of Schedule 14 to the Communications Act 2003, Ofcom will consider the appropriateness of religious bodies to hold Broadcasting Act licences provided they do not:

- a. practise or advocate illegal behaviour;
- b. practise or advocate behaviour which is injurious to the health or morals of participants or others;
- c. practise or advocate behaviour which infringes the rights and freedoms of participants or others;
- d. pose a threat to public safety; e. pose a threat to national security or territorial integrity; or
- f. threaten the authority and impartiality of the judiciary.

5. Ofcom will also require to be satisfied that the applicant meets the requirements placed upon all prospective licensees, including the requirements:

- a. to be a fit and proper person (section 3(3) of the Broadcasting Act 1990). This requirement will also apply to the directors and chief officers of any corporate body intended to hold the licence, and of any person or associated corporate body of the applicant deemed to have control of the applicant for the purposes of section 357 of the Communications Act 2003;
- b. in accordance with section 3(7) of the Broadcasting Act 1990, to be in a position to comply with other licence conditions placed upon broadcasters, including compliance with:

1. Ofcom's fairness and privacy requirements (section 107 of the Broadcasting Act 1996);
2. complaints handling procedures (section 328 of the Communications Act 2003);
3. obligations to retain and produce recordings (section 334 of the Communications Act 2003);
4. relevant international obligations (section 335 of the Communications Act 2003);
5. equal opportunities and training requirements (section 337 of the Communications Act 2003); and

- c. to comply with the media ownership rules applying from time to time in accordance with Schedule 14 of the Communications Act 2003.

6. Ofcom may seek evidence from the applicant and advice from other parties on the matters referred to in paragraphs 1, 4 and 5 above before making a determination. In the event that the applicant makes false or incomplete representations, Ofcom may revoke the licence in accordance with relevant provisions of the Broadcasting Act 1990 if it has been issued, or if

a licence has not been issued, may determine that it is not appropriate for the applicant to hold one.

7. If, having made a determination under paragraph 15 of Schedule 14 to the Communications Act 2003 that a body defined in paragraph 1 may hold one or more of the licences described in paragraph 2 above, Ofcom are satisfied that a licensee:

- a. is in breach of the restrictions set out in paragraph 4 above;
- b. is no longer a fit and proper person;
- c. is in breach of the media ownership rules referred to in paragraph 5(c) above; or
- d. has committed a breach of its licence conditions that is serious enough to warrant licence revocation,

it may revoke that determination. In that event, the licensee shall cease to be eligible to hold the licence and its licence will be revoked.