[GB] Attempt to challenge award of broadcasting licence unsuccessful

IRIS 1996-3:1/13

Tony Prosser
University of Bristol Law School

One of the unsuccessful appliants for a Channel 5 licence has failed in its attempt to gain judicial review of the decision of the Independent Television Commission awarding the licence to a competitor. Although the application has been granted leave to procede to a full hearing, at that hearing the High Court rejected the argument of the Virgin Group that the successful applicant, Channel 5 Broadcasting, had been allowed to enhance its bid after other bids had been submitted. The Court considered that it was not necessary for the applicant to have secured all funding required by the date of the application as long as there was evidence that that funding would be available by the date of the commencement of the licence.

The decision suggests that the courts are likely to continue to give the Independent Television Commission a wide 'margin of appreciation' in assessing applications for broadcasting licences.

R v Independent Television Commission, ex parte Virgin Television Ltd, Queen's Bench Division (Crown Office List), CO/3848/95.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026