



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES

CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Channels 3 and 5

216 Renewal of Channel 3 and 5 licences

- (1) The holder of—
 - (a) a licence to provide a Channel 3 service, or
 - (b) a licence to provide Channel 5,may apply to OFCOM for the renewal of his licence for a period of ten years from the end of the licensing period current at the time of the application.
- (2) An application for renewal may only be made in the period which—
 - (a) begins four years before the end of the current licensing period; and
 - (b) ends three months before the day that OFCOM have determined to be the day by which they would need to publish a tender notice if they were proposing to grant a fresh licence to take effect from the end of that period.
- (3) A determination for the purposes of subsection (2)(b)—
 - (a) must be made at least one year before the day determined; and
 - (b) must be notified by OFCOM to every person who, at the time of the determination, holds a licence in respect of which there is right to apply for renewal under this section.

Status: This is the original version (as it was originally enacted).

- (4) Where OFCOM receive an application under this section for the renewal of a licence, they must—
 - (a) decide whether they will be renewing the licence;
 - (b) if they decide that they will be, determine in accordance with section 217 the financial terms on which the licence will be renewed; and
 - (c) notify the applicant of their decision and determination.
- (5) Section 17(5) to (7) of the 1990 Act (suspect sources of funds) apply in relation to an applicant for a renewal under this section as they apply in relation to an applicant mentioned in section 17(5) of that Act, but as if references to the award of a licence were references to its renewal.
- (6) OFCOM may decide not to renew the licence if they are not satisfied that the applicant (if his licence were renewed) would provide a service complying with the requirements imposed under Chapter 4 of this Part by conditions relating to—
 - (a) the public service remit for the licensed service;
 - (b) programming quotas;
 - (c) news and current affairs programmes; and
 - (d) programme production and regional programming.
- (7) OFCOM may also decide not to renew the licence if they propose to grant a fresh licence for a service replacing the licensed service which would differ from the licensed service in—
 - (a) the area for which it would be provided; or
 - (b) the times of the day, or days of the week, between or on which it would be provided.
- (8) In all cases in which—
 - (a) the applicant notifies OFCOM that he accepts the terms notified to him under subsection (4)(c), and
 - (b) they are not required or allowed by subsections (5) to (7) to refuse a renewal,they must grant the renewal as soon as reasonably practicable.
- (9) But OFCOM must not grant a renewal under this section more than eighteen months before the end of the licensing period from the end of which the renewal will take effect.
- (10) Where a licence is renewed under this section, it must be renewed on the same terms and conditions, subject only to such modifications as are required to give effect, in accordance with the determination under subsection (4)(b), to the requirements imposed by section 217(4).
- (11) Nothing in this section requires OFCOM, following the receipt of an application for the renewal of a licence—
 - (a) to make a decision or determination, or
 - (b) to take any other step under this section,at any time after an order under section 230 has come into force preventing the renewal of the licence.
- (12) For the purposes of this section a licensing period is—
 - (a) the period beginning with the commencement of this section and ending with the initial expiry date; or

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- (b) any subsequent period of ten years beginning with the end of the previous licensing period.

(13) In this section “tender notice” means a notice under section 15 of the 1990 Act.