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STATUTORY INSTRUMENTS

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**2006 No. 2131**

**The Television Licensable Content Services Order 2006**

**Amendment of the Broadcasting Act 1996**

5.—(1) The Broadcasting Act 1996 is amended as follows.

(2) In section 39(1) (interpretation of Part 1), in subsection (1), after the definition of “technical service” (but before the definition of “television multiplex service”), insert—

““television licensable content service” has the meaning given by section 232 of the Communications Act 2003;”.

(3) In section 46(2) (national radio multiplex licences), in subsection (4), after paragraph (d) insert—

“(da) the applicant’s proposals as to the broadcasting of television licensable content services;”.

(4) In section 47(3) (award of national radio multiplex licences), in subsection (2)(f), after “programme services” insert “, television licensable content services”.

(5) In section 49(4) (reservation of capacity for BBC services), in subsection (9)(b), after “providing” in the second place where it occurs insert “television licensable content services or”.

(6) In section 50(5) (local radio multiplex licences), in subsection (4), after paragraph (d) insert—

“(da) the applicant’s proposals as to the broadcasting of television licensable content services;”.

(7) In section 51(6) (award of local radio multiplex licences), in subsection (2)(g), after “programme services” insert “, television licensable content services”.

(8) In section 54(7) (conditions attached to national or local radio multiplex licences), in subsection (1)—

(a) after paragraph (c) insert—

“(ca) that all television licensable content services broadcast under the licence are provided by the holder of a licence under Part 1 of the 1990 Act to provide such a service or by an EEA broadcaster (within the meaning given by section 12(3A));”;

(b) in paragraph (e), after “programme services” insert “, television licensable content services”; and

(c) in paragraph (f), after “programme service” insert “, television licensable content service”.

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- (1) Section 39 was amended by paragraph 100 of Part 2 of Schedule 15 to the Communications Act 2003, and repealed in part by Schedule 19 to that Act.
- (2) Section 46 was amended by paragraph 105 of Part 2 of Schedule 15 to the Communications Act 2003, and repealed in part by Schedule 19 to that Act.
- (3) Section 47 was amended by paragraph 106 of Part 2 of Schedule 15 to the Communications Act 2003, and repealed in part by Schedule 19 to that Act.
- (4) Section 49 was amended by paragraph 108 of Part 2 of Schedule 15 to the Communications Act 2003.
- (5) Section 50 was amended by paragraph 109 of Part 2 of Schedule 15 to the Communications Act 2003.
- (6) Section 51 was amended by paragraph 110 of Part 2 of Schedule 15 to the Communications Act 2003.
- (7) Section 54 was amended by sections 259 and 315 of the Communications Act 2003, and by paragraph 113 of Part 2 of Schedule 15 to that Act, and repealed in part by Schedule 19 to that Act.

- (9) In section 56(8) (multiplex revenue), after subsection (9), insert—
- “(10) This section and section 57 shall have effect as if references in this section to digital sound programme services included references to television licensable content services.”.
- (10) In section 63(9) (digital additional services)—
- (a) in subsection (1)(b), for “an ancillary service” substitute “a television licensable content service, an ancillary service, a relevant ancillary service within the meaning of section 232 of the Communications Act 2003”;
- (b) in subsection (2), after ““ancillary service”” insert “(except in the expression “relevant ancillary service”)”; and
- (c) in subsection (3)(a), after “programme services” insert “, television licensable content services”.
- (11) In section 72(10) (interpretation of Part 2), in subsection (1), after the definition of “technical service” (and before the definition of “television multiplex service”) insert—
- ““television licensable content service” has the meaning given by section 232 of the Communications Act 2003;”.

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(8) Section 56 was amended by paragraph 115 of Part 2 of Schedule 15 to the Communications Act 2003, and repealed in part by Schedule 19 to that Act.

(9) Section 63 was amended by section 260(2) and (3) of the Communications Act 2003.

(10) Section 72 was amended by section 260(4) of the Communications Act 2003, and by paragraph 126 of Part 2 of Schedule 15 to that Act, and repealed in part by Schedule 19 to that Act.