



Broadcasting Act 1990

1990 CHAPTER 42

^{F1}PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER V

ADDITIONAL SERVICES PROVIDED ON TELEVISION BROADCASTING FREQUENCIES

48 Additional services.

- (1) In this Part “additional service” means any service which consists in the sending of [^{F1}electronic] signals for transmission by wireless telegraphy by means of the use of the spare capacity within the signals carrying any television broadcasting service provided—[^{F2} on a relevant frequency].
- (2) For the purposes of this Part the spare capacity within the signals carrying any such broadcasting service shall be taken to be—[^{F3}any part of the signals which—
 - (a) is not required for the purposes of the television broadcasting service for the purposes of which the frequency has been made available; and
 - (b) is determined by OFCOM to be available for the provision of additional services;]

and references in this Part to spare capacity shall be construed accordingly.

[^{F4}(2A) For the purposes of this Part, if they consider it appropriate to do so, OFCOM may, while an additional services licence is in force, from time to time modify the determination made under subsection (2)(b) for the purposes of that licence in any manner that does not reduce the amount of spare capacity made available for the licensed services; and when so modified any such licence shall have effect accordingly.]

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 48. (See end of Document for details)

- (3) [^{F5}OFCOM] shall, when determining under subsection [^{F6}(2)(b)] the extent and nature of the spare capacity available for the provision of additional services in the case of any frequency, have regard—
- [^{F7}(a) to the obligations contained in any code under section 303 of the Communications Act 2003 by virtue of subsection (5) of that section; and
- (aa) to any need of the person providing the television broadcasting service in question to be able to use part of the signals carrying it for providing services (in addition to those provided for satisfying those obligations) which—
- (i) are ancillary to programmes included in the service and directly related to their contents; or
- (ii) relate to the promotion or listing of such programmes.]
- (4) A person holding a licence to provide a Channel 3 service or Channel 4 or 5 shall be taken for the purposes of this Part to be authorised by his licence—
- [^{F8}(a) to provide services for the satisfaction in his case of obligations mentioned in subsection (3)(a); and
- (b) to provide in relation to his television broadcasting service any such services as are mentioned in subsection (3)(aa).]

^{F9}(5)

[^{F10}(6) In this section—

“electronic signals” means signals within the meaning of section 32 of the Communications Act 2003;

“relevant frequency” means a frequency made available by OFCOM for the purposes of a television broadcasting service.]

Textual Amendments

- F1** Words in s. 48(1) substituted (25.7.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(2)(a)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/1900, art. 2(1), Sch. 1
- F2** Words in s. 48(1) substituted for s. 48(1)(a)(b) (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(2)(b)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** Words in s. 48(2) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(3)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F4** S. 48(2A) inserted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(4)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F5** Words in s. 48(3) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(5)(a)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F6** Words in s. 48(3) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(5)(b)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F7** S. 48(3)(a)-(aa) substituted for s. 48(3)(a)-(c) (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(5)(c)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F8** S. 48(4)(a)(b) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(6)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F9** S. 48(5) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F10** S. 48(6) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 15 para. 20(7)** (with Sch. 15 para. 20(8), Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 48. (See end of Document for details)

Modifications etc. (not altering text)

C1 Pt. I: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 3\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), Sch. 1 (with art. 11)

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 48.