



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [^{F1}ETC]

^{F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Television multiplex services

242 Composition of services in television multiplexes

(1) In subsection (1) of section 12 of the 1996 Act—

- (a) in paragraph (c), (digital programmes services included in multiplex must be provided by a licence holder or EEA broadcaster), after “section 18” there shall be inserted “, by the BBC”;
- (b) in paragraph (d), (digital additional services included in multiplex must be provided by a licence holder or EEA broadcaster), after “section 25” there shall be inserted “, by the BBC”;
- (c) after that paragraph there shall be inserted—
 - “(da) that the only digital sound programme services broadcast under the licence are services provided by the holder of a national digital sound programme licence (within the meaning of section 60) or by the BBC;”
- (d) in paragraph (e), after “digital programme services” there shall be inserted “, digital sound programme services”;
- (e) in paragraph (f), after “digital programme service” there shall be inserted “, a digital sound programme service”; and
- (f) for paragraph (h) (conditions as to composition of multiplex service), there shall be substituted—

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“(h) that, while the licence is in force, at least the required percentage of the digital capacity on the frequency or frequencies on which the service is broadcast is used, or left available to be used, for the broadcasting of services falling within subsection (1A).”

(2) After that subsection there shall be inserted—

“(1A) The services falling within this subsection are—

- (a) qualifying services;
- (b) digital programme services licensed under this Part or provided by the BBC;
- (c) digital sound programme services provided by the BBC;
- (d) programme-related services; and
- (e) relevant technical services.”

(3) In subsection (3) of that section—

- (a) after the words “digital programme services”, in the first place where they occur, there shall be inserted “ or digital sound programme services ”; and
- (b) for “digital programme services broadcast under the licence” there shall be substituted “ so much of what is broadcast under the licence as consists of digital programme services, or of such services together with digital sound programme services, ”.

(4) In subsection (4) of that section (interpretation of subsection (1)(h))—

- (a) for “(1)(h)” there shall be substituted “ (1A) ”;
- (b) in paragraph (a), for “the qualifying teletext service” there shall be substituted “ the digital public teletext service ”;
- (c) in paragraph (b)(i), after “the 1990 Act)” there shall be inserted “ , or in one or more digital sound programme services provided by the BBC, ”
- (d) in paragraph (c), for “digital programme services” there shall be substituted “ services falling within subsection (1A) which are comprised in the multiplex in question ”.

(5) After that subsection there shall be inserted—

“(4A) In subsection (1)(h), the reference to the required percentage is a reference to such percentage equal to or more than 90 per cent. as OFCOM—

- (a) consider appropriate; and
- (b) specify in the condition.”

(6) In subsection (5) of that section (power to change percentage in subsection (1)(h)), for “(1)(h)” there shall be substituted “ (4A) ”.

Commencement Information

II S. 242 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124P124Q inserted by [2010 c. 24 s. 20\(1\)](#)
- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 124R inserted by [2010 c. 24 s. 21](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 192(1)(d)(ia) inserted by [2010 c. 24 s. 20\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)