



Digital Economy Act 2010

2010 CHAPTER 24

Independent television services

28 Power to remove OFCOM's duty to secure provision of public teletext service

- (1) Section 218 of the Communications Act 2003 (provision of public teletext service) is amended as follows.
- (2) In subsection (1)—
 - (a) for “must do all that they can to” substitute “ may ”, and
 - (b) at the end insert “ and complies with this section ”.
- (3) In subsection (7)—
 - (a) for “OFCOM must exercise their powers” substitute “ If there is a public teletext provider, OFCOM must take account of the requirements of the public teletext service when exercising their powers ”, and
 - (b) omit the words after paragraph (b).
- (4) Accordingly, in the heading of the section, for “Duty” substitute “ Power ”.
- (5) Omit section 221 of that Act (replacement of existing public teletext provider's licence).
- (6) In section 276(1) of that Act (co-operation with the public teletext provider), for “the provider of the service or channel” substitute “ , if there is a public teletext provider, the provider of the Channel 3 service or Channel 4 ”.
- (7) In section 362 of that Act (interpretation of Part 3), in the definition of “the public teletext service”, for “is required to be” substitute “ is or may be ”.
- (8) The amendments made by this section and the entries in Schedule 2 relating to sections 218(7) and 221 of the Communications Act 2003 (and section 45 so far as relating to those entries) come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (9) An order may not be made under subsection (8) unless—

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Section 28. (See end of Document for details)

- (a) condition A or B is met,
 - (b) the Secretary of State is satisfied that making the order is in the public interest, and
 - (c) a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Condition A is that the Secretary of State has laid before Parliament a report by the Office of Communications (“OFCOM”) under section 218A of the Communications Act 2003 (report on public teletext service).
- (11) Condition B is that OFCOM have invited applications for the licence to provide the public teletext service (within the meaning of Part 3 of the Communications Act 2003) and—
- (a) no applications were made by the closing date, or
 - (b) OFCOM considered that they could not award the licence to any of the applicants.

Commencement Information

II S. 28 partly in force; s. 28(8)-(11) in force at 8.6.2010 see ss. 28(8), 47(1)

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2010, Section 28.