



Digital Economy Act 2010

2010 CHAPTER 24

Independent radio services

30 Digital switchover

- (1) In section 86(6) of the Broadcasting Act 1990 (varying licences under Part 3), for “section 110(1)(b)” substitute “section 97B or 110(1)(b)”.
- (2) After section 97 of that Act insert—

“Digital switchover

97A Date for digital switchover

- (1) The Secretary of State may give notice to OFCOM nominating a date for digital switchover for the post-commencement services specified or described in the notice.
- (2) When nominating a date, or considering whether to nominate a date, the Secretary of State must have regard to any report submitted by OFCOM or the BBC under section 67(1)(b) of the Broadcasting Act 1996 (review of digital radio broadcasting).
- (3) The Secretary of State—
 - (a) may nominate different dates for different services, and
 - (b) may give notice to OFCOM withdrawing a nomination under this section.
- (4) In this section and section 97B—

“date for digital switchover”, in relation to a post-commencement service, means a date after which it will cease to be appropriate for the service to continue to be provided in analogue form;

“post-commencement service” means a local service, national service or additional service that is provided under a licence that—

Status: This is the original version (as it was originally enacted).

- (a) was granted on or after the day on which this section comes into force, or
- (b) has been renewed under section 103B or 104AA.

97B Variation of licence period after date for digital switchover nominated

- (1) This section applies if the Secretary of State has nominated a date for digital switchover for a post-commencement service (and has not withdrawn the nomination).
 - (2) If the period for which the licence to provide the post-commencement service is to continue in force ends after the date for digital switchover, OFCOM must by notice vary the licence so that the period ends on or before that date, subject to subsection (3).
 - (3) OFCOM may not reduce the period so that it ends less than 2 years after the day on which they issue the notice, unless the licence holder consents to such a reduction.
 - (4) If the period for which the licence to provide the post-commencement service is to continue in force ends on or before the date for digital switchover, OFCOM may not vary the licence so that the period ends after that date.”
- (3) In section 199(5) of that Act (publication of notices by OFCOM), after “55,” insert “97B,”.