

2015 No. 904

BROADCASTING

The Broadcasting Act 1996 (Renewal of Local Radio Multiplex Licences) Regulations 2015

Made - - - - *24th March 2015*

Coming into force - - *6th April 2015*

The Secretary of State makes the following Regulations, in exercise of the powers conferred by section 58A of the Broadcasting Act 1996(a) and section 200 of the Broadcasting Act 1990(b).

In accordance with section 58A(4) of that Act, the draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Broadcasting Act 1996 (Renewal of Local Radio Multiplex Licences) Regulations 2015 and come into force on 6th April 2015.

Amendments to the Broadcasting Act 1996

2. In section 58(2)(b)(c) of the Broadcasting Act 1996 (duration and renewal of national or local radio multiplex licences), after “that date” insert—

“;

but nothing in this subsection prevents section 58ZA from applying in relation to any licence.”.

3. After section 58 of the Broadcasting Act 1996, insert—

“58ZA Renewal of local radio multiplex licences

(1) The holder of a local radio multiplex licence may apply to OFCOM for a renewal of that licence if that person has completed the works necessary to ensure that, as a minimum, coverage of the multiplex service in the area or locality in which the licence is granted complies with the coverage plan for that area or locality.

(2) A licence renewed under this section is to expire on 31st December 2030.

(3) An application for a renewal of a licence must be made not later than the day falling three months before the relevant date.

(a) 1996 c.55. Section 58A was inserted by section 36(1) of the Digital Economy Act 2010 (c.24).

(b) 1990 c. 42. Section 147 of the Broadcasting Act 1996 states that provisions in Parts I and II of that Act (which includes section 58A) should be construed as if they were provisions of the Broadcasting Act 1990.

(c) Section 58(2) was amended by section 261 of the Communications Act 2003 (c.21).

(4) At any time before determining the application, OFCOM may require the applicant to provide a technical plan supplementing those (if any) submitted under sections 50(4)(b) and 58(4)(a)(i).

(5) Where an application has been duly made under this section, OFCOM may refuse the application only if—

- (a) it appears to them that the applicant has failed to comply with any of the conditions included in the licence, or
- (b) they are not satisfied that the applicant would, if the licence were renewed, provide a service complying with the conditions to be included in the licence as renewed.

(6) Where OFCOM have granted a person's application they must formally renew the person's licence from the date on which the application is granted.

(7) Where a licence is renewed under this section, the licence as renewed must include—

- (a) a condition that the holder of the licence must, for the duration of the licence, maintain, as a minimum, the coverage of the multiplex service in the area or locality concerned at the level attained at the time the application for renewal of the licence was made;
- (b) such further conditions as appear to OFCOM to be appropriate for securing the implementation of any supplementary technical plan submitted under subsection (4).

(8) In this section—

“coverage plan”, in relation to an area or locality in which a local radio multiplex licence is granted, means a plan produced by OFCOM which sets out the coverage on local Digital Audio Broadcasting which OFCOM have assessed is broadly equivalent to relevant existing FM local commercial radio coverage in that area or locality

“the relevant date” shall be determined in accordance with section 58.

(9) Nothing in this section prevents the holder of a local radio multiplex licence from applying for a new licence on one or more occasions in pursuance of a notice under section 50(2).”

Ed Vaizey

Minister of State

Department for Culture, Media and Sport

Department for Business, Innovation and Skills

24th March 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Broadcasting Act 1996 (“the Act”) to allow OFCOM to further renew local radio multiplex licences.

Regulation 2 amends section 58 of the Act which allows OFCOM to renew local and national radio multiplex licences on one occasion only. The amendment permits a further renewal for local radio multiplex licences only.

Regulation 3 inserts a new section 58ZA into the Act which sets out the procedure by which, and conditions under which, a further renewal of a local radio multiplex licence may be made. Subsection (1) sets out the condition which must be met before the licence can be renewed; that the licence holder has completed works to ensure that the coverage in their local radio multiplex area meets the coverage plan produced by OFCOM. Subsection (2) provides that licences renewed under section 58ZA will expire on 31st December 2030. Subsection (3) requires an application to be made before the relevant date. Subsection (4) permits OFCOM, if required, to require applicants for a renewal to submit technical plans. Subsection (5) sets out the grounds on which OFCOM may refuse to renew the licence. Subsection (6) provides that the licence is renewed from

the date on which OFCOM approves the renewal. Subsection (7) specifies conditions which OFCOM must include in the renewed licence including a new condition that the coverage of the local radio multiplex must be maintained at the level it reaches on completion of the OFCOM coverage plan until the end of the renewed licence period (in 2030).

An impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the website of the Department for Culture, Media and Sport (www.gov.uk/organisations/department-for-culture-media-sport). It is also annexed to the Explanatory Memorandum which is available at www.legislation.gov.uk.

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