
STATUTORY INSTRUMENTS

2019 No. 1387

**The Small-scale Radio Multiplex and
Community Digital Radio Order 2019**

Citation and commencement

1. This Order may be cited as the Small-scale Radio Multiplex and Community Digital Radio Order 2019 and comes into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

“2003 Act” means the Communications Act 2003;

“community” means—

- (a) the persons who live or work or undergo education or training in a particular area or locality, or
- (b) persons who, in a particular area or locality, have one or more interests or characteristics in common;

“community digital sound programme licence” means a licence to provide a community digital sound programme service;

“community digital sound programme service” means a digital sound programme service having the description set out in article 4;

“community radio service” has the meaning given in article 2(1) of the Community Radio Order 2004⁽¹⁾;

“local radio multiplex licence” and “local radio multiplex service” each has the same meaning as in Part 2 of the 1996 Act⁽²⁾ (see sections 40 and 72 of that Act);

“small-scale radio multiplex service” means a radio multiplex service that is provided for a particular area or locality in the United Kingdom and is of the description specified by article 3;

“social enterprise” means a business which has as its primary objective the support of one or more projects of a social nature (rather than the production of a financial profit);

“social gain” has the meaning given by paragraph (2).

(2) In relation to a community digital sound programme service, “social gain” means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives—

- (a) the facilitation of discussion and the expression of opinion,
- (b) the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- (c) the better understanding of the particular community and strengthening of links within it,

(1) S.I. 2004/1944, to which there are amendments not relevant to this Order.

(2) Section 405(1) of the 2003 Act defines “the 1996 Act” as meaning the Broadcasting Act 1996 (c.55).

and may also include the achievement of other objectives of a social nature and, in particular, those mentioned in paragraph (3).

(3) Those objectives are—

- (a) the delivery of services provided by local authorities and other services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities;
- (b) the promotion of economic development and of social enterprises;
- (c) the promotion of employment;
- (d) the provision of opportunities for the gaining of work experience;
- (e) the promotion of social inclusion;
- (f) the promotion of cultural and linguistic diversity;
- (g) the promotion of civic participation and volunteering.

(4) In this Order, in relation to any service which is intended to serve more than one community, any reference to the community which that service is intended to serve is to be taken to include a reference to every such community.

(5) In this Order, any reference to an area overlapping with another includes reference to it lying wholly inside the other area.

Description of small-scale radio multiplex services

3. A small-scale radio multiplex service is a radio multiplex service that is provided for a particular area or locality in the United Kingdom and is of the following description—

- (a) the service is not provided under a local radio multiplex licence, and
- (b) either—
 - (i) where the area or locality for which the service is provided overlaps with the coverage area of a local radio multiplex service, the size of the overlapping area is smaller than the size of the coverage area of that local radio multiplex service, or
 - (ii) where the area or locality for which the service is provided does not overlap with the coverage area of a local radio multiplex service, the size of that area or locality is not larger than 7,500 square kilometres.

Description of a community digital sound programme service

4.—(1) A community digital sound programme service is a digital sound programme service of the following description—

- (a) it is provided for broadcasting by means of a small-scale or local radio multiplex service,
- (b) it is intended only for reception within a particular area or locality, and
- (c) it has the characteristics set out in paragraphs (2) to (6).

(2) It is a characteristic of a community digital sound programme service that it is provided primarily—

- (a) for the good of members of the public, or of particular communities, and
- (b) in order to deliver social gain,

rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service.

(3) It is a characteristic of a community digital sound programme service that it is intended primarily to serve one or more communities (whether or not it also serves other members of the public).

(4) It is a characteristic of a community digital sound programme service that the person providing the service—

- (a) does not do so in order to make a financial profit by so doing, and
- (b) uses any profit that is produced in the provision of the service wholly and exclusively for securing or improving the future provision of the service, or for the delivery of social gain to members of the public or the community that the service is intended to serve.

(5) It is a characteristic of a community digital sound programme service that members of the community it is intended to serve are given opportunities to participate in the operation and management of the service.

(6) It is a characteristic of a community digital sound programme service that, in respect of the provision of that service, the person providing the service makes themselves accountable to the community that the service is intended to service.

Disqualified persons

5.—(1) Part 2 of Schedule 2 to the 1990 Act⁽³⁾ (disqualification for holding licences) has effect in relation to community digital sound programme licences as if the persons who are disqualified persons by virtue of that Part of that Schedule included, in relation to such licences, any person falling within paragraph (2).

(2) Those persons are—

- (a) any person who is not a body corporate;
- (b) any body corporate falling within paragraph (3);
- (c) any C4 company or S4C company that would not otherwise be a disqualified person by virtue of paragraph (3).

(3) A body corporate falls within this paragraph if—

- (a) that body holds at least one relevant Broadcasting Act licence, or
- (b) that body is connected with a person who holds one or more such licences.

(4) In this article, a relevant Broadcasting Act licence is a Broadcasting Act licence which is not a licence to provide one of the following services—

- (a) a community radio service;
- (b) a digital sound programme service;
- (c) a restricted service;
- (d) a radio licensable content service;
- (e) a restricted television service;
- (f) a small-scale radio multiplex service;
- (g) a television licensable content service;
- (h) a local digital television programme service.

(5) Part 2 of Schedule 2 to the 1990 Act (disqualification for holding licences) has effect in relation to community digital sound programme licences as if—

(3) Section 405(1) of the 2003 Act defines “the 1990 Act” as meaning the Broadcasting Act 1990 (c.42). Part 2 of Schedule 2 to the 1990 Act was amended by sections 73 and 148 of, and Schedules 2 and 11 to, the 1996 Act and by sections 348, 349, 360(3) and 406(7) of, and Schedules 15 and 19 to, the 2003 Act.

- (a) paragraphs 1(1)(f) (individual who is an officer of a political body etc.) and 3 (certain publicly-funded bodies) were omitted;
- (b) in paragraph 4 (persons disqualified on grounds that they are subject to undue influence)—
 - (i) in sub-paragraph (1)(a), for “relevant body” there were substituted “person”;
 - (ii) sub-paragraph (2) were omitted.
- (6) In this article—
 - “local digital television programme service” has the meaning given in article 3 of the Local Digital Television Programme Services Order 2012(4);
 - “restricted service” has the meaning given in section 245(4)(c) of the 2003 Act.

Application of broadcasting legislation

- 6. Part 2 of the 1996 Act (digital terrestrial sound broadcasting) has effect—
 - (a) in relation to a small-scale radio multiplex service with the modifications set out in Parts 1 and 3 of the Schedule;
 - (b) in relation to a community digital sound programme service with the modifications set out in Parts 2 and 3 of the Schedule.

Amendment of the Community Radio Order 2004

- 7. In paragraph 10A of the Schedule to the Community Radio Order 2004 (which modifies the 2003 Act as it has effect in relation to a community radio service by adding section 253A(5)), in subsection (1) of that added section, for “two extensions” substitute “three extensions”.

24th October 2019

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(4) [S.I. 2012/292](#), to which there are amendments not relevant to this Order.

(5) Paragraph 10A was inserted by [S.I. 2010/118](#) and amended by [S.I. 2015/1000](#).