

2022 No. 444

REGULATORY REFORM

BROADCASTING

**The Legislative Reform (Renewal of National Radio Multiplex
Licences) Order 2022**

Made - - - - *7th April 2022*

Coming into force - - *8th April 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(a).

For the purposes of section 3(1) of that Act, the Secretary of State considers, where relevant, that the conditions in section 3(2) of that Act are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act(b).

The Secretary of State has laid a draft Order and an explanatory document before Parliament in accordance with section 14 of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of section 17 of that Act) applies in relation to the making of this Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period(c) referred to in that provision.

Citation and commencement

1. This Order may be cited as the Legislative Reform (Renewal of National Radio Multiplex Licences) Order 2022 and comes into force on the day after the day on which it is made.

Amendment of the Broadcasting Act 1996

2. The Broadcasting Act 1996(d) is amended as follows.

(a) 2006 c. 51; see section 32 for the definition of “Minister of the Crown”.

(b) Section 13(1) was amended by S.I. 2007/1388.

(c) “40-day period” is defined by section 16(7) of the Legislative and Regulatory Reform Act 2006.

(d) 1996 c. 55.

3. In section 58 (duration and renewal of national or local radio multiplex licences)—

- (a) in subsection (2)(a), at the beginning insert “Subject to subsection (2A),”;
- (b) after subsection (2) insert—

“(2A) A national radio multiplex licence granted (or renewed under this section) before the commencement of this subsection may be renewed (or further renewed) in accordance with this section for a period ending with 31st December 2035.”;
- (c) after subsection (3) insert—

“(3A) An application for the renewal of a national radio multiplex licence under subsection (2A) may be made by the licence holder not later than the relevant date.”;
- (d) in paragraph (a) of subsection (12A)(b), after “date determined” insert “, subject to subsection (12B)”;
- (e) after subsection (12A) insert—

“(12B) Subsection (12A)(a) does not prevent a determination for the purposes of subsection (12) being made less than one year before the date determined where—

 - (a) the renewal of the licence in question would be a renewal under subsection (2A), and
 - (b) the determination is made as soon as practicable after the commencement of this subsection.”.

Julia Lopez
Minister of State

7th April 2022

Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006 (c. 51).

National radio multiplex licences granted under Part 2 of the Broadcasting Act 1996 (c. 55) are renewable on one occasion in accordance with section 58 of that Act. Article 3 of this Order amends section 58: to allow for a renewal of a national radio multiplex licence for a period ending on 31st December 2035; to allow an application for a renewal to be made up to the ‘relevant date’ i.e. the date by which Ofcom would need to publish a notice under section 46 of that Act stating that they propose to grant a fresh licence to provide the service formerly provided under the licence (if it expired and was not renewed); and to allow Ofcom to determine the ‘relevant date’ less than one year before that date.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or public sector is foreseen.

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- (a) Subsection (2) was amended by section 261 of the Communications Act 2003 (c. 21) and S.I. 2015/904.
 - (b) Subsection (12A) was inserted by section 360(3) of, and paragraph 117 of Schedule 15 to, the Communications Act 2003.

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