



Broadcasting Act 1996

1996 CHAPTER 55

PART I

DIGITAL TERRESTRIAL TELEVISION BROADCASTING

Introductory

1 Multiplex services and digital programme services

- (1) In this Part “multiplex service” means a service provided by any person which consists in the broadcasting for general reception of two or more services specified in subsection (3) by combining the relevant information in digital form, together with any broadcasting in digital form of digital additional services (as defined by section 24(1)).
- (2) A service in respect of which a licence under section 7 is in force is not prevented from being a multiplex service at a particular time merely because only one service specified in subsection (3) is being broadcast in digital form at that time.
- (3) The services referred to in subsections (1) and (2) are—
 - (a) a digital programme service (as defined by subsection (4)), or
 - (b) a qualifying service (as defined by section 2(2)).
- (4) In this Part “digital programme service” means a service consisting in the provision by any person of television programmes (together with any ancillary services, as defined by section 24(2)) with a view to their being broadcast in digital form for general reception, whether by him or by some other person, but does not include—
 - (a) a qualifying service,
 - (b) a teletext service, or
 - (c) any service in the case of which the visual images to be broadcast do not consist wholly or mainly of images capable of being seen as moving pictures, except, in the case of a service falling within paragraph (b) or (c), to the extent that it is an ancillary service.

Status: This is the original version (as it was originally enacted).

- (5) The Secretary of State may, if having regard to developments in broadcasting technology he considers it appropriate to do so, by order amend the definition of “digital programme service” in subsection (4).
- (6) No order under subsection (5) shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section—
- “broadcast” means broadcast otherwise than—
- (a) by satellite, or
 - (b) in the provision of a local delivery service (as defined by section 72(1) of the 1990 Act), and
- “for general reception” means for general reception in, or in any area in, the United Kingdom.

2 **Meaning of “independent analogue broadcaster” and “qualifying service”**

- (1) In this Part “independent analogue broadcaster” means—
- (a) the Channel Four Television Corporation,
 - (b) the Welsh Authority,
 - (c) any person who holds a Channel 3 licence or a Channel 5 licence, or
 - (d) the public teletext provider.
- (2) Subject to subsections (4) and (5), in this Part “qualifying service” means any service which—
- (a) is provided by an independent analogue broadcaster falling within paragraph (a) or (c) of subsection (1) who has notified the Commission, within the period of one month beginning with the commencement of this section, of his intention to provide a service specified in subsection (3) (“the corresponding analogue service”) for broadcasting in digital form, and
 - (b) as respects the programmes included in the service and the times at which they are broadcast, is identical with the corresponding analogue service.
- (3) The services referred to in subsection (2) are—
- (a) Channel 4, and
 - (b) any Channel 3 service or Channel 5.
- (4) If the Welsh Authority notify the Commission, within the period of one month beginning with the commencement of this section, of their intention to provide S4C Digital, S4C Digital shall be a qualifying service for the purposes of this Part.
- (5) If—
- (a) the public teletext provider notifies the Commission, within the period of one month beginning with the commencement of this section, of his intention to provide a teletext service for broadcasting in digital form, and
 - (b) the Commission consent under section 30 to his provision of that service,
- that service (in this Part referred to as “the qualifying teletext service”) shall be a qualifying service for the purposes of this Part.
- (6) In this Part “public teletext provider” means the person who holds the additional services licence (within the meaning of Part I of the 1990 Act) which relates to the teletext service referred to in section 49(2) of that Act.

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

(7) In subsection (2) “programme” does not include an advertisement.