



Broadcasting Act 1996

1996 CHAPTER 55

PART II

DIGITAL TERRESTRIAL SOUND BROADCASTING

Introductory

40 Radio multiplex services.

- (1) In this Part “radio 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 63(1)).
- (2) A service in respect of which a licence under section 46 or 50 is in force is not prevented from being a radio 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 sound programme service (as defined by subsection (5)), or
 - (b) a simulcast radio service (as defined by section 41(2)).
- (4) A radio multiplex service provided on a frequency or frequencies assigned to the Authority under section 45(1) may be either—
 - (a) provided for a particular area or locality in the United Kingdom (a “local radio multiplex service”), or
 - (b) provided without any restriction by virtue of this Act to a particular area or locality in the United Kingdom (a “national radio multiplex service”).
- (5) In this Part “digital sound programme service” means a service consisting in the provision by any person of programmes consisting wholly of sound (together with any ancillary services, as defined by section 63(2)) with a view to their being broadcast

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in digital form for general reception, whether by him or by some other person, but does not include—

- (a) a simulcast radio service (as defined by section 41(2)), or
- (b) a service where the sounds are to be received through the use of coded reference to pre-defined phonetic elements of sounds.

(6) 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 sound programme service” in subsection (5).

(7) No order under subsection (6) shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

(8) 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.

41 Meaning of “independent national broadcaster” and “simulcast radio service”.

(1) In this Part “independent national broadcaster” means any person who is the holder of a national licence (within the meaning of Part III of the 1990 Act).

(2) In this Part a “simulcast radio service” means any service provided for broadcasting in digital form—

- (a) which is provided by an independent national broadcaster who has notified the Authority, within the period of one month beginning with the commencement of this section, of his intention to provide a service for broadcasting in that form which corresponds to a national service (within the meaning of Part III of the 1990 Act) provided by him otherwise than in that form, and
- (b) which corresponds to that national service.

(3) For the purposes of this Part a service provided for broadcasting in digital form corresponds to a national service (within the meaning of Part III of the 1990 Act) if, and only if, in every calendar month—

- (a) at least 80 per cent. of so much of the national service as consists of programmes, consists of programmes which are also included in the digital service in that month, and
- (b) at least 50 per cent. of so much of the national service as consists of such programmes is broadcast at the same time on both services.

(4) The Secretary of State may by order amend subsection (3)(a) or (b) by substituting for the percentage for the time being specified there a different percentage specified in the order.

(5) Before making an order under subsection (4) the Secretary of State shall consult such persons appearing to him to represent listeners as he thinks fit.

(6) An order under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(7) In subsection (3) “programme” does not include an advertisement.

Commencement Information

- II** S. 41 wholly in force at 29.1.1998; s. 41 not in force at Royal Assent see s. 149; s. 41 in force for certain purposes at 1.10.1996 by [S.I. 1996/2120](#), [art. 4](#), [Sch. 1](#); s. 41 in force at 29.1.1998 insofar as not already in force by [S.I. 1998/188](#), [art. 3](#)

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