



# Broadcasting Act 1996

## 1996 CHAPTER 55

### PART II

#### DIGITAL TERRESTRIAL SOUND BROADCASTING

##### *Introductory*

#### **40 Radio multiplex services.**

[<sup>F1</sup>(1) In this Part “radio multiplex service” means a radio multiplex service within the meaning of Part 3 of the Communications Act 2003.]

(4) A radio multiplex service <sup>F2</sup>... 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 in digital form [<sup>F3</sup>so as to be available for reception by members of the public], 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.

[<sup>F4</sup>(8) In this section—

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*Changes to legislation: Broadcasting Act 1996, Cross Heading: Introductory is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“available for reception by members of the public” shall be construed in accordance with section 361 of the Communications Act 2003;

“broadcast” means broadcast otherwise than from a satellite.]

#### Textual Amendments

- F1** S. 40(1) substituted for s. 40(1)-(3) (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 101\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in s. 40(4) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 101\(3\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in s. 40(5) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 101\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** S. 40(8) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 101\(5\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### 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).
- [<sup>F5</sup>(2) In this Part, a “simulcast radio service” means a service provided by a person for broadcasting in digital form and corresponding to a service which is a national service within the meaning of Part 3 of the 1990 Act and is provided by that person.]
- (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.
- (7) In subsection (3) “programme” does not include an advertisement.

#### Textual Amendments

- F5** S. 41(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 256\(1\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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#### **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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