



# Broadcasting Act 1996

## 1996 CHAPTER 55

### PART II

#### DIGITAL TERRESTRIAL SOUND BROADCASTING

##### *Miscellaneous and supplemental*

#### **67 Review of digital radio broadcasting.**

- (1) For the purpose of considering for how long it would be appropriate for sound broadcasting services to continue to be provided in analogue form, the Secretary of State—
- (a) shall keep under review the extent of—
    - (i) the provision in the United Kingdom of radio multiplex services,
    - (ii) the availability in the United Kingdom of digital sound programme services and the availability there in digital form of national services (within the meaning of Part III of the 1990 Act) and the sound broadcasting services of the BBC, and
    - (iii) the ownership or possession in the United Kingdom of equipment capable of receiving the services referred to in sub-paragraph (ii) when broadcast or transmitted in digital form,and the likely future extent of such provision, such availability and such ownership or possession, and
  - (b) shall, on or before the fourth anniversary of the day on which the first national radio multiplex licence is granted under section 47, and at such time or times thereafter as he thinks fit, require [F1OFCOM] and the BBC to report to him on the matters referred to in paragraph (a).
- (2) If [F1OFCOM] or the BBC are required to submit a report under subsection (1)(b), they shall submit the report within twelve months of the date of the requirement.
- (3) Before making any report under this subsection (1)(b), [F1OFCOM] shall consult—
- (a) the holders of all radio multiplex licences,

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- (b) the holders of digital sound programme licences who are providing digital sound programme services which are being broadcast, and
- (c) such other persons providing services licensed by <sup>F1</sup>[OFCOM] under this Part or Part III of the 1990 Act as the Authority think fit,
- and <sup>F1</sup>[OFCOM] shall include in their report a summary of representations made to them by the persons consulted.
- (4) For the purpose mentioned in subsection (1), the Secretary of State shall, on requiring reports under subsection (1)(b), consult—
- (a) such persons appearing to him to represent listeners as he thinks fit, and
- (b) such other persons as he thinks fit,
- in connection with the matters referred to in subsection (1)(a) and also, if the Secretary of State thinks fit, as to the likely effects on listeners of any sound broadcasting service ceasing to be broadcast in analogue form.
- (5) In this section “sound broadcasting service” has the same meaning as in Part III of the 1990 Act.

#### Textual Amendments

- F1** Words in s. 67 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 125](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

#### Modifications etc. (not altering text)

- C1** Pt. 2: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 1 para. 5](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- C2** Pt. 2 modified (29.12.2003) by [Communications Act 2003 \(c. 21\), ss. 258, 411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- C3** S. 67: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 1 para. 11](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

## <sup>F2</sup>68 Promotion of equal opportunities and fair treatment.

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#### Textual Amendments

- F2** S. 68 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)

## 69 Power to vary amount of financial penalties.

- (1) The Secretary of State may by order amend any of the provisions specified in subsection (2) by substituting a different sum for the sum for the time being specified there.
- <sup>F3</sup>(2) The provisions referred to in subsection (1) are—
- (a) section 53(5)(a) and (b)(i);
- (b) section 59(2A)(a) and (4);
- (c) section 62(2A)(a) and (6); and

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(d) section 66(2A)(a) and (4).

(3) No order is to be made under subsection (1) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.]

**Textual Amendments**

**F3** S. 69(2)(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 13 para. 22](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**70 Computation of multiplex revenue.**

Part II of Schedule 1 (which contains provisions relating to the computation of multiplex revenue for the purposes of this Part) shall have effect.

**<sup>F4</sup>71 Certain receipts of Authority to be paid into Consolidated Fund.**

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**Textual Amendments**

**F4** S. 71 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**72 Interpretation of Part II.**

(1) In this Part (unless the context otherwise requires)—

“ancillary service” has the meaning given by section 63(2);

<sup>F5</sup>  
...

“digital additional service” has the meaning given by section 63(1), and “digital additional services licence” means a licence to provide such services;

“digital sound programme service” has the meaning given by section 40(5), and “digital sound programme licence” means a licence to provide such services;

[<sup>F6</sup>“ general multiplex service ” has the same meaning as in Part 3 of the [Communications Act 2003](#)];

“independent national broadcaster” has the meaning given by section 41(1);

“licence” means a licence under this Part, and “licensed” shall be construed accordingly;

“local digital sound programme service” and “national digital sound programme service” shall be construed in accordance with section 60(1) and “local digital sound programme licence” and “national digital sound programme licence” mean a licence to provide local digital sound programme services and a licence to provide national digital sound programme services respectively;

“local radio multiplex service” and “national radio multiplex service” shall be construed in accordance with section 40(4), and “local radio multiplex licence” and “national radio multiplex licence” mean a licence to provide

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a local radio multiplex service and a licence to provide a national radio multiplex service respectively;

[<sup>F7</sup>“radio multiplex licence” means a licence to provide a radio multiplex service;]

[<sup>F8</sup>“radio multiplex service” means a radio multiplex service within the meaning of Part 3 of the Communications Act 2003;

“the radio transfer date” has the same meaning as in the Communications Act 2003;]

“simulcast radio service” has the meaning given by section 41(2);

“technical service” has the meaning given by section 63(3).

[<sup>F9</sup>“television licensable content service” has the meaning given by section 232 of the Communications Act 2003;]

[<sup>F10</sup>“television multiplex service” has the meaning given by section 241 of the Communications Act 2003.]

- (2) Any reference in this Part to an area in the United Kingdom does not include an area which comprises or includes the whole of England; and nothing in this Part shall be read as precluding a local radio multiplex service from being provided for an area or locality that is to any extent comprised in the area or locality for which another local radio multiplex service is to be provided.
- (3) Where the person who is for the time being the holder of any licence (“the present licence holder”) is not the person to whom the licence was originally granted, any reference in this Part (however expressed) to the holder of the licence shall be construed, in relation to any time falling before the date when the present licence holder became the holder of it, as including a reference to a person who was previously the holder of the licence.

#### Textual Amendments

- F5** Words in s. 72(1) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F6** Words in s. 72(1) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 260\(4\)\(a\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F7** Words in s. 72(1) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), [ss. 36\(2\)](#), 47(1)
- F8** Words in s. 72(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 126](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F9** Words in s. 72(1) inserted (25.7.2006) by [The Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), [5\(11\)](#)
- F10** Words in s. 72(1) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 260\(4\)\(b\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 97(1)-(2A) substituted for s. 97(1)(2) by [2003 c. 21 s. 299\(1\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 97(5A)(5B) inserted by [2003 c. 21 s. 299\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(1)-(1D) substituted for s. 101(1) by [2003 c. 21 s. 300\(2\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(5) inserted by [2003 c. 21 s. 300\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)