

SCHEDULES

SCHEDULE 15

AMENDMENTS OF BROADCASTING ACTS

PART 2

AMENDMENTS OF THE 1996 ACT

Reservation of digital capacity for BBC

- 108 (1) Section 49 of the 1996 Act (reservation of digital capacity for BBC) shall be amended as follows.
- (2) In subsections (1) to (3) and (6), for “the Authority”, wherever occurring, there shall be substituted “OFCOM”.
- (3) In subsection (4) (determination of capacity to be reserved), for the words from “If the BBC” to “the Secretary of State, who may” there shall be substituted “If the BBC do not give their consent to the proposals within such period as OFCOM may specify in their notice under subsection (3), OFCOM shall”.
- (4) In subsection (5), for words from “the Secretary of State” onwards there shall be substituted “OFCOM shall give the BBC an opportunity of making representations to them about their proposals.”
- (5) In subsection (6), after “and the BBC” there shall be inserted “or (in default of agreement) determined under this section”.
- (6) After that subsection there shall be inserted—
- “(7) Where the holder of the licence and the BBC fail to agree—
- (a) the payments to be made under a condition included in the licence in accordance with subsection (6), or
- (b) the other terms that are to apply in relation to the use of digital capacity in accordance with such a condition,
- either of them may refer the matter to OFCOM for determination.
- (8) Before making a determination under subsection (7), OFCOM must give the licence holder and the BBC an opportunity of making representations to them about the matter.
- (9) In making any determination under subsection (7), OFCOM shall have regard to—
- (a) the expenses incurred, or likely to be incurred, by the licence holder in providing the local radio multiplex service in question, and

Status: This is the original version (as it was originally enacted).

- (b) the terms on which persons providing local radio multiplex services contract with persons providing local digital additional services for the broadcasting of those services.”