
Status: Point in time view as at 16/04/2010.

Changes to legislation: Communications Act 2003, Cross Heading: Reservation of capacity for independent national broadcasters is up to date with all changes known to be in force on or before 24 May 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)

SCHEDULES

SCHEDULE 15

AMENDMENTS OF BROADCASTING ACTS

PART 2

AMENDMENTS OF THE 1996 ACT

Reservation of capacity for independent national broadcasters

- 107 (1) Section 48 of the 1996 Act (reservation of digital capacity for independent broadcasters) shall be amended as follows.
- (2) For subsections (1) to (3) there shall be substituted—
- “(1A) OFCOM must ensure that the conditions included in national radio multiplex licences (taken together) secure that an amount of digital capacity on the multiplex frequencies is reserved for every independent national broadcaster for the broadcasting of a simulcast radio service provided by that broadcaster.
- (1B) Where the conditions of a licence for a national radio multiplex service reserve capacity on the frequency made available for that service for the broadcasting of a simulcast radio service provided by an independent national broadcaster, those conditions must also include the condition specified in subsection (1C).
- (1C) That condition is the condition that OFCOM consider appropriate for securing that, in consideration of the making by the independent national broadcaster of the payments which —
- (a) are agreed from time to time between him and the licence holder, or
- (b) in default of agreement, are determined under this section,
- the licence holder uses, for the broadcasting of a simulcast radio service provided by that broadcaster, such of the reserved digital capacity as may be requested, from time to time, by that broadcaster.
- (1D) Where conditions are included under this section in a national radio multiplex licence reserving capacity for an independent national broadcaster, OFCOM may include conditions relating to the broadcasting of the simulcast radio service in the licence for the national service provided by that broadcaster.”
- (3) In subsections (4) to (6), for “the Authority”, wherever occurring, there shall be substituted “ OFCOM ”.
- (4) In subsection (4), for “subsection (3)(a)” there shall be substituted “ subsection (1C) ”.

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(5) After subsection (6) there shall be inserted—

“(7) In this section “the multiplex frequencies” means the frequencies made available for the purposes of licensed national radio multiplex services.”

Commencement Information

II Sch. 15 para. 107 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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