



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Channels 3 and 5

214 Digital Channel 3 and Channel 5 licences

- (1) This section applies to the grant by OFCOM, at any time on or after the television transfer date, of a licence under Part 1 of the 1990 Act to provide a Channel 3 service or to provide Channel 5.
- (2) The licence must—
 - (a) be a licence to provide the licensed service with a view to its being broadcast in digital form; and
 - (b) contain such condition (if any) requiring the provider of the service to ensure that the whole or a part of the service is also provided for broadcasting in analogue form as OFCOM consider appropriate.
- (3) The conditions included in a licence by virtue of subsection (2)(b) must be such as to enable effect to be given to any directions given from time to time by the Secretary of State to OFCOM about the continuance of the provision of services in analogue form.
- (4) Where the licence contains a condition falling within subsection (2)(b), it must also contain a condition that—
 - (a) the programmes (apart from the advertisements) that are included in the service provided in analogue form, and
 - (b) the times at which they are broadcast,

Changes to legislation: Communications Act 2003, Section 214 is up to date with all changes known to be in force on or before 24 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) View outstanding changes

are to be the same as in the case of, or of the specified part of, the service provided for broadcasting in digital form.

- (5) The licence—
- (a) must be a licence which continues in force, from the time from which it takes effect, until the end of the licensing period beginning or current at that time; and
 - (b) shall be renewable, on one or more occasions, under section 216.
- (6) For the purposes of subsection (5) a licensing period [^{F1}, in relation to a licence,] is—
- (a) the period beginning with the commencement of this section and ending with the initial expiry date [^{F2}for that type of licence] ; or
 - (b) any subsequent period of ten years beginning with the end of the previous licensing period [^{F3}for that type of licence] .
- (7) The licence must contain the conditions that OFCOM consider appropriate for the purpose of performing their duty under section 263.
- (8) The conditions of the licence must also include conditions prohibiting the imposition, whether directly or indirectly, of the following—
- (a) charges on persons in respect of their reception in the United Kingdom of the licensed service;
 - (b) charges on persons in respect of their reception in the United Kingdom of any service consisting in the provision of assistance for disabled people in relation to programmes included in the licensed service; and
 - (c) charges on persons in respect of their reception in the United Kingdom of any service (other than one mentioned in paragraph (b)) which is an ancillary service in relation to so much of the licensed service as is provided in digital form.
- (9) It shall be unlawful to impose a charge in contravention of a condition imposed under subsection (8).

Textual Amendments

- F1** Words in s. 214(6) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(2)(a)**, 47(1)
- F2** Words in s. 214(6)(a) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(2)(b)**, 47(1)
- F3** Words in s. 214(6)(b) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(2)(c)**, 47(1)

Commencement Information

- I1** S. 214 in force at 29.12.2003 by [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 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- 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. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)