



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Access-related conditions

75 Conditional access systems and access to digital services

^{F1}(1)

(2) It shall be the duty of OFCOM to ensure—

- (a) that access-related conditions are applied to every person who provides a conditional access system in relation to a protected programme service; and
- (b) that those conditions make all such provision as is required by the provision contained ^{F2}... in Part I of [^{F3}Annex 2 to the EECC Directive] (conditions relating to access to digital programme services) [^{F4}as it had effect immediately before IP completion day].

[^{F5}(2A) For the purposes of subsection (2)(b), Part 1 of Annex 2 to the EECC Directive is to be read as if—

- (a) the reference to viewers and listeners in the Union were a reference to viewers and listeners in the United Kingdom;
- (b) the reference to member States were a reference to OFCOM;
- (c) the words “in accordance with Article 62” were omitted;
- (d) in point (a), the references to Union competition law were references to any provision relating to competition that is contained in or made under an enactment.]

Changes to legislation: *Communications Act 2003, Section 75 is up to date with all changes known to be in force on or before 19 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*

[^{F6}(2B) OFCOM may also apply access-related conditions to any person who provides a conditional access system in relation to services which are not protected programme services but appear to OFCOM to be complementary to protected programme services; and those conditions may contain any provision of the kind mentioned in subsection (2)(b).]

(3) In this section—

“conditional access system” means any system, facility, arrangements or technical measure under or by means of which access to programme services requires—

- (a) a subscription to the service or to a service that includes that service; or
- (b) an authorisation to view it, or to listen to it, on a particular occasion;

“protected programme service” means a programme service the programmes included in which cannot be viewed or listened to in an intelligible form except by the use of a conditional access system.

Textual Amendments

- F1** S. 75(1) omitted (26.5.2011) by virtue of [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 40** (with Sch. 3 para. 2)
- F2** Words in s. 75(2)(b) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 19(2)(a)** (with reg. 6) (as amended by S.I. 2020/1536, regs. 2, **5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in s. 75(2)(b) substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 33(2)**
- F4** Words in s. 75(2)(b) inserted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(3)(a), **Sch. 1 para. 72(2)**
- F5** S. 75(2A) inserted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(3)(a), **Sch. 1 para. 72(3)**
- F6** S. 75(2B) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 33(3)**

Commencement Information

- I1** S. 75 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** S. 75 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

Changes to legislation:

Communications Act 2003, Section 75 is up to date with all changes known to be in force on or before 19 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.

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Changes and effects yet to be applied to :

- s. 75(2)(b) words inserted by [S.I. 2019/224 Sch. 1 para. 19\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch.1 para. 19(2)(b)(3) omitted (21.12.2020) by virtue of S.I. regs. 1(2), Sch. 2 para. 3)
- s. 75(2)(b) words substituted in earlier amending provision S.I. 2019/224, Sch. 1 para. 19(2)(b) by [S.I. 2020/1536 reg. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Earlier amending provision (S.I. 2019/224, Sch. 1 para. 19(2)(b)) repealed)
- s. 75(2A) inserted by [S.I. 2019/224 Sch. 1 para. 19\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch.1 para. 19(2)(b)(3) omitted (21.12.2020) by virtue of S.I. regs. 1(2), Sch. 2 para. 3)
- 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\(1\)](#)