



Digital Economy Act 2010

2010 CHAPTER 24

Independent television services

24 Determination of Channel 3 licence areas

- (1) In section 14 of the Broadcasting Act 1990 (establishment of Channel 3)—
 - (a) omit subsection (7) (restriction on providing a single Channel 3 service for the whole of England or the whole of Scotland), and
 - (b) after that subsection insert—

“(7A) The areas mentioned in subsection (2) must at all times include at least one area that comprises, or falls entirely within, Scotland.”
- (2) Section 216 of the Communications Act 2003 (renewal of Channel 3 and 5 licences) is amended as follows.
- (3) For subsection (4) substitute—

“(4) Where OFCOM receive an application under this section for the renewal of a licence they must—

 - (a) decide whether to renew the licence; and
 - (b) notify the applicant of their decision.

“(4A) If OFCOM decide to renew the licence they must—

 - (a) in the case of a licence to provide a Channel 3 service, determine in accordance with section 216A the area for which the licence will be renewed;
 - (b) in every case, determine in accordance with section 217 the financial terms on which the licence will be renewed; and
 - (c) notify the applicant of their determinations.”
 - (4) After subsection (6) insert—

“(6A) OFCOM may also decide not to renew a licence to provide a Channel 3 service if, for the licensing period in question, they have renewed or propose to renew

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one or more other licences to provide a Channel 3 service for all of the area to which the licence relates.”

- (5) In subsection (8)(a) for “subsection (4)(c)” substitute “ subsection (4A)(c) ”.
- (6) In subsection (10) for the words from “, in accordance” to the end substitute “—
 - (a) to any determination under subsection (4A)(a);
 - (b) in accordance with the determination under subsection (4A)(b), to the requirements imposed by section 217(4).”
- (7) After section 216 of that Act insert—

“216A Renewal of Channel 3 licences: determination of licence areas

- (1) This section applies if OFCOM decide under section 216(4) to renew a licence to provide a Channel 3 service.
- (2) The area determined under section 216(4A)(a) for the licence—
 - (a) must include all or part of the area to which the licence being renewed currently relates, and
 - (b) may include all or part of another area if the holder of the licence to provide a Channel 3 service for the other area gives (and does not withdraw) consent before the determination is made.”
- (8) In section 217(1) of that Act, in the opening words, for “section 216(4)(b)” substitute “ section 216(4A)(b) ”.

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