

*These notes refer to the Digital Economy Act 2010  
(c.24) which received Royal Assent on 8 April 2010*

# DIGITAL ECONOMY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Topic 7: Regulation of television and radio services*

#### *Section 37: Application of regulatory regimes to broadcasters*

161. Section 263(4) of the Communications Act 2003 (“the 2003 Act”) gives the Secretary of State the power to cease to include certain obligations in the licence of any service. However, this power does not include any flexibility to remove obligations for a limited period or to reintroduce those if it is appropriate so to do.
162. [Section 37](#) amends section 263(4) to allow greater flexibility in response to market changes. It provides for the Secretary of State to alter the conditions of public service provision that OFCOM must include in television and radio broadcasting licences, and then to change the conditions back at a later date. The Secretary of State may only make these alterations by affirmative order, which would require approval by Parliament before it could take effect.