

SCHEDULES

SCHEDULE 17

VIDEO-SHARING PLATFORM SERVICES: TRANSITIONAL PROVISION ETC

PART 3

APPLICATION OF PART 6 OF THIS ACT: FEES

Introduction

- 14 This Part makes provision about the application of the following provisions of this Act in relation to a person who is the provider of a relevant regulated service—
- (a) section 83 (duty to notify OFCOM in relation to the charging of fees);
 - (b) section 84 (payment of fees);
 - (c) Schedule 10 (additional fees).
- 15 In this Part “relevant regulated service” means—
- (a) a regulated user-to-user service which is a pre-existing Part 4B service within the definition in paragraph (a) of paragraph 1(1), or
 - (b) a regulated user-to-user service which includes a pre-existing Part 4B service within the definition in paragraph (b) of paragraph 1(1).

Application of section 83

- 16 (1) Sub-paragraph (2) applies in relation to a person who is the provider of a relevant regulated service, whether or not the person is the provider of any other regulated service.
- (2) Section 83, which makes provision about the notification of OFCOM in relation to a charging year, applies to the provider in relation to every charging year, regardless of whether any part, or all, of a charging year falls within the transitional period.
- 17 (1) This paragraph applies in relation to a person who is the provider of a relevant regulated service, unless the person is an exempt provider (see paragraph 24).
- (2) Sub-paragraph (3) applies in relation to the provider if—
- (a) the provider is required by section 83 to give details to OFCOM of the provider’s qualifying worldwide revenue for the qualifying period that relates to a charging year,
 - (b) the provider gives such details in relation to that charging year at a time within the transitional period, and
 - (c) no regulations under section 240(1) have been made before that time specifying that section 210 is to come into force on or before the first day of that charging year.

Status: This is the original version (as it was originally enacted).

- (3) The provider’s notification under section 83 about qualifying worldwide revenue must include a breakdown indicating the amounts which are wholly referable to a relevant Part 4B service (if any).

Application of section 84: transitional charging year

- 18 If a person who is the provider of a relevant regulated service is an exempt provider, section 84 and Schedule 10 do not apply in relation to the provider in respect of a transitional charging year (see paragraph 23).
- 19 (1) If a person who is the provider of a relevant regulated service is not an exempt provider, section 84 and Schedule 10 apply in relation to the provider in respect of a transitional charging year.
- (2) But sub-paragraphs (3) and (4) apply in relation to the provider in respect of a transitional charging year if the provider’s notification under section 83 in relation to that charging year has included details of amounts wholly referable to a relevant Part 4B service (as mentioned in paragraph 17(3)).
- (3) For the purposes of the computation of the provider’s fee under section 84 in respect of the transitional charging year, references in that section to the provider’s qualifying worldwide revenue are to be taken to be references to the provider’s non-Part 4B qualifying worldwide revenue.
- (4) OFCOM may not require the provider to pay a fee under section 84 in respect of the transitional charging year if the provider’s non-Part 4B qualifying worldwide revenue for the qualifying period that relates to that charging year is less than the threshold figure that has effect for that charging year.
- (5) The amount of a provider’s “non-Part 4B qualifying worldwide revenue” is the amount that would be the provider’s qualifying worldwide revenue (see section 85) if all amounts wholly referable to a relevant Part 4B service were left out of account.

Application of section 84: non-transitional charging year

- 20 (1) Sub-paragraph (2) applies in relation to a person who is the provider of a relevant regulated service, whether or not the person is the provider of any other regulated service.
- (2) Section 84 and Schedule 10 apply without modification in relation to the provider in respect of a non-transitional charging year (even if the notification date in relation to such a charging year fell within the transitional period).

Amounts wholly referable to relevant Part 4B service

- 21 (1) For the purposes of this Part, OFCOM may produce a statement giving information about the circumstances in which amounts do, or do not, count as being wholly referable to a relevant Part 4B service.
- (2) If OFCOM produce such a statement, they must publish it (and any revised or replacement statement).

Interpretation of this Part

- 22 In this Part—

Status: This is the original version (as it was originally enacted).

“non-transitional charging year” means a charging year which is not a transitional charging year;

“notification date”, in relation to a charging year, means the latest date by which a notification under section 83 relating to that charging year is required to be given (see section 83(5));

“relevant Part 4B service” means—

- (a) a regulated user-to-user service described in paragraph 15(a), or
- (b) a pre-existing Part 4B service included in a regulated user-to-user service described in paragraph 15(b).

- 23 For the purposes of this Part a charging year is a “transitional charging year” if—
- (a) the notification date in relation to that charging year fell within the transitional period, and
 - (b) no regulations under section 240(1) were made before the notification date specifying that section 210 was to come into force on or before the first day of that charging year.
- 24 (1) In this Part “exempt provider” means a person within sub-paragraph (2) or (3).
- (2) A person is within this sub-paragraph if the person is the provider of only one regulated service, and that service is—
- (a) a regulated user-to-user service which is a pre-existing Part 4B service within the definition in paragraph (a) of paragraph 1(1), or
 - (b) a regulated user-to-user service which—
 - (i) includes a pre-existing Part 4B service within the definition in paragraph (b) of paragraph 1(1), and
 - (ii) does not fall within paragraph 6 or 7.
- (3) A person is within this sub-paragraph if the person is the provider of more than one regulated service, if each regulated service is of a kind described in sub-paragraph (2).
- 25 In this Part the following terms have the same meaning as in Part 6 of this Act—
- “charging year”;
 - “qualifying period”;
 - “threshold figure”.