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STATUTORY INSTRUMENTS

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**2006 No. 2130**

**BROADCASTING**

**The Radio Multiplex Services (Required  
Percentage of Digital Capacity) Order 2006**

*Made* - - - - 24th July 2006  
*Coming into force* - - 25th July 2006

This Order is made by the Secretary of State in exercise of powers conferred by section 54(3)(1) of the Broadcasting Act 1996(2).

In accordance with that provision, the Secretary of State has consulted OFCOM.

In accordance with section 54(4) of the Broadcasting Act 1996, a draft of this Order has been approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State now makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Radio Multiplex Services (Required Percentage of Digital Capacity) Order 2006 and shall come into force on the day after the day on which it is made.

(2) This Order does not extend to the Isle of Man.(3)

**Modification of the required percentage**

2. In section 54(2A) of the Broadcasting Act 1996 (minimum percentage of the digital capacity on the frequency or frequencies on which a radio multiplex service is broadcast which OFCOM may specify as that which must be used, or left available for use, for the broadcasting of digital sound programme services, simulcast radio services, programme-related services and relevant technical services), for “80 per cent.” substitute “70 per cent.”.

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(1) Section 54 of the Broadcasting Act 1996 was amended by section 259 of, and paragraph 113 of Part 2 of Schedule 15 to, the Communications Act 2003 (c. 21). That Act also made other amendments to that section that are not relevant to this Order.

(2) 1996 c.55.

(3) Section 54 of the Broadcasting Act 1996 extends to the Isle of Man by virtue of article 2(b) of SI 2003/3193 (subject to a modification in Schedule 1 to that instrument that is not relevant to this Order), and the amendments to that section made by section 259 of, and paragraph 113 of Part 2 of Schedule 15 to, the Communications Act 2003 extend there by virtue of article 6(1) of SI 2003/3198. Section 54(1) has effect as if any order made under section 54(3) which is for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey and the Bailiwick of Guernsey: see paragraph 2 of Schedule 1 to SI 2003/3203 and paragraph 2 of Schedule 1 to SI 2003/3192, respectively.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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24th July 2006

*Shaun Woodward*  
Minister for Creative Industries and Tourism  
Department for Culture, Media and Sport

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order changes from 80 per cent. to 70 per cent. the minimum proportion of the digital capacity on the frequency or frequencies on which a radio multiplex service is broadcast which OFCOM may specify as that which must be used or reserved for certain broadcasting services. The broadcasting services in question are digital sound programme services, simulcast radio services, programme-related services and relevant technical services. The Order applies to both national and local radio multiplex services.

A Regulatory Impact Assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the library of each House of Parliament. Copies are available from Stuart Brand at the Department for Culture, Media and Sport, 2 to 4 Cockspur Street, London SW1Y 5DH. (Tel: 0207 211 6416 or e-mail: [stuart.brand@culture.gsi.gov.uk](mailto:stuart.brand@culture.gsi.gov.uk)).