

SCHEDULE

Article 3

Modifications of the 1996 Act in relation to multiplex licences

1. Part 1 of the 1996 Act (multiplex services and digital programme services) has effect with the following modifications.

2. Section 16 (duration and renewal of multiplex licences) has effect as if—

(a) for subsection (2) there were substituted—

“(2) A relevant multiplex licence may be renewed on two occasions in accordance with this section—

(a) on the first occasion, for a period of twelve years, and

(b) on the second occasion, for a period ending on or before 31st December 2034, beginning with the date on which it would otherwise expire.”;

(b) for subsection (3) there were substituted—

“(3) Subject to subsection (3A), an application for the renewal of a relevant multiplex licence under subsection (2) on the second occasion may be made by the licence holder not earlier than four years before the date on which it would otherwise cease to be in effect and not later than the day falling three months before the relevant date.

(3A) An application for the renewal of the Multiplex A and Multiplex 2 licences under subsection (2) on the second occasion may be made by the licence holder not later than the day falling three months before the relevant date.”;

(c) subsections (4), (5), (6), (8), (9) and (11) were omitted;

(d) in subsection (7)—

(i) at the end of paragraph (a), there were inserted “or”;

(ii) paragraph (b) were omitted;

(e) in subsection (10), the words “and they shall” to the end were omitted;

(f) after subsection (11) there were inserted—

“(11A) Where the Multiplex 2 licence has been renewed on a second occasion under this section, the licence as renewed shall include such further conditions as appear to OFCOM to be appropriate for securing that the holder of the licence is a body corporate controlled by—

(a) one relevant public service broadcaster, or

(b) two or more relevant public service broadcasters taken together.

(11B) For the purposes of this subsection (11A)—

(a) “controlled” shall be construed in accordance with Part 1 of Schedule 2 to the Broadcasting Act 1990⁽¹⁾;

(b) “relevant public service broadcaster” has the same meaning as in section 243(7) of the Communications Act 2003;

(c) in the reference to a body corporate controlled by two or more persons taken together, the persons in question shall not be regarded as controlling the body corporate by virtue of sub-paragraph (a) unless they are acting together in concert.”;

(1) 1990 c. 42. Part 1 was amended by section 73 of, and paragraph 1 of Schedule 2 to, the 1996 Act and by section 357 of the 2003 Act. There are other amendments but none is relevant.

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- (g) in subsection (12A)(2) at the beginning there were inserted “Subject to subsection (12B),”;
- (h) after subsection (12A) there were inserted—

“(12B) Subsection (12A) does not prevent the determination of a date falling less than one year after the making of the determination where—

- (a) the renewal of the licence in question would be the renewal on the second occasion of the—

- (i) Multiplex A licence, or
 - (ii) Multiplex 2 licence, and

- (b) the determination is made as soon as practicable after the day this subsection comes into force.”;

- (i) after subsection (13) there were inserted—

“(14) In this section and section 16A, “a relevant multiplex licence” means any of the following—

- (a) the Multiplex A licence;
- (b) the Multiplex B licence;
- (c) the Multiplex C licence;
- (d) the Multiplex D licence; or
- (e) the Multiplex 2 licence,

and Multiplex A, Multiplex B, Multiplex C, Multiplex D and Multiplex 2 have the same meanings as given in the Television Multiplex Services (Renewal of Multiplex Licences) Order 2021.”.

- 3. Part 1 of the 1996 Act has effect as if after section 16 there were inserted—

“Revocation of multiplex licences for spectrum management reasons

16A.—(1) Where OFCOM have renewed a relevant multiplex licence on a second occasion under section 16, they may, with the consent of the Secretary of State, revoke the licence.

(2) OFCOM may only revoke the licence for reasons related to the management of the radio spectrum.

(3) OFCOM may not revoke the licence unless the proposed revocation is objectively justifiable.

(4) Where OFCOM propose to revoke the licence, they must give the holder of the licence a notification—

- (a) stating the reasons for the proposed revocation, and
- (b) specifying the period during which the person notified has an opportunity to make representations about the proposal.

(5) Where OFCOM have given a notification under subsection (4), they must, as soon as reasonably practicable after the end of the period for the making of representations—

- (a) decide whether or not to revoke the licence in accordance with their proposal, or in accordance with that proposal but with modifications;
- (b) give the holder of the licence a notification of their decision.

(6) The notification under subsection (5) must—

(2) Subsection (12A) was inserted by section 360(3) of, and Schedule 15 to, the 2003 Act.

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- (a) give reasons for the decision;
- (b) in accordance with that decision, revoke the licence or withdraw the proposal for a revocation;
- (c) where the decision is to revoke the licence, specify a date, not earlier than 31st December 2030 or five years after the date on which the notification is given (whichever is the later), on which the revocation takes effect.”.