



Broadcasting Act 1996

1996 CHAPTER 55

PART II

DIGITAL TERRESTRIAL SOUND BROADCASTING

Miscellaneous and supplemental

67 Review of digital radio broadcasting.

- (1) For the purpose of considering for how long it would be appropriate for sound broadcasting services to continue to be provided in analogue form, the Secretary of State—
 - (a) shall keep under review the extent of—
 - (i) the provision in the United Kingdom of radio multiplex services,
 - (ii) the availability in the United Kingdom of digital sound programme services and the availability there in digital form of national services (within the meaning of Part III of the 1990 Act) and the sound broadcasting services of the BBC, and
 - (iii) the ownership or possession in the United Kingdom of equipment capable of receiving the services referred to in sub-paragraph (ii) when broadcast or transmitted in digital form,and the likely future extent of such provision, such availability and such ownership or possession, and
 - (b) shall, on or before the fourth anniversary of the day on which the first national radio multiplex licence is granted under section 47, and at such time or times thereafter as he thinks fit, require the Authority and the BBC to report to him on the matters referred to in paragraph (a).
- (2) If the Authority or the BBC are required to submit a report under subsection (1)(b), they shall submit the report within twelve months of the date of the requirement.
- (3) Before making any report under this subsection (1)(b), the Authority shall consult—
 - (a) the holders of all radio multiplex licences,

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- (b) the holders of digital sound programme licences who are providing digital sound programme services which are being broadcast, and
 - (c) such other persons providing services licensed by the Authority under this Part or Part III of the 1990 Act as the Authority think fit,
- and the Authority shall include in their report a summary of representations made to them by the persons consulted.
- (4) For the purpose mentioned in subsection (1), the Secretary of State shall, on requiring reports under subsection (1)(b), consult—
- (a) such persons appearing to him to represent listeners as he thinks fit, and
 - (b) such other persons as he thinks fit,
- in connection with the matters referred to in subsection (1)(a) and also, if the Secretary of State thinks fit, as to the likely effects on listeners of any sound broadcasting service ceasing to be broadcast in analogue form.
- (5) In this section “sound broadcasting service” has the same meaning as in Part III of the 1990 Act.

68 Promotion of equal opportunities and fair treatment.

- (1) Any national radio multiplex licence or national digital sound programme licence shall include conditions requiring the licence holder—
- (a) to make arrangements for promoting, in relation to employment by him, equality of opportunity between men and women and between persons of different racial groups,
 - (b) to make arrangements for promoting, in relation to employment by him, the fair treatment of disabled persons, and
 - (c) to review those arrangements from time to time.
- (2) In subsection (1) “racial group” has the same meaning as in the ^{M1}Race Relations Act 1976, and “disabled person” has the same meaning as in the ^{M2}Disability Discrimination Act 1995.

Marginal Citations

- M1** 1976 c. 74.
M2 1995 c. 50.

69 Power to vary amount of financial penalties.

- (1) The Secretary of State may by order amend any of the provisions specified in subsection (2) by substituting a different sum for the sum for the time being specified there.
- (2) The provisions referred to in subsection (1) are—
- section 53(5)(a) and (b)(i);
 - section 59(2)(a) and (4);
 - section 62(2)(a) and (6); and
 - section 66(2)(a) and (4).

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- (3) An order under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

70 Computation of multiplex revenue.

Part II of Schedule 1 (which contains provisions relating to the computation of multiplex revenue for the purposes of this Part) shall have effect.

71 Certain receipts of Authority to be paid into Consolidated Fund.

- (1) Where the Authority receive in respect of any licence any of the amounts specified in subsection (2), that amount shall not form part of the revenues of the Authority but shall—
- (a) if the licence is for the provision of a service for any area or locality in Great Britain, be paid into the Consolidated Fund of the United Kingdom,
 - (b) if the licence is for the provision of a service for any area or locality in Northern Ireland, be paid into the Consolidated Fund of Northern Ireland, or
 - (c) in any other case, be paid into whichever of those Funds the Authority consider appropriate or into both of those Funds in such proportions as the Authority consider appropriate.
- (2) The amounts referred to in subsection (1) are amounts payable by virtue of any of the following provisions—
- section 53(5);
 - section 55(1);
 - section 59(1);
 - section 62(1);
 - section 66(1).
- (3) Subsection (1) shall not be construed as applying to any amount which is required by the Authority for the making of an adjustment in respect of an overpayment made by any person.
- (4) Any amount payable by any person to the Authority under or by virtue of this Part shall be recoverable by them as a debt due to them from that person; and, where any amount is so payable by a person as the holder of any licence under this Part, his liability to pay it shall not be affected by his licence ceasing (for any reason) to be in force.
- (5) The Authority shall, in respect of each financial year, prepare an account showing—
- (a) all such amounts falling within subsection (1) as have been received by them, and
 - (b) the sums paid into the Consolidated Funds of the United Kingdom and Northern Ireland respectively under that subsection in respect of those amounts,
- and shall send that account to the Comptroller and Auditor General not later than the end of the month of November following the financial year to which it relates; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

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72 Interpretation of Part II.

- (1) In this Part (unless the context otherwise requires)—
- “ancillary service” has the meaning given by section 63(2);
 - “the Authority” means the Radio Authority;
 - “digital additional service” has the meaning given by section 63(1), and “digital additional services licence” means a licence to provide such services;
 - “digital sound programme service” has the meaning given by section 40(5), and “digital sound programme licence” means a licence to provide such services;
 - “independent national broadcaster” has the meaning given by section 41(1);
 - “licence” means a licence under this Part, and “licensed” shall be construed accordingly;
 - “local digital sound programme service” and “national digital sound programme service” shall be construed in accordance with section 60(1) and “local digital sound programme licence” and “national digital sound programme licence” mean a licence to provide local digital sound programme services and a licence to provide national digital sound programme services respectively;
 - “local radio multiplex service” and “national radio multiplex service” shall be construed in accordance with section 40(4), and “local radio multiplex licence” and “national radio multiplex licence” mean a licence to provide a local radio multiplex service and a licence to provide a national radio multiplex service respectively;
 - “radio multiplex service” has the meaning given by section 40(1);
 - “simulcast radio service” has the meaning given by section 41(2);
 - “technical service” has the meaning given by section 63(3).
- (2) Any reference in this Part to an area in the United Kingdom does not include an area which comprises or includes the whole of England; and nothing in this Part shall be read as precluding a local radio multiplex service from being provided for an area or locality that is to any extent comprised in the area or locality for which another local radio multiplex service is to be provided.
- (3) Where the person who is for the time being the holder of any licence (“the present licence holder”) is not the person to whom the licence was originally granted, any reference in this Part (however expressed) to the holder of the licence shall be construed, in relation to any time falling before the date when the present licence holder became the holder of it, as including a reference to a person who was previously the holder of the licence.

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