



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Television multiplex services

241 Television multiplex services

- (1) Subject to the following provisions of this section, references in Part 1 of the 1996 Act to a multiplex service, other than those comprised in express references to a general multiplex service, shall have effect as references to any service (“a television multiplex service”) which—
 - (a) falls within subsection (2); and
 - (b) is provided for broadcasting for general reception but otherwise than from a satellite.
- (2) A service falls within this subsection if—
 - (a) it consists in the packaging together of two or more services which include at least one relevant television service and are provided for inclusion together in the service by a combination of the relevant information in digital form; or
 - (b) it is a service provided with a view to its being a service falling within paragraph (a) but is one in the case of which only one service is for the time being comprised in digital form in what is provided.
- (3) The provision, at a time after the commencement of this section, of a television multiplex service the provision of which is not authorised by or under a licence under Part 1 of the 1996 Act is not to be an offence under section 13 of the 1990 Act.

Changes to legislation: Communications Act 2003, Cross Heading: Television multiplex services is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Accordingly, after the commencement of this section, a licence under Part 1 of the 1996 Act shall be required for the provision of a television multiplex service only in so far as it is required for the purposes of a limitation falling within subsection (5) that is contained in a wireless telegraphy licence, or is deemed to be so contained.
- (5) A limitation falls within this subsection, in relation to a wireless telegraphy licence, if it provides that the only television multiplex services that are authorised to be broadcast using the station or apparatus to which the licence relates are those that are licensed under Part 1 of the 1996 Act.
- (6) Where immediately before the coming into force of this section—
- (a) a television multiplex service is licensed under Part 1 of the 1996 Act; and
 - (b) that service is one broadcast using a station or apparatus the use of which is authorised by a wireless telegraphy licence,
- that wireless telegraphy licence shall be deemed to contain a limitation falling within subsection (5).
- (7) In any case where a wireless telegraphy licence is deemed by virtue of subsection (6) to contain a limitation falling within subsection (5) and the person providing the television multiplex service in question—
- (a) ceases to be licensed under Part 1 of the 1996 Act in respect of that service, or
 - (b) ceases to exist,
- OFCOM may revoke the wireless telegraphy licence.
- (8) Subsection (7) is not to be construed as restricting the powers of revocation exercisable apart from this section.
- (9) In subsection (2) “relevant television service” means any of the following—
- (a) any Channel 3 service in digital form;
 - (b) Channel 4 in digital form;
 - (c) Channel 5 in digital form;
 - (d) S4C Digital;
 - (e) any digital television programme service;
 - (f) the digital public teletext service.

Commencement Information

II S. 241 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

242 Composition of services in television multiplexes

- (1) In subsection (1) of section 12 of the 1996 Act—
- (a) in paragraph (c), (digital programmes services included in multiplex must be provided by a licence holder or EEA broadcaster), after “section 18” there shall be inserted “, by the BBC”;
 - (b) in paragraph (d), (digital additional services included in multiplex must be provided by a licence holder or EEA broadcaster), after “section 25” there shall be inserted “, by the BBC”;
 - (c) after that paragraph there shall be inserted—

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- “(da) that the only digital sound programme services broadcast under the licence are services provided by the holder of a national digital sound programme licence (within the meaning of section 60) or by the BBC;”
- (d) in paragraph (e), after “digital programme services” there shall be inserted “, digital sound programme services”;
- (e) in paragraph (f), after “digital programme service” there shall be inserted “, a digital sound programme service”; and
- (f) for paragraph (h) (conditions as to composition of multiplex service), there shall be substituted—
- “(h) that, while the licence is in force, at least the required percentage of the digital capacity on the frequency or frequencies on which the service is broadcast is used, or left available to be used, for the broadcasting of services falling within subsection (1A).”
- (2) After that subsection there shall be inserted—
- “(1A) The services falling within this subsection are—
- (a) qualifying services;
- (b) digital programme services licensed under this Part or provided by the BBC;
- (c) digital sound programme services provided by the BBC;
- (d) programme-related services; and
- (e) relevant technical services.”
- (3) In subsection (3) of that section—
- (a) after the words “digital programme services”, in the first place where they occur, there shall be inserted “ or digital sound programme services ”; and
- (b) for “digital programme services broadcast under the licence” there shall be substituted “ so much of what is broadcast under the licence as consists of digital programme services, or of such services together with digital sound programme services, ”.
- (4) In subsection (4) of that section (interpretation of subsection (1)(h))—
- (a) for “(1)(h)” there shall be substituted “ (1A) ”;
- (b) in paragraph (a), for “the qualifying teletext service” there shall be substituted “ the digital public teletext service ”;
- (c) in paragraph (b)(i), after “the 1990 Act” there shall be inserted “, or in one or more digital sound programme services provided by the BBC, ”
- (d) in paragraph (c), for “digital programme services” there shall be substituted “ services falling within subsection (1A) which are comprised in the multiplex in question ”.
- (5) After that subsection there shall be inserted—
- “(4A) In subsection (1)(h), the reference to the required percentage is a reference to such percentage equal to or more than 90 per cent. as OFCOM—
- (a) consider appropriate; and
- (b) specify in the condition.”

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- (6) In subsection (5) of that section (power to change percentage in subsection (1)(h)), for “(1)(h)” there shall be substituted “(4A)”.

Commencement Information

I2 S. 242 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

243 Powers where frequencies reserved for qualifying services

- (1) The Secretary of State may by order provide, in relation to the matters mentioned in subsection (2)—
- (a) for any or all of the provisions of sections 7 to 16 and of sections 18 and 19 of the 1996 Act to have effect with the modifications specified in the order; and
 - (b) for provision made by the order to have effect in place of any or all of those provisions.
- (2) Those matters are—
- (a) licences under Part 1 of the 1996 Act, and
 - (b) the awarding and grant of such licences,
- in a case in which the licence is, or is to be, a licence to provide a service for broadcasting on any one or more reserved frequencies.
- (3) An order under this section may require OFCOM to include conditions falling within subsection (4) in any Broadcasting Act licence to provide a television multiplex service to be broadcast on a reserved frequency.
- (4) Conditions falling within this subsection are conditions that OFCOM consider appropriate for securing that, in consideration for the making by any relevant public service broadcaster of such payments as are from time to time—
- (a) agreed between the broadcaster and the holder of the licence to provide the television multiplex service, or
 - (b) in default of agreement, determined by OFCOM in accordance with the order, the holder of that licence will use digital capacity reserved in accordance with conditions imposed under section 12 of the 1996 Act or any order under this section for the broadcasting of services provided by that broadcaster.
- (5) Subsection (3) is not to be construed as restricting the provision that may be made under subsection (1).
- (6) A frequency is a reserved frequency for the purposes of this section if it is one as respects which OFCOM have made a determination, in exercise of their functions under the enactments relating to the management of the radio spectrum, that the frequency should be reserved for the broadcasting of television multiplex services.
- (7) In this section “relevant public service broadcaster” means any of the following—
- (a) the holder of a licence to provide a Channel 3 service;
 - (b) C4C;
 - (c) the holder of a licence to provide Channel 5;
 - (d) the Welsh Authority;
 - (e) the public teletext provider.

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Commencement Information

I3 S. 243 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

Changes to legislation:

Communications Act 2003, Cross Heading: Television multiplex services is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)