



# Communications Act 2003

## 2003 CHAPTER 21

### PART 3

#### TELEVISION AND RADIO SERVICES [F1ETC]

### CHAPTER 3

#### REGULATORY STRUCTURE FOR INDEPENDENT RADIO SERVICES

#### *Preliminary*

#### **245 Regulation of independent radio services**

- (1) It shall be a function of OFCOM to regulate the following services in accordance with this Act, the 1990 Act and the 1996 Act—
  - (a) services specified in subsection (2) that are provided from places in the United Kingdom and otherwise than by the BBC;
  - (b) services so specified that do not fall within paragraph (a) but are provided by a person, other than the BBC, whose principal place of business is in the United Kingdom.
- (2) The services referred to in subsection (1)(a) are—
  - (a) sound broadcasting services to which subsection (3) applies;
  - (b) radio licensable content services;
  - (c) additional radio services;
  - (d) radio multiplex services;
  - (e) digital sound programme services;
  - (f) digital additional sound services.
- (3) This subsection applies to a sound broadcasting service which—
  - (a) is provided with a view to its being broadcast otherwise than only from a satellite; and

*Changes to legislation:* Communications Act 2003, Cross Heading: Preliminary 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

- (b) is a national service, local service or restricted service.
- (4) For the purposes of this section—
- (a) a service is a national service if it is a sound broadcasting service provided as mentioned in subsection (3)(a) with a view to its being broadcast for reception in any such minimum area of the United Kingdom as may be determined in accordance with section 98(2) of the 1990 Act;
- (b) a service is a local service if it is a sound broadcasting service which (without being a national service) is provided as mentioned in subsection (3)(a) with a view to its being broadcast for reception in a particular area or locality in the United Kingdom; and
- (c) a service is a restricted service if it is a sound broadcasting service provided as mentioned in subsection (3)(a) with a view to its being broadcast for reception—
- (i) within a particular establishment in the United Kingdom or at another defined location in the United Kingdom; or
- (ii) for the purposes of a particular event taking place within the United Kingdom.
- (5) The services that are to be treated for the purposes of this section as provided from places in the United Kingdom include every radio licensable content service which would not fall to be so treated apart from this subsection but which—
- (a) is provided with a view to its being broadcast from a satellite;
- (b) is a service the broadcasting of which involves its transmission to the satellite by means of an electronic communications network from a place in the United Kingdom; and
- (c) is not a service the provision of which is licensed or otherwise authorised under the laws of [F1 an EEA State].
- (6) The services that are to be treated as so provided also include every service provided by a BBC company, a C4 company or an S4C company.
- (7) A reference in subsection (4)(b) to an area of the United Kingdom does not include an area which comprises or includes the whole of England.

#### Textual Amendments

- F1** Words in s. 245(5)(c) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), [Sch. 1 para. 23](#) (with reg. 6) (as amended by [S.I. 2020/1536](#), regs. 2, [5\(2\)\(3\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Commencement Information

- I1** S. 245 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

## 246 Abolition of function of assigning radio frequencies

The Secretary of State shall cease to have any function under the 1990 Act or the 1996 Act of assigning frequencies—

- (a) for any of the purposes of Part 3 of the 1990 Act (regulation of radio services); or
- (b) for the purposes of the provision of any radio multiplex services.

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**Changes to legislation:** Communications Act 2003, Cross Heading: Preliminary 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](#)

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#### **Commencement Information**

**I2** S. 246 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: Preliminary 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\(1\)](#)