

SCHEDULES

SCHEDULE 13

FINANCIAL PENALTIES UNDER THE BROADCASTING ACTS

PART 2

BROADCASTING ACT 1996

Digital television programme licences

- 14 (1) In subsection (2) of section 23 (penalty for failure by holder of digital television programme licence to comply with licence conditions or directions), for the words from “whichever is the greater” onwards there shall be substituted “the maximum penalty given by subsection (2A).”
- (2) For subsection (3) of that section (maximum penalties) there shall be substituted—
- “(2A) The maximum penalty is whichever is the greater of—
- (a) £250,000; and
- (b) 5 per cent. of the aggregate amount of the shares of multiplex revenue attributable to him in relation to television multiplex services and general multiplex services in respect of relevant accounting periods.”
- (3) In subsection (4) of that section (meaning of “relevant accounting period”), for “subsection (3)(a)” there shall be substituted “subsection (2A)”.
- (4) In subsection (5) of that section, for “not yet ended, then for the purposes of subsection (3)” there shall be substituted “not ended when the penalty is imposed, then for the purposes of this section”.
- (5) Before subsection (6) of that section there shall be inserted—
- “(5B) Section 15(2) and (3) applies for determining or estimating the share of multiplex revenue attributable to a person for the purposes of subsection (2A) or (5) above.”
- (6) This paragraph applies in relation to a failure to comply with a condition or direction only if it is one occurring after the commencement of this paragraph.