



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Channels 3 and 5

216 Renewal of Channel 3 and 5 licences

- (1) The holder of—
 - (a) a licence to provide a Channel 3 service, or
 - (b) a licence to provide Channel 5,may apply to OFCOM for the renewal of his licence for a period of ten years from the end of the licensing period current at the time of the application.
- (2) An application for renewal may only be made in the period which—
 - (a) begins four years before the end of the current licensing period; and
 - (b) ends three months before the day that OFCOM have determined to be the day by which they would need to publish a tender notice if they were proposing to grant a fresh licence to take effect from the end of that period.
- (3) A determination for the purposes of subsection (2)(b)—
 - (a) must be made at least one year before the day determined; and
 - (b) must be notified by OFCOM to every person who, at the time of the determination, holds a licence in respect of which there is right to apply for renewal under this section.

Changes to legislation: Communications Act 2003, Section 216 is up to date with all changes known to be in force on or before 13 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

- [^{F1}(4) Where OFCOM receive an application under this section for the renewal of a licence they must—
- (a) decide whether to renew the licence; and
 - (b) notify the applicant of their decision.
- (4A) If OFCOM decide to renew the licence they must—
- (a) in the case of a licence to provide a Channel 3 service, determine in accordance with section 216A the area for which the licence will be renewed;
 - (b) in every case, determine in accordance with section 217 the financial terms on which the licence will be renewed; and
 - (c) notify the applicant of their determinations.]
- (5) Section 17(5) to (7) of the 1990 Act (suspect sources of funds) apply in relation to an applicant for a renewal under this section as they apply in relation to an applicant mentioned in section 17(5) of that Act, but as if references to the award of a licence were references to its renewal.
- (6) OFCOM may decide not to renew the licence if they are not satisfied that the applicant (if his licence were renewed) would provide a service complying with the requirements imposed under Chapter 4 of this Part by conditions relating to—
- (a) the public service remit for the licensed service;
 - (b) programming quotas;
 - (c) news and current affairs programmes; and
 - (d) programme production and regional programming.
- [^{F2}(6A) OFCOM may also decide not to renew a licence to provide a Channel 3 service if, for the licensing period in question, they have renewed or propose to renew one or more other licences to provide a Channel 3 service for all of the area to which the licence relates.]
- (7) OFCOM may also decide not to renew the licence if they propose to grant a fresh licence for a service replacing the licensed service which would differ from the licensed service in—
- (a) the area for which it would be provided; or
 - (b) the times of the day, or days of the week, between or on which it would be provided.
- (8) In all cases in which—
- (a) the applicant notifies OFCOM that he accepts the terms notified to him under [^{F3}subsection (4A)(c)] , and
 - (b) they are not required or allowed by subsections (5) to (7) to refuse a renewal, they must grant the renewal as soon as reasonably practicable.
- (9) But OFCOM must not grant a renewal under this section more than eighteen months before the end of the licensing period from the end of which the renewal will take effect.
- (10) Where a licence is renewed under this section, it must be renewed on the same terms and conditions, subject only to such modifications as are required to give effect [^{F4}—
- (a) to any determination under subsection (4A)(a);
 - (b) in accordance with the determination under subsection (4A)(b), to the requirements imposed by section 217(4).]

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- (11) Nothing in this section requires OFCOM, following the receipt of an application for the renewal of a licence—
- (a) to make a decision or determination, or
 - (b) to take any other step under this section,
- at any time after an order under section 230 has come into force preventing the renewal of the licence.
- (12) For the purposes of this section a licensing period [^{F5}, in relation to a licence,] is—
- (a) the period beginning with the commencement of this section and ending with the initial expiry date [^{F6}for that type of licence] ; or
 - (b) any subsequent period of ten years beginning with the end of the previous licensing period [^{F7}for that type of licence] .
- (13) In this section “tender notice” means a notice under section 15 of the 1990 Act.

Textual Amendments

- F1** S. 216(4)(4A) substituted for s. 216(4) (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 24\(3\), 47\(1\)](#)
- F2** S. 216(6A) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 24\(4\), 47\(1\)](#)
- F3** Words in s. 216(8)(a) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 24\(5\), 47\(1\)](#)
- F4** Words in s. 216(10) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 24\(6\), 47\(1\)](#)
- F5** Words in s. 216(12) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 26\(2\)\(a\), 47\(1\)](#)
- F6** Words in s. 216(12)(a) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 26\(2\)\(b\), 47\(1\)](#)
- F7** Words in s. 216(12)(b) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\), ss. 26\(2\)\(c\), 47\(1\)](#)
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Commencement Information

- I1** S. 216 in force at 29.12.2003 by [S.I. 2003/3142, art. 3\(1\)](#), [Sch. 1](#) (with art. 11)

Changes to legislation:

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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\(1\)](#)