



# Communications Act 2003

## 2003 CHAPTER 21

### PART 3

#### TELEVISION AND RADIO SERVICES [F1ETC]

#### <sup>F1F1</sup>CHAPTER 2

#### REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

##### *Television licensable content services*

### 232 Meaning of “television licensable content service”

- (1) In this Part “television licensable content service” means (subject to section 233) any service [F1, or dissociable section of a service,] falling within subsection (2) in so far as it is provided with a view to its availability for reception by members of the public being secured by one or [F2more] of the following means—
- (a) the broadcasting of the service [F3or dissociable section of the service] (whether by the person providing it or by another) from a satellite; F4...
  - [F5(aa) the broadcasting of the service [F6or dissociable section of the service] (whether by that person or by another) by means of a radio multiplex service; or]
  - (b) the distribution of the service [F7or dissociable section of the service] (whether by that person or by another) by any means involving the use of an electronic communications network.
- (2) A service [F8, or dissociable section of a service,] falls within this subsection if it—
- (a) is provided (whether in digital or in analogue form) as a service that is to be made available for reception by members of the public; and
  - (b) consists of [F9 or has as its principal purpose the provision of] television programmes or electronic programme guides, or both.

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*Changes to legislation: Communications Act 2003, Section 232 is up to date with all changes known to be in force on or before 23 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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(3) Where—

- (a) [<sup>F10</sup>a service, or dissociable section of a service, consisting of television programmes], an electronic programme guide or both (“the main service”) is provided by a person as a service to be made available for reception by members of the public, and
- (b) that person provides the main service with other services or facilities that are ancillary to, or otherwise relate to, the main service and are also provided so as to be so available or in order to make a service so available,

subsection (1) has effect as if the main service and such of the other services or facilities as are relevant ancillary services and are not two-way services constituted a single service falling within subsection (2).

(4) Where a person providing the main service provides it with a facility giving access to another service, the other service shall also be taken for the purposes of this section as provided by that person with the main service only if what is comprised in the other service is something over which that person has general control.

(5) A service is a two-way service for the purposes of this section if it is provided by means of an electronic communications network and an essential feature of the service is that the purposes for which it is provided involve the use of that network, or a part of it, both—

- (a) for the transmission of visual images or sounds (or both) by the person providing the service to users of the service; and
- (b) for the transmission of visual images or sounds (or both) by those users for reception by the person providing the service or by other users of the service.

(6) In this section—

“electronic programme guide” means a service which consists of—

- (a) the listing or promotion, or both the listing and the promotion, of some or all of the programmes included in any one or more programme services the providers of which are or include persons other than the provider of the guide; and
- (b) a facility for obtaining access, in whole or in part, to the programme service or services listed or promoted in the guide;

“relevant ancillary service”, in relation to the main service, means a service or facility provided or made available by the provider of the main service that consists of or gives access to—

- (a) assistance for disabled people in relation to some or all of the programmes included in the main service;
- (b) a service (apart from advertising) which is not an electronic programme guide but relates to the promotion or listing of programmes so included; or
- (c) any other service (apart from advertising) which is ancillary to one or more programmes so included and relates directly to their contents.

**Textual Amendments**

**F1** Words in s. 232(1) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **5(a)(i)** (with Pt. 7)

**F2** Word in s. 232(1) substituted (25.7.2006) by [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(1)(a)**

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- F3** Words in s. 232(1)(a) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **5(a)(ii)** (with Pt. 7)
- F4** Word in s. 232(1)(a) omitted (25.7.2006) by virtue of [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(1)(b)**
- F5** S. 232(1)(aa) inserted (25.7.2006) by [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(1)(c)**
- F6** Words in s. 232(1)(aa) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **5(a)(ii)** (with Pt. 7)
- F7** Words in s. 232(1)(b) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **5(a)(ii)** (with Pt. 7)
- F8** Words in s. 232(2) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **5(b)** (with Pt. 7)
- F9** Words in s. 232(2)(b) inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), **6(1)**
- F10** Words in s. 232(3)(a) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **5(c)** (with Pt. 7)

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#### Commencement Information

- I1** S. 232 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, Section 232 is up to date with all changes known to be in force on or before 23 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\(1\)](#)