



Digital Economy Act 2010

2010 CHAPTER 24

Independent radio services

33 Variation of licence period following renewal

- (1) In section 86(6) of the Broadcasting Act 1990 (variation of licence period etc), after “section 97B” (inserted by section 30) insert “, 105A”.
- (2) Before section 106 (but after the heading preceding that section) insert—

“105A Variation of licence period following renewal

- (1) This section applies if the Secretary of State—
 - (a) has not nominated a date for digital switchover under section 97A for one or more relevant renewed services, or
 - (b) has withdrawn the nomination of such a date and has not nominated another such date under that section.
- (2) The Secretary of State may give notice to OFCOM fixing a date (the “termination date”) in relation to that service or such of those services as are specified or described in the notice.
- (3) The Secretary of State may fix different dates for different services but may not fix a date falling before 31 December 2015.
- (4) If the period for which a licence to provide a relevant renewed service is to continue in force ends after the termination date fixed for the service, OFCOM must by notice vary the licence so that the period ends on or before that date, subject to subsection (5).
- (5) OFCOM may not reduce the period so that it ends on a day falling less than 2 years after the date on which they issue the notice, unless the licence holder consents to such a reduction.

Status: This is the original version (as it was originally enacted).

- (6) If the period for which a licence to provide a relevant renewed service is to continue in force ends on or before the termination date fixed for the service, OFCOM may not vary the licence so that the period ends after that date.
 - (7) “Relevant renewed service” means a national service provided under a licence that has been renewed under section 103B or a local service provided under a licence that has been renewed under section 104AA.”
- (3) In section 199(5) of that Act (publication of notices by OFCOM), after “103,” insert “105A,”.
- (4) If on 31 December 2012, in relation to a relevant renewed service (as defined in section 105A(7) of the Broadcasting Act 1990)—
- (a) section 105A of that Act applies, but
 - (b) the Secretary of State has not given a notice under that section,
- the Secretary of State must, before 31 December 2013, consider whether to give a notice under that section in relation to that service.