



Digital Economy Act 2017

2017 CHAPTER 30

PART 6

MISCELLANEOUS

OFCOM powers relating to criminal content etc

91 Suspension of radio licences for inciting crime or disorder

- (1) In Chapter 2 of Part 3 of the Broadcasting Act 1990 (sound broadcasting services), for section 111B (power to suspend licence to provide satellite service) substitute—

“111B Suspension of licences for inciting crime or disorder

- (1) OFCOM must serve a notice under subsection (2) on the holder of a licence granted under this Chapter if they are satisfied that—
- (a) the licence holder has included in the licensed service one or more programmes containing material likely to encourage or incite the commission of crime or to lead to disorder,
 - (b) in doing so the licence holder has failed to comply with a condition included in the licence in compliance with section 263 of the Communications Act 2003, and
 - (c) the failure would justify the revocation of the licence.
- (2) A notice under this subsection must—
- (a) state that OFCOM are satisfied as mentioned in subsection (1),
 - (b) specify the respects in which, in their opinion, the licence holder has failed to comply with the condition mentioned there,
 - (c) state that OFCOM may revoke the licence after the end of the period of 21 days beginning with the day on which the notice is served on the licence holder, and

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Cross Heading: OFCOM powers relating to criminal content etc. (See end of Document for details)

- (d) inform the licence holder of the right to make representations to OFCOM in that period about the matters that appear to OFCOM to provide grounds for revoking the licence.
- (3) The effect of a notice under subsection (2) is to suspend the licence from the time when the notice is served on the licence holder until either—
 - (a) the revocation of the licence takes effect, or
 - (b) OFCOM decide not to revoke the licence.
- (4) If, after considering any representations made to them by the licence holder in the 21 day period mentioned in subsection (2)(c), OFCOM are satisfied that it is necessary in the public interest to revoke the licence, they must serve on the licence holder a notice revoking the licence.
- (5) The revocation of a licence by a notice under subsection (4) takes effect from whatever time is specified in the notice.
- (6) That time must not be earlier than the end of the period of 28 days beginning with the day on which the notice under subsection (4) is served on the licence holder.
- (7) Section 111 does not apply to the revocation of a licence under this section.”
- (2) In section 62(10) of the Broadcasting Act 1996 (application of sections 109 and 111 of the 1990 Act to digital sound programme services) for the words from “section 109” to “1990 Act” substitute “ sections 109, 111 and 111B of the 1990 Act (enforcement) ”.
- (3) In section 250(3) of the Communications Act 2003 (application of sections 109 to 111A of the 1990 Act to radio licensable content services) for “111A” substitute “ 111B ”.

92 Digital additional services: seriously harmful extrinsic material

After section 24 of the Broadcasting Act 1996 (digital additional services) insert—

“24A Duty to prevent access to seriously harmful extrinsic material

- (1) In carrying out their functions, OFCOM must do all that they consider appropriate to prevent digital additional services from enabling members of the public to access seriously harmful extrinsic material.
- (2) “Seriously harmful extrinsic material”, in relation to a digital additional service, means material that—
 - (a) is not included in the service, and
 - (b) appears to OFCOM—
 - (i) to have the potential to cause serious harm, or
 - (ii) to be likely to encourage or incite the commission of crime or lead to disorder.”

Commencement Information

II S. 92 in force at 31.7.2017 by S.I. 2017/765, reg. 2(x)

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