
STATUTORY INSTRUMENTS

2010 No. 419

The Audiovisual Media Services Regulations 2010

Amendments of Part 4A of the Communications Act 2003: transitional provision

13.—(1) Where, on the day on which section 368BA of the 2003 Act (advance notification by providers of on-demand programme services) comes into force, an on-demand programme service is already being provided by a person—

- (a) that person's obligation under that section to give a notification before beginning to provide that service has effect as an obligation to give a notification before 30 April 2010; and
- (b) that notification must state that that person is already providing the service (rather than that the person intends to do so).

(2) Section 368NA of the 2003 Act (fees) applies in relation to the period beginning with 19 December 2009 and ending with 31 March 2010 as if that period were a financial year but with the following modifications.

(3) Subsection (3)(a) of that section, as it applies in relation to the appropriate regulatory authority, has effect as if the reference to the likely costs described in subsection (5)(a) were a reference to the likely costs of carrying out functions as the appropriate regulatory authority set out in any estimate prepared or approved by OFCOM in relation to that period (an "OFCOM estimate").

(4) Subsection (5) of that section does not apply but paragraphs (5) and (6) below apply instead.

(5) For the purposes of that section as it applies in relation to the appropriate regulatory authority, the appropriate regulatory authority must—

- (a) ensure so far as reasonably practicable that the aggregate amount of the fees that are required to be paid to them under section 368NA(2) during that period is sufficient to enable them to meet, but not exceed, the costs set out in any OFCOM estimate;
- (b) publish in such manner as they consider appropriate the amount of the fees they will require providers to pay to them under section 368NA(2) during that period.

(6) For the purposes of that section as it applies in relation to OFCOM otherwise than as the appropriate regulatory authority, OFCOM must—

- (a) prepare such estimate as it is practicable for them to make of the likely costs of carrying out their functions under Part 4A of the 2003 Act otherwise than as the appropriate regulatory authority during that period;
- (b) ensure so far as reasonably practicable that the aggregate amount of the fees that are required to be paid to them under section 368NA(2) during that period is sufficient to enable them to meet, but not exceed, the costs set out in that estimate;
- (c) publish in such manner as they consider appropriate the amount of the fees they will require providers to pay to them under section 368NA(2) during that period.