



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F¹ETC]

CHAPTER 3

REGULATORY STRUCTURE FOR INDEPENDENT RADIO SERVICES

Multiplexes broadcasting sound programmes

258 Radio multiplex services

- (1) Subject to the following provisions of this section, references in Part 2 of the 1996 Act to a radio multiplex service shall have effect as references to any service which—
 - (a) falls within subsection (2);
 - (b) is provided for broadcasting for general reception but otherwise than from a satellite; and
 - (c) is not a television multiplex service.
- (2) A service falls within this subsection if—
 - (a) it consists in the packaging together (with or without other services) of two or more relevant sound services which are provided for inclusion together in that service by a combination of the relevant information in digital form; or
 - (b) it is a service provided with a view to its being a service falling within paragraph (a) but is one in the case of which only one relevant sound service is for the time being comprised in digital form in what is provided.
- (3) The provision, at a time after the commencement of this section, of a radio multiplex service the provision of which is not authorised by or under a licence under Part 2 of the 1996 Act is not to be an offence under section 97 of the 1990 Act.

Changes to legislation: Communications Act 2003, Cross Heading: Multiplexes broadcasting sound programmes is up to date with all changes known to be in force on or before 11 May 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

- (4) Accordingly, after the commencement of this section, a licence under Part 2 of the 1996 Act shall be required for the provision of a radio multiplex service only in so far as it is required for the purposes of a limitation falling within subsection (5) which is contained in a wireless telegraphy licence, or is deemed to be so contained.
- (5) A limitation falls within this subsection, in relation to a wireless telegraphy licence, if it provides that the only radio multiplex services that are authorised to be broadcast using the station or apparatus to which the licence relates are those that are licensed under Part 2 of the 1996 Act.
- (6) Where immediately before the coming into force of this section—
- (a) a radio multiplex service is licensed under Part 2 of the 1996 Act; and
 - (b) that service is one broadcast using a station or apparatus the use of which is authorised by a wireless telegraphy licence,
- that wireless telegraphy licence shall be deemed to contain a limitation falling within subsection (5).
- (7) In any case where a wireless telegraphy licence is deemed by virtue of subsection (6) to contain a limitation falling within subsection (5) and the person providing the radio multiplex service in question—
- (a) ceases to be licensed under Part 2 of the 1996 Act in respect of that service, or
 - (b) ceases to exist,
- OFCOM may revoke the wireless telegraphy licence.
- (8) Subsection (7) is not to be construed as restricting the powers of revocation exercisable apart from this section.
- (9) In subsection (2) “relevant sound service” means any of the following—
- (a) a digital sound programme service;
 - (b) a simulcast radio service; and
 - (c) a digital additional sound service.

Commencement Information

II S. 258 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

[^{F1}258A Small-scale radio multiplex services

- (1) The Secretary of State may by order make provision about radio multiplex services that are provided for particular areas or localities in the United Kingdom and are of a description specified by the order (“small-scale radio multiplex services”).
- (2) An order under this section describing a small-scale radio multiplex service may make provision by reference to the size of the area or locality in relation to which such a service may be provided.
- (3) An order under this section may provide for—
 - (a) any provision of Part 2 of the 1996 Act, and
 - (b) any provision of this Part (apart from this section and the provisions relating exclusively to sound broadcasting services or television services),

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to have effect in relation to small-scale radio multiplex services with such modifications as the Secretary of State considers appropriate.

- (4) An order under this section may in particular—
- (a) provide for the duration of a small-scale radio multiplex licence to be determined by OFCOM, within limits specified in the order;
 - (b) make provision as to eligibility to hold a small-scale radio multiplex licence, including provision disqualifying persons who have an interest in a national or local radio multiplex service;
 - (c) require small-scale radio multiplex services to be provided on a non-commercial basis;
 - (d) provide for OFCOM to have regard to the effect of awarding a small-scale radio multiplex licence on holders of local radio multiplex licences;
 - (e) provide for capacity on a small-scale radio multiplex service to be reserved for broadcasting services of a description set out in an order under section 262;
 - (f) make provision about the amount of capacity that may be so reserved;
 - (g) make provision about the services broadcast by means of a small-scale radio multiplex service, including provision about broadcasting services licensed by local digital sound programme licences or services of a description set out in an order under section 262.
- (5) The power, by order under this section, to make different provision for different cases includes power to make different provision depending on—
- (a) whether or not, at a particular time, an area or locality is to a significant extent within the coverage area of one or more local radio multiplex services, and
 - (b) the size of the coverage area of that local radio multiplex service or those local radio multiplex services.
- (6) The power, by order under this section, to make incidental, supplemental or consequential provision includes power to make incidental, supplemental or consequential provision modifying provisions of the 1996 Act or this Act not mentioned in subsection (3).
- (7) In this section “small-scale radio multiplex licence” means a licence to provide a small-scale radio multiplex service.
- (8) No order is to be made containing provision authorised by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.]

Textual Amendments

F1 S. 258A inserted (27.6.2017) by [Broadcasting \(Radio Multiplex Services\) Act 2017 \(c. 12\), ss. 1, 2\(3\)](#)

259 Composition of services in radio multiplexes

- (1) Section 54 of the 1996 Act (conditions attached to radio multiplex licences) shall be amended as follows.
- (2) For paragraph (h) of subsection (1) (conditions as to composition of service) there shall be substituted—
 - “(h) that, while the licence is in force, at least the required percentage of the digital capacity on the frequency or frequencies on which

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the service is broadcast is used, or left available to be used, for the broadcasting of services falling within subsection (1A).”

(3) After that subsection there shall be inserted—

“(1A) The services falling within this subsection are—

- (a) digital sound programme services;
- (b) simulcast radio services;
- (c) programme-related services; and
- (d) relevant technical services.”

(4) In subsection (2) (meaning of services referred to in paragraph (h) of subsection (1))—

- (a) for “paragraph (1)(h)” there shall be substituted “ subsection (1A) ”; and
- (b) in sub-paragraph (i), for the words from “(within” to “1990 Act” there shall be substituted “ (within the meaning of section 245 of the Communications Act 2003) ”.

(5) After that subsection there shall be inserted—

“(2A) In subsection (1)(h), the reference to the required percentage is a reference to such percentage equal to or more than 80 per cent. as OFCOM—

- (a) consider appropriate; and
- (b) specify in the condition.”

(6) In subsection (3) (power to vary percentage in subsection (1)(h))—

- (a) for “subsection (1)” there shall be substituted “ subsection (2A) ”; and
- (b) for “paragraph (h) of that subsection” there shall be substituted “ that subsection ”.

Commencement Information

I2 S. 259 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

260 Digital sound services for inclusion in non-radio multiplexes

(1) In section 60(1)(a) of the 1996 Act (national digital sound programme services defined as services broadcast with a view to being broadcast by means of a national radio multiplex service), after “national radio multiplex service” there shall be inserted “, by means of a television multiplex service or by means of a general multiplex service ”.

(2) In section 63(1) of the 1996 Act (meaning of digital additional sound service), for paragraph (a) there shall be substituted—

“(a) is provided by a person with a view to its being broadcast in digital form (whether by him or some other person) so as to be available for reception by members of the public;

(aa) is so provided with a view to the broadcasting being by means of a radio multiplex service or by means of a general multiplex service; and”.

(3) After subsection (3) of section 63 of the 1996 Act there shall be inserted—

“(3A) In this section “available for reception by members of the public” shall be construed in accordance with section 361 of the Communications Act 2003.”

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- (4) In section 72(1) of the 1996 Act (interpretation of Part 2)—
- (a) after the definitions of “digital sound programme service” and “digital sound programme licence” there shall be inserted—

““general multiplex service” has the same meaning as in Part 3 of the Communications Act 2003;”
 - (b) after the definition of “technical service” there shall be inserted—

““television multiplex service” has the meaning given by section 241 of the Communications Act 2003.”

Commencement Information

I3 S. 260 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

261 Renewal of radio multiplex licences

In section 58(2) of the 1996 Act (renewal for twelve years of radio multiplex licences granted within six years of commencement)—

- (a) for “which is granted within six years” there shall be substituted “ granted within ten years ”; and
- (b) for the words from “for a period” onwards there shall be substituted—
 - “(a) in the case of a licence granted within six years of that commencement, for a period of twelve years beginning with the date on which it would otherwise expire; and
 - (b) in any other case, for a period of eight years beginning with that date.”

Commencement Information

I4 S. 261 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\(1\)](#)