



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Reviews relating to licensing of Channels 3 & 5 and teletext

229 Report in anticipation of new licensing round

- (1) OFCOM must, in anticipation of the end of each licensing period [F1for a type of relevant licence] —
 - (a) prepare a report under this section; and
 - (b) submit it to the Secretary of State no later than thirty months before the end of that period.
- (2) A report under this section must set out OFCOM's opinion on the effect of each of the matters mentioned in subsection (3) on the capacity of the [F2holder or holders of that type of licence] to contribute, in the next licensing period, to the fulfilment of the purposes of public service television broadcasting in the United Kingdom at a cost to the [F3licence holder or holders] that is commercially sustainable.
- (3) Those matters are—
 - (a) the arrangements that (but for an order under section 230) would allow for the renewal of [F4that type of licence] from the end of the current licensing period; and
 - (b) the conditions included in the regulatory regimes for the services provided under [F5that type of licence] .

Changes to legislation: Communications Act 2003, Section 229 is up to date with all changes known to be in force on or before 07 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) A report under this section must also include the recommendations (if any) which OFCOM consider, in the light of the opinion set out in the report, should be made to the Secretary of State for the exercise by him of—

- (a) his power under section 230; or
- (b) any of the powers to make statutory instruments that are conferred on him by Chapter 4 of this Part.

[^{F6}(4A) Subsection (5) applies where the Secretary of State—

- (a) receives a report under this section in anticipation of the end of a licensing period for a type of relevant licence, and
- (b) subsequently makes an order under section 224 extending the licensing period for that type of licence.]

(5) [^{F7}Where this subsection applies—

- (a) [^{F8}the Secretary of State] may require OFCOM to prepare a supplementary report in the light of the postponement of the beginning of the next licensing period [^{F9}for that type of licence] ; and
- (b) it shall be the duty of OFCOM, within such period as may be specified by the Secretary of State, to prepare the required supplementary report and to submit it to him.

(6) In this section—

“licensing period” [^{F10}, in relation to a licence,] means—

- (a) the period beginning with the commencement of this section and ending with the initial expiry date [^{F11}for that type of licence] ; or
- (b) any subsequent period of ten years beginning with the end of the previous licensing period [^{F12}for that type of licence] ;

“relevant licence” means—

- (a) a licence to provide a Channel 3 service;
- (b) a licence to provide Channel 5; or
- (c) the licence to provide the public teletext service.

Textual Amendments

- F1** Words in s. 229(1) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(7)**, 47(1)
- F2** Words in s. 229(2) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(8)(a)**, 47(1)
- F3** Words in s. 229(2) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(8)(b)**, 47(1)
- F4** Words in s. 229(3)(a) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(9)**, 47(1)
- F5** Words in s. 229(3)(b) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(9)**, 47(1)
- F6** S. 229(4A) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(10)**, 47(1)
- F7** Words in s. 229(5) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(11)(a)**, 47(1)
- F8** Word in s. 229(5)(a) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(11)(b)**, 47(1)
- F9** Words in s. 229(5)(a) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(11)(b)**, 47(1)
- F10** Words in s. 229(6) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(12)(a)**, 47(1)
- F11** Words in s. 229(6) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(12)(b)**, 47(1)
- F12** Words in s. 229(6) inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 26(12)(c)**, 47(1)

Commencement Information

- I1** S. 229 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 229 is up to date with all changes known to be in force on or before 07 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.

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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\(1\)](#)