



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Television licensable content services

233 Services that are not television licensable content services

- (1) A service [F1, or dissociable section of a service,] is not a television licensable content service to the extent that it is provided with a view to its being broadcast by means of a [F2television multiplex service or a general multiplex service] .
- (2) A service [F3, or dissociable section of a service,] is not a television licensable content service to the extent that it consists of a service the provision of which is authorised by—
 - (a) a licence to provide a television broadcasting service;
 - (b) the licence to provide the public teletext service; or
 - (c) a licence to provide additional television services.
- ^{F4}(3)
- (4) A service [F5, or dissociable section of a service,] is not a television licensable content service if it is a two-way service (within the meaning of section 232).
- (5) A service [F6, or dissociable section of a service,] is not a television licensable content service if—
 - (a) it is distributed by means of an electronic communications network only to persons all of whom are on a single set of premises; and

Changes to legislation: Communications Act 2003, Section 233 is up to date with all changes known to be in force on or before 13 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

- (b) that network is wholly within those premises and is not connected to an electronic communications network any part of which is outside those premises.
- (6) For the purposes of subsection (5)—
 - (a) a set of premises is a single set of premises if, and only if, the same person is the occupier of all the premises; and
 - (b) two or more vehicles are capable of constituting a single set of premises if, and only if, they are coupled together.
- (7) A service [^{F7}, or dissociable section of a service,] is not a television licensable content service if it is provided for the purpose only of being received by persons who have qualified as users of the service by reason of being—
 - (a) persons who have a business interest in the programmes included in the service; or
 - (b) persons who are to receive the programmes for the purpose only of showing them to persons falling within sub-paragraph (a) or to persons all of whom are on the business premises of the person receiving them.
- (8) For the purposes of subsection (7) a person has a business interest in programmes if he has an interest in receiving or watching them—
 - (a) for the purposes of a business carried on by him; or
 - (b) for the purposes of his employment.
- (9) In this section—
 - “business premises”, in relation to a person, means premises at or from which any business of that person is carried on;
 - ^{F8} ...
 - “premises” includes a vehicle;
 - “vehicle” includes a vessel, aircraft or hovercraft.
- (10) References in this section, in relation to a person, to a business include references to—
 - (a) any business or other activities carried on by a body of which he is a member and the affairs of which are managed by its members; and
 - (b) the carrying out of any functions conferred on that person, or on any such body, by or under any enactment.

Textual Amendments

- F1** Words in s. 233(1) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **6** (with Pt. 7)
- F2** Words in s. 233(1) substituted (25.7.2006) by [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(2)(a)**
- F3** Words in s. 233(2) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **6** (with Pt. 7)
- F4** S. 233(3) omitted (19.12.2009) by virtue of [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), **6(2)**
- F5** Words in s. 233(4) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **6** (with Pt. 7)
- F6** Words in s. 233(5) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **6** (with Pt. 7)

Changes to legislation: *Communications Act 2003, Section 233 is up to date with all changes known to be in force on or before 13 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*

- F7** Words in s. 233(7) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **6** (with Pt. 7)
- F8** Words in s. 233(9) omitted (25.7.2006) by virtue of [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(2)(b)**

Commencement Information

- I1** S. 233 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\(1\)](#)