



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [^{F1}ETC]

CHAPTER 3

REGULATORY STRUCTURE FOR INDEPENDENT RADIO SERVICES

Multiplexes broadcasting sound programmes

[^{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),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;

Changes to legislation: Communications Act 2003, Section 258A is up to date with all changes known to be in force on or before 10 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) 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)

Changes to legislation:

Communications Act 2003, Section 258A is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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\(1\)](#)