



Broadcasting Act 1996

1996 CHAPTER 55

PART II

DIGITAL TERRESTRIAL SOUND BROADCASTING

Radio multiplex services

46 National radio multiplex licences.

- (1) Where the Authority propose to grant a licence to provide a national radio multiplex service, they shall publish, in such manner as they consider appropriate, a notice—
 - (a) stating that they propose to grant such a licence,
 - (b) specifying the frequency on which the service is to be provided,
 - (c) specifying, in such manner as the Authority consider appropriate, the area of the United Kingdom in which the frequency is to be available,
 - (d) where digital capacity on the frequency is reserved in pursuance of a direction under section 48 for the broadcasting of a simulcast radio service, stating that fact and specifying the capacity reserved and the identity of the national service or services concerned,
 - (e) where the frequency is one in respect of which a direction under section 45(4) has been given, setting out the terms of the direction,
 - (f) inviting applications for the licence and specifying the closing date for such applications,
 - (g) specifying the fee payable on any application made in pursuance of the notice, and
 - (h) stating whether any percentage of multiplex revenue for each accounting period would be payable by an applicant in pursuance of section 55 if he were granted the licence and, if so, specifying that percentage.
- (2) Unless an order under section 55(2) is in force—
 - (a) the consent of the Secretary of State shall be required for so much of the notice as relates to the matters specified in subsection (1)(h), and

Status: Point in time view as at 01/11/1996. This version of this provision has been superseded.

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- (b) the Authority may if they think fit (with that consent) specify under subsection (1)(h)—
 - (i) different percentages in relation to different accounting periods falling within the period for which the licence would be in force, and
 - (ii) a nil percentage in relation to any accounting period so falling.
- (3) When publishing a notice under subsection (1), the Authority—
 - (a) shall publish with the notice general guidance as to requirements to be met by proposals as to the matters referred to in subsection (4)(b)(i) and (ii) and (f), and
 - (b) may publish with the notice such other general guidance as they consider appropriate.
- (4) Any application made in pursuance of a notice under subsection (1) must be in writing and accompanied by—
 - (a) the fee specified in the notice under subsection (1)(g),
 - (b) a technical plan relating to the service which the applicant proposes to provide and indicating—
 - (i) the parts of the area specified under subsection (1)(c) which would be within the coverage area of the service,
 - (ii) the timetable in accordance with which that coverage would be achieved, and
 - (iii) the technical means by which it would be achieved,
 - (c) the applicant’s proposals as to the number of digital sound programme services to be broadcast and as to the characteristics of each of those services,
 - (d) the applicant’s proposals as to the timetable in accordance with which the broadcasting of each of those services would begin,
 - (e) the applicant’s proposals as to the broadcasting of digital additional services,
 - (f) the applicant’s proposals for promoting or assisting the acquisition, by persons in the proposed coverage area of the service, of equipment capable of receiving the service,
 - (g) such information as the Authority may reasonably require as to the applicant’s present financial position and his projected financial position during the period for which the licence would be in force, and
 - (h) such other information as the Authority may reasonably require for the purpose of considering the application.
- (5) In subsection (4)(f) “acquisition” includes acquisition on hire or loan.
- (6) At any time after receiving such an application and before determining it, the Authority may require the applicant to furnish additional information under any of paragraphs (b) to (h) of subsection (4).
- (7) Any information to be furnished to the Authority under this section shall, if they so require, be in such form or verified in such manner as they may specify.
- (8) The Authority shall, as soon as reasonably practicable after the date specified in a notice under subsection (1) as the closing date for applications, publish in such manner as they consider appropriate—
 - (a) the following matters, namely—
 - (i) the name of every person who has made an application to them in pursuance of the notice,

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- (ii) the proposals submitted by him under subsection (4)(c), and
 - (iii) such other information connected with his application as the Authority consider appropriate; and
- (b) a notice—
 - (i) inviting representations to be made to them with respect to any of the applications, and
 - (ii) specifying the manner in which, and the time by which, any such representations are to be so made.

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