



Broadcasting Act 1996

1996 CHAPTER 55

PART II

DIGITAL TERRESTRIAL SOUND BROADCASTING

Radio multiplex services

59 Enforcement of national or local radio multiplex licences.

- (1) If [^{F1}OFCOM] are satisfied that the holder of a radio multiplex licence has failed to comply with any condition of the licence or with any direction given by [^{F1}OFCOM] under or by virtue of any provision of this Part, they may (subject to the following provisions of this section) serve on him—
- (a) a notice requiring him to pay, within a specified period, a specified financial penalty to [^{F1}OFCOM] , or
 - (b) a notice reducing the period for which the licence is to be in force by a specified period not exceeding two years.

- (2) The amount of any financial penalty imposed in pursuance of subsection (1)(a) on the holder of a national radio multiplex licence shall not exceed [^{F2}the maximum penalty given by subsection (2A).]

[^{F3}(2A) The maximum penalty is whichever is the greater of—

- (a) £250,000; and
- (b) 5 per cent. of the aggregate amount of the share of multiplex revenue attributable to him for his last complete accounting period falling within a period for which his licence has been in force (“the relevant period”).

- (2B) In relation to a person whose first complete accounting period falling within the relevant period has not ended when the penalty is imposed, subsection (2A)(b) is to be construed as referring to 5 per cent. of the amount which OFCOM estimate to be the share of multiplex revenue attributable to him for that accounting period.

Status: Point in time view as at 20/07/2004.

Changes to legislation: Broadcasting Act 1996, Section 59 is up to date with all changes known to be in force on or before 29 June 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)

- (2C) Section 57(1) and (3) applies for determining or estimating the share of multiplex revenue attributable to a person for the purposes of subsection (2A) or (2B) above.]
- (4) The amount of any financial penalty imposed in pursuance of subsection (1)(a) on the holder of a local radio multiplex licence shall not exceed [F4£250,000] .
- (5) [F1OFCOM] shall not serve on any person any notice under subsection (1) unless they have given him a reasonable opportunity of making representations to them about the matters complained of.
- (6) Where a licence is due to expire on a particular date by virtue of a notice served on any person under subsection (1)(b), [F1OFCOM] may, on the application of that person, revoke that notice by a further notice served on him at any time before that date, if they are satisfied that, since the date of the earlier notice, his conduct in relation to the operation of the licensed service has been such as to justify the revocation of that notice.
- (7) Where [F1OFCOM] serve a notice on a BBC company under any provision of this section, they shall send a copy of the notice to the Secretary of State.
- (8) Subject to subsection (9), section 111 of the 1990 Act (power to revoke licence granted under Chapter II of Part III of the 1990 Act) shall have effect in relation to a radio multiplex licence as it has effect in relation to a licence under Chapter II of Part III of the 1990 Act.
- (9) In its application in relation to a radio multiplex licence, section 111 of the 1990 Act shall have effect—
- (a) with the substitution in subsection (1)(a) for the reference to Part III of the 1990 Act of a reference to this Part, and
 - (b) with the omission of subsection (4) and the reference to that subsection in subsection (6).

Textual Amendments

- F1** Words in s. 59 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 118](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F2** Words in s. 59(2) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 13 para. 19\(1\)\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F3** S. 59(2A)-(2C) substituted for s. 59(3) (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 13 para. 19\(2\)\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F4** Word in s. 59(4) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 13 para. 19\(3\)\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Modifications etc. (not altering text)

- C1** S. 59(1) modified (20.7.2004) by [The Contracting Out \(Functions relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\), art. 1, Sch. para. 4\(d\)](#) (with art. 5)

Status:

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Changes to legislation:

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