



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES

CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Replacement of Channel 4 licence

231 Replacement of Channel 4 licence

- (1) On the commencement of this subsection—
 - (a) Channel 4 shall cease to be licensed under the licence in force for the purposes of section 24(3) of the 1990 Act immediately before the commencement of this subsection; and
 - (b) a licence granted for those purposes in accordance with the following provisions of this section shall come into force as the licence under which Channel 4 is licensed.
- (2) It shall be the duty of OFCOM, as soon as practicable after the television transfer date—
 - (a) to prepare a draft of a licence under Part 1 of the 1990 Act to replace the licence that is likely to be in force for the purposes of section 24(3) of the 1990 Act when subsection (1) of this section comes into force;
 - (b) to notify C4C of the terms and conditions of the replacement licence they propose; and
 - (c) after considering any representations made by C4C, to grant such a replacement licence to C4C so that it takes effect in accordance with paragraph (b) of subsection (1) of this section.

Status: Point in time view as at 28/12/2004.

Changes to legislation: Communications Act 2003, Cross Heading: Replacement of Channel 4 licence is up to date with all changes known to be in force on or before 24 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)

- (3) A replacement licence proposed or granted under this section—
- (a) must be a licence to provide a service with a view to its being broadcast in digital form; and
 - (b) must contain such conditions (if any) requiring C4C to ensure that the whole or a part of Channel 4 is also provided for broadcasting in analogue form as OFCOM consider appropriate.
- (4) The conditions included in a licence by virtue of subsection (3)(b) must be such as to enable effect to be given to any directions given from time to time by the Secretary of State to OFCOM about the continuance of the provision of services in analogue form.
- (5) Where a replacement licence proposed or granted under this section contains a condition falling within subsection (3)(b), it must also contain a condition that—
- (a) the programmes (apart from the advertisements) that are included in the service provided in analogue form, and
 - (b) the times at which they are broadcast,
- are to be the same as in the case of, or of the specified part of, the service provided for broadcasting in digital form.
- (6) The terms of a replacement licence proposed or granted under this section must provide for it to continue in force until the end of 2014.
- (7) But—
- (a) such a licence may be renewed, on one or more occasions, for such period as OFCOM may think fit in relation to the occasion in question; and
 - (b) the provisions of this section (apart from subsections (1), (2) and (6)) are to apply in the case of a licence granted by way of a renewal of a licence granted under this section as they apply in the case of the replacement licence.
- (8) The conditions of a replacement licence proposed or granted under this section must include the conditions that OFCOM consider appropriate for the purpose of performing their duty under section 263.
- (9) The conditions of such a licence must also include a condition prohibiting the imposition, whether directly or indirectly, of the following—
- (a) charges on persons in respect of their reception in the United Kingdom of Channel 4;
 - (b) charges on persons in respect of their reception in the United Kingdom of any service consisting in the provision of assistance for disabled people in relation to programmes included in Channel 4; and
 - (c) charges on persons in respect of their reception in the United Kingdom of any service (other than one mentioned in paragraph (b)) which is an ancillary service in relation to so much of Channel 4 as is provided in digital form.
- (10) It shall be unlawful to impose a charge in contravention of a condition falling within subsection (9).

Commencement Information

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| I1 | S. 231(1) in force at 28.12.2004 by S.I. 2004/3309 , art. 3 |
| I2 | S. 231(2)(a) (b) (3)-(10) in force at 29.12.2003 by S.I. 2003/3142 , art. 3(1) , Sch. 1 (with art. 11) |
| I3 | S. 231(2)(c) in force at 10.12.2004 by S.I. 2004/3309 , art. 2 |

Status:

Point in time view as at 28/12/2004.

Changes to legislation:

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