



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES

CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

The public teletext service

221 Replacement of existing public teletext provider's licence

- (1) It shall be the duty of OFCOM to make an offer under this section to the person who, when the offer is made, is the holder of the licence to provide the existing service (the "existing licence").
- (2) The offer made to a person under this section—
 - (a) must be an offer to exchange his existing licence for a replacement licence; and
 - (b) must be made as soon as practicable after the television transfer date.
- (3) The replacement licence is to be one which is granted—
 - (a) for the purposes of section 218 of this Act; and
 - (b) in accordance with section 219 of this Act and the provisions of Part 1 of the 1990 Act;but Part 1 of Schedule 10 to this Act is not to apply in the case of the replacement licence.
- (4) Where OFCOM make an offer under this section, the service which they are proposing to license by or under the replacement licence must be a service which comprises both—

Status: Point in time view as at 29/12/2003.

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- (a) a service that appears to OFCOM to be equivalent in all material respects to the existing service; and
 - (b) a service that appears to them to be equivalent in all material respects to the teletext service in digital form which that person is required to provide by virtue of section 30 of the 1996 Act.
- (5) The offer must propose the inclusion in the replacement licence of conditions as to the payment of amounts to OFCOM which require the payment of—
- (a) the same amount in respect of each complete calendar year falling wholly or partly within the period for which the replacement licence is in force, and
 - (b) an amount equal to the same percentage of the qualifying revenue for each accounting period of the licence holder falling within that period,
- as would have been payable under the existing licence had that licence continued in force until the end of the period for which the replacement licence is granted.
- (6) That offer must also propose conditions allowing amounts paid for a period under the existing licence to be set off against liabilities for the same period arising under the replacement licence.
- (7) An offer under this section must set out—
- (a) the terms of the proposed replacement licence;
 - (b) the conditions on which OFCOM are proposing to grant the replacement licence;
 - (c) the period for which the offer is open;
 - (d) the time as from which it is proposed the replacement licence will take effect if the offer is accepted; and
 - (e) the time from which the existing licence will cease to have effect if the offer is not accepted.
- (8) The times set out under subsection (7) must—
- (a) in the case of the time set out under paragraph (d), be in the period of twelve months beginning with the television transfer date; and
 - (b) in the case of the time set out under paragraph (e), be in the period of eighteen months after the end of the period set out under paragraph (c) of that subsection.
- (9) Where the person to whom an offer has been made under this section elects, by notification to OFCOM, to exchange his licence for the replacement licence offered to him—
- (a) he is entitled to be granted the replacement licence in the terms, and on the conditions, set out in the offer; and
 - (b) the replacement licence shall come into force, and the existing licence cease to have effect, at the time specified in the offer, or such later time as OFCOM may, with the consent of that person, direct.
- (10) Where the person to whom an offer has been made under this section—
- (a) does not elect, during the period for which the offer is open, to exchange the existing licence for the replacement licence, or
 - (b) rejects the offer before the end of that period,
- the existing licence shall have effect as if the period for which it is to continue in force ended with the time specified in the offer for the purposes of subsection (7)(e).

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- (11) In this section “the existing service” means the teletext service which—
- (a) is being provided immediately before the television transfer date on the combined spare capacity available for the provision of additional television services on frequencies on which Channel 3 services and Channel 4 are provided; and
 - (b) is the service by reference to which the Independent Television Commission have discharged their duty under section 49(2) of the 1990 Act.
- (12) In this section “qualifying revenue” means the revenue which would be qualifying revenue (within the meaning of section 52 of the 1990 Act) in relation to the holder of a licence to provide the analogue teletext service comprised in the public teletext service.

Commencement Information

II S. 221 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

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