



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES

^{F1}CHAPTER 2

REGULATORY STRUCTURE FOR INDEPENDENT TELEVISION SERVICES

Television licensable content services

233 Services that are not television licensable content services

- (1) A service is not a television licensable content service to the extent that it is provided with a view to its being broadcast by means of a [^{F1}television multiplex service or a general multiplex service] .
- (2) A service is not a television licensable content service to the extent that it consists of a service the provision of which is authorised by—
 - (a) a licence to provide a television broadcasting service;
 - (b) the licence to provide the public teletext service; or
 - (c) a licence to provide additional television services.
- (3) A service is not a television licensable content service to the extent that it is provided by means of an electronic communications service if—
 - (a) it forms part only of a service provided by means of that electronic communications service or is one of a number of services access to which is made available by means of a service so provided; and
 - (b) the service of which it forms part, or by which it may be accessed, is provided for purposes that do not consist wholly or mainly in making available television programmes or radio programmes (or both) for reception by members of the public.

Status: Point in time view as at 25/07/2006. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 233 is up to date with all changes known to be in force on or before 20 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)

- (4) A service is not a television licensable content service if it is a two-way service (within the meaning of section 232).
- (5) A service is not a television licensable content service if—
- (a) it is distributed by means of an electronic communications network only to persons all of whom are on a single set of premises; and
 - (b) that network is wholly within those premises and is not connected to an electronic communications network any part of which is outside those premises.
- (6) For the purposes of subsection (5)—
- (a) a set of premises is a single set of premises if, and only if, the same person is the occupier of all the premises; and
 - (b) two or more vehicles are capable of constituting a single set of premises if, and only if, they are coupled together.
- (7) A service is not a television licensable content service if it is provided for the purpose only of being received by persons who have qualified as users of the service by reason of being—
- (a) persons who have a business interest in the programmes included in the service; or
 - (b) persons who are to receive the programmes for the purpose only of showing them to persons falling within sub-paragraph (a) or to persons all of whom are on the business premises of the person receiving them.
- (8) For the purposes of subsection (7) a person has a business interest in programmes if he has an interest in receiving or watching them—
- (a) for the purposes of a business carried on by him; or
 - (b) for the purposes of his employment.
- (9) In this section—
- “business premises”, in relation to a person, means premises at or from which any business of that person is carried on;
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...
- “premises” includes a vehicle;
- “vehicle” includes a vessel, aircraft or hovercraft.
- (10) References in this section, in relation to a person, to a business include references to—
- (a) any business or other activities carried on by a body of which he is a member and the affairs of which are managed by its members; and
 - (b) the carrying out of any functions conferred on that person, or on any such body, by or under any enactment.

Textual Amendments

- F1** Words in s. 233(1) substituted (25.7.2006) by [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(2)(a)**
- F2** Words in s. 233(9) omitted (25.7.2006) by virtue of [Television Licensable Content Services Order 2006 \(S.I. 2006/2131\)](#), arts. 1(1), **2(2)(b)**

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Commencement Information

II S. 233 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

Status:

Point in time view as at 25/07/2006. This version of this provision has been superseded.

Changes to legislation:

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