



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 4

ENFORCEMENT

Procedures for contraventions

42 Special procedure for contraventions by multiplex licence holders

- (1) OFCOM may impose a penalty on a person if—
 - (a) that person is or has been in contravention in any respect of the terms, provisions or limitations of a general multiplex licence;
 - (b) the contravention relates to terms, provisions or limitations falling within section 9(4)(b) or (c);
 - (c) OFCOM have notified that person that it appears to them that those terms, provisions or limitations have been contravened in that respect; and
 - (d) that contravention is not one in respect of which proceedings for an offence under this Chapter have been brought against that person.
- (2) Where OFCOM impose a penalty on a person under this section, they must—
 - (a) notify that person of that decision and of their reasons for that decision; and
 - (b) in that notification, fix a reasonable period after it is given as the period within which the penalty is to be paid.
- (3) A penalty imposed under this section—
 - (a) must be paid to OFCOM; and
 - (b) if not paid within the period fixed by them, is to be recoverable by them accordingly.

Status: This is the original version (as it was originally enacted).

- (4) No proceedings for an offence under this Chapter may be commenced against a person in respect of a contravention in respect of which a penalty has been imposed by OFCOM under this section.
- (5) A licence is a general multiplex licence, in relation to the time of a contravention, if—
- (a) it is a wireless telegraphy licence containing terms, provisions or limitations as a result of which the services for the purposes of which the use of the licensed station or apparatus is authorised are confined to, or are allowed to include, one or more multiplex services; and
 - (b) at that time, there is no licence under Part 1 or 2 of the Broadcasting Act 1996 (c. 55) in force in respect of a multiplex service to be broadcast using that station or apparatus.
- (6) “Multiplex service” means—
- (a) a service for broadcasting for general reception consisting in the packaging together of two or more services that are provided for inclusion together in that service by a combination of the relevant information in digital form; or
 - (b) a service provided with a view to its being a service falling within paragraph (a) but in the case of which only one service is for the time being comprised in digital form in what is provided.