



# Broadcasting (Radio Multiplex Services) Act 2017

## 2017 CHAPTER 12

Make provision about the regulation of small-scale radio multiplex services; and for connected purposes. [27th April 2017]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Small-scale radio multiplex services

After section 258 of the Communications Act 2003 insert—

#### “258A Small-scale radio multiplex services

- (1) The Secretary of State may by order make provision about radio multiplex services that are provided for particular areas or localities in the United Kingdom and are of a description specified by the order (“small-scale radio multiplex services”).
- (2) An order under this section describing a small-scale radio multiplex service may make provision by reference to the size of the area or locality in relation to which such a service may be provided.
- (3) An order under this section may provide for—
  - (a) any provision of Part 2 of the 1996 Act, and
  - (b) any provision of this Part (apart from this section and the provisions relating exclusively to sound broadcasting services or television services),

to have effect in relation to small-scale radio multiplex services with such modifications as the Secretary of State considers appropriate.

- (4) An order under this section may in particular—
- (a) provide for the duration of a small-scale radio multiplex licence to be determined by OFCOM, within limits specified in the order;
  - (b) make provision as to eligibility to hold a small-scale radio multiplex licence, including provision disqualifying persons who have an interest in a national or local radio multiplex service;
  - (c) require small-scale radio multiplex services to be provided on a non-commercial basis;
  - (d) provide for OFCOM to have regard to the effect of awarding a small-scale radio multiplex licence on holders of local radio multiplex licences;
  - (e) provide for capacity on a small-scale radio multiplex service to be reserved for broadcasting services of a description set out in an order under section 262;
  - (f) make provision about the amount of capacity that may be so reserved;
  - (g) make provision about the services broadcast by means of a small-scale radio multiplex service, including provision about broadcasting services licensed by local digital sound programme licences or services of a description set out in an order under section 262.
- (5) The power, by order under this section, to make different provision for different cases includes power to make different provision depending on—
- (a) whether or not, at a particular time, an area or locality is to a significant extent within the coverage area of one or more local radio multiplex services, and
  - (b) the size of the coverage area of that local radio multiplex service or those local radio multiplex services.
- (6) The power, by order under this section, to make incidental, supplemental or consequential provision includes power to make incidental, supplemental or consequential provision modifying provisions of the 1996 Act or this Act not mentioned in subsection (3).
- (7) In this section “small-scale radio multiplex licence” means a licence to provide a small-scale radio multiplex service.
- (8) No order is to be made containing provision authorised by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.”

## **2 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The power under section 411(6) of the Communications Act 2003 may be exercised so as to extend to any of the Channel Islands or the Isle of Man any amendment made by this Act of any part of that Act (with or without modifications).
- (3) This Act, apart from this section, comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) This section comes into force on the day on which this Act is passed.

(5) This Act may be cited as the Broadcasting (Radio Multiplex Services) Act 2017.