
STATUTORY INSTRUMENTS

2003 No. 3299

**The Media Ownership (Local Radio and
Appointed News Provider) Order 2003**

Part 3

Requirements Applying to Local Digital Sound Programme Services

Local digital sound programme services

11.—(1) A person (“the relevant person”) who provides local digital sound programme services under the authority of a local digital sound programme licence may not provide a further such service (“the further service”) in any case where, if he did so, there would be a contravention of paragraph (2) at the time immediately after he began providing the further service.

(2) This paragraph is contravened if—

- (a) the relevant person is already providing the threshold number, or more than that number, of local digital sound programme services; and
- (b) the number of points attributable (according to Table 1 below) to local digital sound programme services provided by the relevant person in the market area of the relevant multiplex service represents more than 55 per cent. of the total number of points attributable (according to Table 2) to all local digital sound programme services provided in that market area, whether by the relevant person or by any other person.

(3) For the purposes of paragraph (2), the threshold number of local digital sound programme services is four such services, comprising significant services or intermittent services (or any combination of significant services and intermittent services) that are included—

- (a) in the relevant multiplex service; or
- (b) in any other local radio multiplex service which overlaps with the relevant multiplex service, or in any two or more local radio multiplex services which so overlap, taking the number of significant or intermittent services in those multiplex services together; or
- (c) in the relevant multiplex service and in one or more other local radio multiplex services such as are mentioned in sub-paragraph (b), taking the number of significant or intermittent services in those multiplex services together;

and for the purposes of this paragraph, two local radio multiplex services overlap if (but only if) the potential audience of either of those services includes 50 per cent. or more of the potential audience of the other service.

(4) Subject to paragraph (5), in this article, “the relevant multiplex service” means the local radio multiplex service in which the further service is or is proposed to be included.

(5) In the case of a local radio multiplex service by means of different parts of which different selections of local digital sound programme services are made available for reception in different areas, any reference, in relation to a local digital sound programme service, to a local radio multiplex service is a reference to that part of that multiplex service in which that programme service is or is

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proposed to be included; and references to the market area, the potential audience and the protected area of such a multiplex service shall be construed accordingly.

(6) For the purposes of this article, a local digital sound programme service is provided in the market area of the relevant multiplex service if its provision is, or is to be, by means of its inclusion in that multiplex service or in any other local radio multiplex service the potential audience of which includes at least 5 per cent. of the potential audience of the relevant multiplex service.

(7) The Tables referred to in paragraph (2)(b) are as follows, and the number of points attributable to services provided by the relevant person shall be calculated according to Table 1, and the total number of points attributable to all local digital sound programme services provided in the market area of the relevant multiplex, whether by the relevant person or by any other person, shall be calculated according to Table 2, where the number of points attributable to each service of a description mentioned in an entry in the first column of a Table is the number of points shown in the corresponding entry in the second or third column (as the case may require) of that Table.

Table 1

Number of points attributable to services provided by the relevant person

<i>Description of service</i>	<i>Significant services</i>	<i>Intermittent services</i>
The further service	4	4
For each local digital sound programme service included in the relevant multiplex service	4	4
For each such service included in any other local radio multiplex service whose potential audience includes 75 per cent. or more of the potential audience of the relevant multiplex service	4	4
For each such service included in any other local radio multiplex service whose potential audience includes at least 25 per cent., but less than 75 per cent., of the potential audience of the relevant multiplex service	2	2
For each such service included in any other local radio multiplex service whose potential audience includes at least 5 per cent., but less than 25 per cent., of the potential audience of the relevant multiplex service	1	1

Table 2

Number of points attributable to services whether provided by the relevant person or by any other person

<i>Description of service</i>	<i>Significant services</i>	<i>Intermittent services</i>
The further service	4	0
For each local digital sound programme service included in the relevant multiplex service	4	0
For each such service included in any other local radio multiplex service whose potential audience includes 75 per cent. or more of the potential audience of the relevant multiplex service	4	0
For each such service included in any other local radio multiplex service whose potential audience includes at least 25 per cent., but less than 75 per cent., of the potential audience of the relevant multiplex service	2	0
For each such service included in any other local radio multiplex service whose potential audience includes at least 5 per cent., but less than 25 per cent., of the potential audience of the relevant multiplex service	1	0

(8) In this article, “significant service” and “intermittent service” mean, respectively, a local digital sound programme service determined by OFCOM to be a significant service or an intermittent service, in accordance with article 12.