
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

“Significant” and “intermittent” services

12.—(1) For the purposes of applying article 11, OFCOM shall determine, in the case of every local digital sound programme service falling to be considered for those purposes, whether that service is a “significant service”, or is an “intermittent service”, or is neither a significant service nor an intermittent service; and any such determination shall be made in accordance with the following provisions of this article.

(2) OFCOM—

- (a) shall determine a local digital sound programme service to be a significant service if it appears to them to be broadcast for at least 126 hours every week over a period of at least three months, or to be proposed to be so broadcast; and
- (b) may determine a local digital sound programme service to be a significant service if it appears to them to be broadcast for more than 100 hours every week over a period of at least three months, or to be proposed to be so broadcast.

(3) OFCOM—

- (a) shall determine a local digital sound programme service to be an intermittent service if it does not appear to them to be a significant service, but appears to them to be broadcast for more than 72 hours in any period of three months, or to be proposed to be so broadcast; and
- (b) may determine a service to be an intermittent service if it does not appear to them to be a significant service, but appears to them to be broadcast for more than 50 hours in any period of three months, or to be proposed to be so broadcast.

(4) As soon as reasonably practicable after making a determination under this article in the case of any local digital sound programme service, OFCOM must notify⁽¹⁾ the person who holds the local digital sound programme licence under which that service is or is to be provided of their determination.

(1) Section 394 of the 2003 Act (service of notifications and other documents) applies where provision made (in whatever terms) under that Act requires a notification to be given to any person.