

**BIS**

Department for Business  
Innovation & Skills

**COMMUNICATIONS ACT 2003**

Fifth Report on the  
Secretary of State's  
functions by the Secretary  
of State for Business,  
Innovation and Skills and  
the Secretary of State for  
Culture, Media and Sport

HC 911 JULY 2009



**COMMUNICATIONS ACT 2003**

Fifth Report on the  
Secretary of State's  
functions by the Secretary  
of State for Business,  
Innovation and Skills and the  
Secretary of State for Culture,  
Media and Sport

For the period from 29 December 2007 to 28 December 2008

Presented pursuant to section 390 of the Communications Act 2003

Ordered by the House of Commons to be printed 15 July 2009

HC 911 LONDON : THE STATIONERY OFFICE £7.95

© Crown Copyright 2009

The text in this document (excluding the Royal Arms and other departmental or agency logos) may be reproduced free of charge in any format or medium providing it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

For any other use of this material please write to Office of Public Sector Information, Information Policy Team, Kew, Richmond, Surrey TW9 4DU or e-mail: [licensing@opsi.gov.uk](mailto:licensing@opsi.gov.uk)

ISBN: 978 0 10 296133 1

# COMMUNICATIONS ACT 2003

Report by the Secretary of State for Business, Innovation and Skills and the Secretary of State for Culture, Media and Sport

## Introduction

1. Section 390 of the Communications Act 2003 requires the Secretary of State to prepare and lay before Parliament reports about the performance of the Secretary of State's functions under the following legislation:

The Communications Act 2003;  
The Wireless Telegraphy Act 2006;  
The Office of Communications Act 2002; and  
The Broadcasting Acts 1990 and 1996.

2. The First Report (HC 325 July) covered the period from 19 March 2002 to 28 December 2004. Every subsequent report to the first report must relate to the period of twelve months beginning with the end of the period to which the previous report related. This report (the "Fifth Report") covers the period from 29 December 2007 to 28 December 2008.

### Previous Reports

First Report	July 2005	HC 325
Second Report	July 2006	HC 1445
Third Report	July 2007	HC 594
Fourth Report	October 2008	HC 1037

COMMUNICATIONS ACT 2003: Fifth Report by the Secretary of State for Business, Innovation and Skills  
and the Secretary of State for Culture, Media and Sport

Power	Date (made, where reference to an enactment)	Measure	Reference	Description
Sections 365(1) and (4) and 402 of the Communications Act 2003	06.03.08	Communications (Television Licensing) (Amendment) Regulations 2008	SI 2008/643	The Regulations make a number of amendments relating to licence fee increases, in relation to (a) black and white licences, (b) premium instalment licences, (c) budget instalment and easy entrance licences, (d) interim TV licences, and (e) consequent upon (a) TV licences for hotels, hospitality areas and mobile units.
Section 206(2) of the Communications Act	11.03.08	S4C (Investment Activities) Approval Order 2008	SI 2008/693	The Order approves the carrying out by the Welsh Authority of certain investment activities in accordance with section 206(1) of the Communications Act 2003.

<b>Power</b>	<b>Date (made, where reference to an enactment)</b>	<b>Measure</b>	<b>Reference</b>	<b>Description</b>
Sections 243(1) and (3) and 402(3) of the Communications Act 2003	09.06.08	Television Multiplex Services (Reservation of Digital Capacity) Order 2008	SI 2008/1420	The Order, in connection with the re-organisation of digital broadcasting services on three of six multiplexes, requires OFCOM to (a) conduct a competition amongst relevant public service broadcasters for the right to broadcast on Multiplex B, (b) reserve capacity on Multiplex B for the broadcasting of programmes by the winner of (a) whilst retaining capacity for a BBC service, and (c) reserve capacity on Multiplexes 2 and A for the services displaced from Multiplex B.
Section 32(1) of the Broadcasting Act 1996	09.06.08	Multiplex Licence (Broadcasting of Programmes In Gaelic) Order 2008	SI 2008/1421	The Order makes new provision to continue existing arrangements for the broadcasting of programmes in Gaelic necessitated by the reorganisation of Multiplex capacity as a result of the Television Multiplex Services (Reservation of Digital Capacity) Order 2008.

Printed in the UK by The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office  
ID6179742 07/09 430942 19585

Printed on Paper containing 75% recycled fibre content minimum.



Published by TSO (The Stationery Office) and available from:

**Online**

[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone Fax & E-Mail**

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries 0870 600 5522

Order through the Parliamentary Hotline Lo-Call 0845 7 023474

Fax orders: 0870 600 5533

E-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)

Textphone: 0870 240 3701

**The Parliamentary Bookshop**

12 Bridge Street, Parliament Square,  
London SW1A 2JX

Telephone orders/ General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: [bookshop@parliament.uk](mailto:bookshop@parliament.uk)

Internet: <http://www.bookshop.parliament.uk>

**TSO@Blackwell and other Accredited Agents**

**Customers can also order publications from**

TSO Ireland

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

