

Wireless Telegraphy Act 2006

Licence for the transmission of digital terrestrial television multiplex service

Date of Issue	17 December 2010
Licensee	Digital 3 and 4 Limited
Company number (if a company)	03293927
Registered address of Licensee	124 Horseferry Road, London SW1P 2TX
Licence number	WT MUX 2
Name, address and telephone number of person having authority to close down station if necessary	Mike Hughes, Project Director, Digital 3 and 4 Limited, Unit 5, 56 Norwich Road, Wymondham, Norfolk NR18 ONT
	Contact Phone number 01953 608040
Commencement date	20 December 2010
Termination date	19 December 2022
Relevant Broadcasting Act 1996 licence reference	Multiplex 2, issued to Digital 3 and 4 Limited under the Broadcasting Act 1996 and dated 19 December 1998, and renewed on 3 June 2009
Fee payment date	Anniversary of the Commencement date

Signed for and on behalf of Ofcom by

Kathleen Stewart
Manager, Television Broadcast Licensing

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1. General terms

This Licence is granted under section 8(1) of the Wireless Telegraphy Act 2006 (the “Act”) by the Office of Communications (“Ofcom”) and authorises the Licensee to establish, install and use the radio transmitting stations and/or radio apparatus described in the Schedule(s) (hereinafter together called the “Radio Equipment”) subject to the terms set out below and in the Schedule(s).

This Licence is issued to the Licensee for transmission of the digital terrestrial television multiplex service authorised by the relevant Broadcasting Act 1996 licence (“Multiplex A”).

2. Licence term

This Licence shall enter into force on the Commencement Date and, subject to earlier revocation by Ofcom in accordance with Condition 3 below, shall continue in force only until the earlier of:

- (a) the Termination Date;
- (b) the termination, however caused, of the Relevant Broadcasting Act 1996 licence; or
- (c) the surrender of this Licence by the Licensee.

3. Licence variation and revocation

Pursuant to section 10 and Schedule 1 paragraph 8 of the Act, Ofcom may not revoke this Licence before the Termination Date above under section 10 and Schedule 1 paragraph 6 of the Act except:

- (a) at the request of, or with the consent of, the Licensee;
- (b) in accordance with Condition 5;
- (c) if there has been a breach of any of the conditions of this Licence;
- (d) in accordance with Schedule 1 paragraph 8(5) of the Act;
- (e) in accordance with section 241(7) of the Communications Act 2003;
- (f) if it appears to Ofcom to be necessary or expedient to revoke this Licence for the purposes of complying with a direction by the Secretary of State given to Ofcom under section 5 of the Act or under section 5 of the Communications Act 2003;
- (g) for reasons related to the management of the radio spectrum, provided that in such case the power to revoke may only be exercised after five (5) year’s notice is given in writing to the Licensee.

Where Ofcom exercise their power to revoke or vary the Licence, in accordance with Schedule 1 paragraph 6 of the Act, the Licensee shall be notified in writing or by a general notice.

4. Changes

This Licence may not be transferred.

The Licensee must give prior or immediate notice to Ofcom of any change of the Licensee's name or address.

5. Fees

The Licensee shall pay to Ofcom the relevant sums as provided in section 12 of the Act and the regulations made thereunder:

- (a) on or before the date of issue of the Licence; and
- (b) on or before the payment date indicated in the table on the first page of this Licence for subsequent payments or such other date or dates as shall be notified in writing to the Licensee,

in accordance with those regulations and any relevant terms, provisions and limitations of the Licence, failing which Ofcom may revoke this Licence.

6. Radio equipment use

The Licensee shall use the Radio Equipment for the purpose of providing the digital terrestrial television multiplex service authorised by the Relevant Broadcasting Act 1996 licence.

The Licensee must ensure that the Radio Equipment relevant to the Licence is constructed, established, installed and used only in accordance with the provisions specified in Schedule(s) to the Licence.

Any proposal to amend any detail specified in the Schedule(s) must be agreed with Ofcom in advance and implemented only after the Licence has been varied or reissued accordingly.

The Licensee must ensure that the Radio Equipment is used only by persons who have been authorised by the Licensee to do so, and that such persons are made aware of, and of the requirement to comply with, the terms of the Licence.

7. Transitional arrangements related to the Digital Switchover Process

During the Transitional Period Ofcom may, for purposes related to the Digital Switchover Process, notify the Licensee of temporary changes to the provisions specified in the Schedule.

The Licensee must immediately comply with any such notice and operate the Radio Equipment in accordance with such notice for the time period required by the notice.

If Ofcom agrees to changes for transitional arrangements for Digital Switchover under the Relevant Broadcasting Act 1996 licence, the Licensee must comply with such changes under this Licence.

8. Access and inspection

The Licensee shall permit any person authorised by Ofcom:

- (a) to have access to the Radio Equipment; and
- (b) to inspect this Licence and the Radio Equipment at any and all reasonable times or, when in the opinion of that person an urgent situation exists, at any time, to ensure the Radio Equipment is being used in accordance with the terms of this Licence.

9. Modification, restriction and closedown

A person authorised by Ofcom may require the Radio Equipment, or any part thereof, to be modified or restricted in use, or temporarily or permanently closed down immediately if in the opinion of the person authorised by Ofcom:

- (a) a breach of the Licence has occurred; and/or
- (b) the use of the Radio Equipment is causing or contributing to Undue Interference to the authorised use of other radio equipment.

Ofcom may also require the Radio Equipment to be modified or restricted in use, or temporarily closed down either immediately or on the expiry of such period as may be specified in the event of a national or local state of emergency being declared. Ofcom may only exercise this power after a written notice is served on the Licensee or a general notice applicable to holders of a named class of Licence is published.

10. Technical requirements

Subject to the requirements of any notice given by Ofcom under Condition 9 of this Licence, the Licensee shall comply with the UK Radio Interface Requirements notified under Directive 1998/34/EEC.

11. Interpretation

In this Licence (including the Schedule(s));

- (a) the establishment, installation and use of the Radio Equipment shall be interpreted as establishment and use of stations and installation and use of apparatus for wireless telegraphy as specified in section 8(1) of the Wireless Telegraphy Act 2006;
- (b) the term “Undue Interference” shall have the meaning given by Section 115 of the Wireless Telegraphy Act 2006;
- (c) the expression “inspect” includes examine and test;
- (d) the term “Relevant Broadcasting Act 1996 licence” means the licence granted by Ofcom under Part I of the Broadcasting Act 1996 to the Licensee with the reference number indicated in table on page 1 of this Licence;
- (e) the “Commencement Date” means the date indicated in the table on the first page of this Licence;
- (f) “Digital Switchover” means the cessation of broadcasting to any significant extent in analogue form of the television services as listed in Section 264(11) of the Communications Act 2003 and the “Digital Switchover Process” is the region by region sequence to achieve Digital Switchover set

out in Parts 9, 10 and 11 of the Annex to the relevant Broadcasting Act 1996 licence.

- (g) the "Termination Date" means the date indicated in the table on the first page of this Licence;
- (h) The "Transitional Period" means any period from the Commencement Date to the Digital Switchover Date set out in the relevant Broadcasting Act 1996 Licence.

The Schedule(s) to this Licence shall form part of this Licence together with any subsequent variations to this Licence and the Schedule(s).

The Interpretation Act 1978 shall apply to the Licence as it applies to an Act of Parliament.

Schedule

1. The Radio Equipment

The transmitting radio apparatus which is authorised by this Licence is the station at the site described in the column headed "Station Name" at the location specified in the column headed "Grid Reference" in the Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences (the "Radio Equipment").

2. Purpose of Use

The Licensee shall use the Radio Equipment for the purpose of providing the Multiplex 2 digital terrestrial television multiplex service.

3. Technical Requirements

The Licensee shall comply with the following technical requirements:

- (a) The Radio Equipment may only be used for wireless telegraphy on the frequency set out in column headed "UHF Channel" in the Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences.
- (b) The radiating elements of the aerial used in connection with the Radio Equipment shall be at the height specified in the column headed "Aerial Height" in the Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences.
- (c) The maximum permitted radiated power shall not exceed that specified in the column headed "Power" in the Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences.

Licensees are also expected to comply in full with the requirements in the Relevant Broadcasting Act 1996 licence which also requires compliance with the Code of Practice on Changes to Existing Transmission and Reception Arrangements, the Guidance Note on Test Transmissions and the Television Technical Performance Code.

4. Date of Authorisation

The Radio Equipment is authorised with effect from the Relevant Digital Switchover Date.