

BROADCASTING ACT 1996 (AS AMENDED BY THE COMMUNICATIONS ACT 2003)

NOTICE OF VARIATION

VARIATION NUMBER 24 DATED 27 NOVEMBER 2015

TO LICENCE GRANTED TO DIGITAL 3 AND 4 LIMITED (“THE LICENSEE”) TO PROVIDE A MULTIPLEX SERVICE UNDER PART 1 OF THE BROADCASTING ACT 1996 (AS AMENDED) DATED 13 NOVEMBER 1998 AND RENEWED 03 JUNE 2009 AS VARIED BY VARIATION NUMBERS 1 AND 2 DATED 13 NOVEMBER 1998, VARIATION NUMBER 3 DATED 4 DECEMBER 1998, VARIATION NUMBER 4 DATED 3 FEBRUARY 2003, VARIATION NUMBER 5 DATED 8 MAY 2003, VARIATION NUMBER 6 DATED 17 DECEMBER 2003, VARIATION NUMBER 7 DATED 9 NOVEMBER 2004, VARIATION NUMBER 8 DATED 2 JUNE 2006, VARIATION NUMBER 9 DATED 19 FEBRUARY 2007, VARIATION NUMBER 10 DATED 6 JULY 2007, VARIATION NUMBER 11 DATED JULY 2007, VARIATION NUMBER 12 DATED 20 MARCH 2009, VARIATION 13 DATED 02 JUNE 2009, VARIATION NUMBER 14 DATED 05 AUGUST 2009, VARIATION NUMBER 15 DATED 5 AUGUST 2009, VARIATION NUMBER 16 DATED 9 SEPTEMBER, VARIATION NUMBER 17 DATED 20 OCTOBER 2009, VARIATION NUMBER 18 DATED 22 FEBRUARY 2010, VARIATION NUMBER 19 DATED 29 MARCH 2010, VARIATION NUMBER 20 DATED 6 AUGUST 2010, VARIATION NUMBER 21 DATED 15 SEPTEMBER 2010, VARIATION NUMBER 22 DATED 21 JANUARY 2011 AND VARIATION NUMBER 23 DATED 28 OCTOBER 2011 (“THE LICENCE”).

WHEREAS

- A. On 28 May 2014, Ofcom published a consultation document entitled “Consultation on future use of the 700 MHz band - Cost-benefit analysis of changing its use to mobile services”, setting out proposals to to make spectrum in the frequencies between 694MHz – 790MHz (the 700 MHz band) available for mobile data use and our assessment of the costs and benefits of doing so.
- B. On 19 November 2014 Ofcom published a statement called “Decision to make the 700MHz band available for mobile data” containing a spectrum management decision to make spectrum in the 700 MHz band available for mobile data use.
- C. In order to make the 700MHz band available for mobile data use, existing authorised users of digital terrestrial television, including the Licensee, will have to be cleared from the 700MHz band.
- D. Ofcom has therefore decided that it is appropriate to amend the Licence in order to facilitate delivery of the 700MHz DTT Clearance Programme, and is now varying the Licence in order to do so.

- E. Ofcom has also decided it is appropriate to take this opportunity to consolidate previous variations that have been made to the Index, Parts 1 to 4 of the Schedule and the Annex to the Licence since the last consolidation in August 2010. Ofcom has also decided it is appropriate to make minor non-clearance related updates to the licence such as the removal of out of date text. Some minor typographical errors in the Licence have also been corrected.
- F. In accordance with section 3(4) of the Broadcasting Act 1996, the Licensee has been given a reasonable opportunity to make representations on the proposed variation.

NOW THEREFORE the Licence shall be varied in the following manner:

1. By removing the Index, Parts 1 to 4 of the Schedule and the Annex to the Licence and replacing them with the Index and Parts 1 to 4 of the Schedule and the Annex attached to this variation.

Unless otherwise stated, this variation to the Licence shall come into force on the execution of the variation by Ofcom.

This document shall be construed as if it formed part of the Licence and shall be governed by English law.

SIGNED FOR OFCOM ON 27 NOVEMBER 2015



Kathleen Stewart
Manager, Television Broadcast Licensing