

# Restricted Television Service Licence for an Event (RTSL-E)

Short Term Terrestrial TV Licence for Events

**Guidance notes for licence applicants**

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# Introduction

1. These guidance notes are for the general guidance of applicants for Restricted Television Service Event (RTSL-E) licences who wish to provide television coverage of a specific event at that location.
2. The guidance notes provide an overview of the licensing process, the licensing requirements and the conditions that licensees are subject to, but do not purport to explain all the relevant provisions of the legislation, or give an exhaustive account of the licensing requirements or licence conditions. Applicants should seek their own legal advice for this purpose. The guidance notes cannot be taken as modifying the effect of the statutes or the conditions of the licence.
3. Ofcom is authorised to issue RTSL-Es under the Broadcasting Act 1990 as amended by the Broadcasting Act 1996 and the Communications Act 2003 (“the Broadcasting Act”). Ofcom has monitored the development of restricted television event services and in light of experience has from time to time revised its guidance notes for this type of service.
4. **Should your application be successful, Ofcom will issue two licences; a Broadcasting Act licence for the content of your service and a WT Act licence for the use of the frequency channel.**
5. The guidance notes, the application form, the standard form RTSL-E Broadcasting Act licence and the standard form RTSL-E Wireless Telegraphy Act (transmission) licence and further information about the range of television services that Ofcom licenses can be found on the Ofcom website, [www.ofcom.org.uk](http://www.ofcom.org.uk), under Ofcom Licensing / Television Broadcast Licensing.
6. You can contact the Ofcom Television Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)). Please note, however, that application forms must be submitted in hard copy to:

Ofcom  
Broadcast Licensing  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

## General disclaimer

7. Information is supplied on a wide range of matters in this document, many of which depend on interpretation of the law. The information provided is not an exhaustive account of the statutory and licensing requirements and should not be regarded as a complete and authoritative statement of the law. Nor does any information issued by Ofcom, whether in guidance notes or elsewhere, imply any judgement by Ofcom as to commercial prospects for the licences, or that licensed services will be profitable.
8. Persons to whom these guidance notes are made available must make their own independent assessment after taking their own professional advice and making such further investigations as they deem necessary on all relevant matters. Ofcom makes no representation or warranty, express or implied, with respect to information contained in these guidance notes (together with the standard form licence and other documents referred to in this document) or with respect to any written or oral information made or

to be made available to any potential applicant or its professional advisers. Any liability therefore is expressly disclaimed.

9. It should be noted that applications are invited on the basis of the information set out in these guidance notes. The award of a licence shall not imply any warranty on the part of Ofcom as to the size or location of the area actually capable of receiving the licensed service.
10. Applicants should note that the issuing of a RTSL-E transmission licence does not imply a right beyond the term of the licence to continued use of the frequency for the provision of local television or specific event restricted television services.
11. When considering an application for a RTSL-E service, we will consider all relevant issues including the compliance record of the applicant as a previous licensee.
12. All applications will be considered on their merits.
13. Applicants should be aware that certain key features of the licensing process, such as fees, sanctions procedures and the drafting of the relevant content codes, may change in the future as a result of consultation.
14. Ofcom reserves the right to alter or correct any part of this document.

## Statutory basis of licensing

15. The licensing of local television services and services for providing coverage of specific events was introduced under the title Restricted Services by Government legislation in 1996. Services provided under a short term restricted television licence are services consisting of the broadcasting of television programmes for a particular establishment or other defined location, or a particular event, in the United Kingdom.
16. Both a Broadcasting Act licence and a Wireless Telegraphy Act licence are required in order to broadcast a restricted television service. Broadcasting Act restricted television service licences are granted under the terms of Part I of the 1990 Act, as amended by the 1996 Act and the Communications Act. Television programmes, in this context, means the broadcast of pictures and/or text, with or without sound. Wireless Telegraphy Act restricted television service transmission licences are granted under terms of Wireless Telegraphy Act 2006 (“the WT Act”). Under Section 8 of the WT Act it is an offence to install or use wireless telegraphy apparatus except in accordance with a wireless telegraphy licence issued by Ofcom. It is illegal to broadcast restricted television services without both a Broadcasting Act licence and a WT Act licence from Ofcom.
17. The WT Act licences issued for the transmission of local television services (whether on an already cleared frequency channel or for the purpose of a relay) will be Restricted Television Service Licences (RTSL-L) for a defined location, while the licences issued for the provision of television services to a specific event will be Restricted Television Service Transmission Licences for a particular event (RTSL-E) As stated by Ofcom in December 2007 Ofcom does not intend for the time being to grant any further RTSL-Ls. Please see <http://www.ofcom.org.uk/tv/ifi/tvlicensing/rtsl/> for further information. Applicants who intend to broadcast for a defined location, should apply for a local television licence, details of which can be found <http://licensing.ofcom.org.uk/tv-broadcast-licences/local/>

# The licensing process

## Submitting a valid application

18. The application form for RTSL-Es can be found on the Ofcom website, <http://licensing.ofcom.org.uk/tv-broadcast-licences/rtsl-e/>. Applications can only be made using this form. Applicants should ensure that they always refer to the most recent edition of the guidance notes and application form when submitting their application.
19. We will assess applications to determine whether or not the applicant meets the criteria for holding both a RTSL-E Broadcasting Act licence and a RTSL-E Wireless Telegraphy Act licence, both of which are required to provide television coverage of a specific event in a particular location.
20. Applications will be processed as and when they are submitted by the applicant broadcaster (which may be the event organiser or a third party). Examples of specific events are; arts festivals, sports, meetings, conventions and educational training courses.
21. Ofcom will regard the submission of an application as an indication of an applicant's willingness to accept, if offered, the Broadcasting Act and WT Act licences subject to the conditions indicated.
22. We encourage applicants to download the editable version of the application form from our website and fill it in on their computer. Ofcom will accept handwritten application forms, but they must be filled in using block capitals and black ink. We will not accept illegible application forms.
23. You should fill in all sections of the application form. If a section is not applicable to your application, you should indicate that you consider this is the case. The declaration in section 5 of the application form must be signed and dated, and the form submitted in hard copy to:  
  
Ofcom  
Broadcast Licensing  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA
24. The application form must be accompanied by a copy of the Memorandum and Articles of Association (or, if a body corporate without such, the nearest equivalent along with a translation, if it is not in English), together with copies of any resolution amending or updating them and a copy of the last Annual Return (or if the entity is recently established such that it has not yet been required to make that return, a copy of all filings made to Companies House since incorporation) and Accounts of the applicant; along with the relevant fee.
25. We will normally acknowledge your application within two working days. If an application cannot be considered (for example, because it is illegible, the appropriate fee has not been submitted, the applicant has used the wrong form etc.) we will normally return the application form to the applicant.
26. The transmission of a RTSL-E service is defined by the available frequency and the planning constraints which apply to its use, and not by any specific maximum radius or

geographical coverage. Applicants should note that where an application is submitted for an already cleared frequency channel, applicants must conform to the existing technical specification.

27. We will not normally grant more than one RTSL-E licence (together with the associated RTSL-E transmission licence) for coverage of an event.
28. It is important that if an applicant wishes to broadcast coverage of an event, they obtain the written permission of the event organiser. If two or more applications are received with the backing of the event organiser, the event organiser will be invited to nominate one applicant to run the service.
29. In other circumstances, for instance applications to broadcast for an event that does not have an easily-identifiable organiser (e.g. a religious event), we will normally grant a licence to the applicant whose application we receive first (as long as it is received no more than twelve months prior to the proposed start date, and subject to satisfying the conditions in these notes, and to frequency availability). However, for events for which more than one application is received on the same day, for broadcasting in the same place and at the same time, Ofcom will decide between applications by means of a draw.
30. To be eligible to be entered into a draw, each application needs to be complete and the applicant's regulatory record will be taken into consideration (e.g. if an applicant has been found in breach of their licence conditions in a previous broadcast, their new application may be rejected if another has been received for the same dates and location on this occasion).
31. Multiple applications for a licence to cover a particular event from a single group, including applications submitted under different names but where each named person is connected to the others, will not be accepted.
32. The draw may be held in public, in which case Ofcom will invite applicants to attend and witness it.
33. If an applicant is entered into the draw and not successful, the application fee will NOT be refunded.
34. Ofcom reserves the right to vary these rules if justified by particular circumstances.

## **Timescales**

35. As a guideline, our aim is to issue the RTSL-E Broadcasting Act & WT Act licences within 25 working days. There is no guarantee it will be done within this timeframe. Applications are assessed on a first come first service basis, and during peak periods it may take longer. This timeframe assumes that full and accurate information has been provided by the applicant in the application form and accompanying documentation and that the application is for a pre-cleared frequency channel. Applications will not be assessed until all the requested information has been submitted.
36. For applications that are not for a pre-cleared frequency channel, a detailed assessment of frequency availability will need to be carried out, and in some cases international frequency co-ordination may be required. If necessary, this process can be expected to take at least 14 weeks.
37. Applicants with religious objects are advised to allow approximately eight weeks for their application to be considered by Ofcom in the light of the Guidance for religious bodies applying for a Broadcasting Act licence (<http://licensing.ofcom.org.uk/tv->



broadcast-licences/other-issues/religious-guidance). See also paragraph 54 below. Applicants should be aware that Ofcom is under a duty to ensure that it does not license bodies with objects which are of a wholly or mainly of a political nature, and will consider applications carefully in the light of its duties. Applications where questions arise in relation to this issue may take a number of months to consider.

38. Licence applications are considered as and when they are received.
39. Ofcom may refuse to issue a RTSL-E Broadcasting Act licence if the applicant is not a “fit and proper person”, if the applicant is a disqualified person or if the proposed service would be likely to involve contraventions of the standards for programmes and advertising (see below).
40. In cases where Ofcom has instigated sanction procedures against an existing licensee, we will not generally consider any applications for new licences by the same licensee or by a person/body connected to that licensee until such time as the sanction procedures against the existing connected licensee are concluded. This means any sanction imposed must be satisfied (e.g. in the case of a fine, full payment of the fine must have been made) before any new application by that licensee or by a person/body connected to that licensee can be considered
41. To be able fully to consider an application, we may need to request further information or clarification from the applicant. If we don’t receive a response to a request for further information within one month, the application will be considered to have lapsed.

## Fees

42. Applications for a RTSL-E service must be accompanied by a cheque for the sum of £250 (the Broadcasting Act licence application fee).
43. Application fees are non-refundable.
44. Two licence fees will become payable once the RTSL-E Broadcasting Act and WT Act licences have been granted. These comprise the following:

- a. RTSL-E Broadcasting Act licence fee of between £100-£500 depending on the size of the venue or if the service will not be broadcast in a particular venue, a fee of £500

Up to 1,000 seat venue	£100
1,001 – 5,000 seat venue	£150
5,001 – 20,000 seat venue	£250
Over 20,000 seat venue	£500
A service not for broadcast at a particular venue	£500

- b. RTSL-E Wireless Telegraphy Act licence fee of £2,000.

45. Broadcasting Act application and licence fees are revised annually and published no later than 31 March of each year. For further information about fees, see Ofcom’s Statement of Charging Principles ([http://www.ofcom.org.uk/consult/condocs/socp/statement/charging\\_principles.pdf](http://www.ofcom.org.uk/consult/condocs/socp/statement/charging_principles.pdf)), and Ofcom’s Tariff Tables (<https://www.ofcom.org.uk/about-ofcom/annual-reports-and-plans/tariff-tables>).

46. This WT Act licence fees will be published in the Wireless Telegraphy Fees Regulations in due course.

### **Determining who should hold the licences**

47. The appropriate licensee will be the “provider” of the service. The provider of the service is defined in the Communications Act as the person “with general control over which programmes and other services and facilities are comprised in the service (whether or not he has control of the content of individual programmes or of the broadcasting or distribution of the service)”. The licensee may be a company, a partnership or a sole trader as appropriate.

### **Supply of further information**

48. Ofcom may seek further information, from the applicant or from third parties, whilst assessing an application. Once submitted, an application may not be modified in any way which Ofcom considers to be unfair to any other applicant.

### **Publication of information about applications and licensed services**

49. Please complete the question at the end of the application form telling us which information provided by you, you consider to be confidential. If an applicant asks us to keep part or all of an application confidential, we will treat this request seriously and will try to respect this. However, sometimes we will need to publish such applications, including those that are marked as confidential, in order to meet legal obligations for example under the Freedom of Information Act, 2000.
50. When a RTSL-E and the associated RTSL-E WT Act transmission licence are granted, the name of the service, contact details for the licensee and a brief description of the licensed service are published on the Ofcom website. These are the details supplied by the licensee in the application form. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the Television Broadcast Licensing team.
51. Additionally, Ofcom considers issued RTSL-E Broadcasting Act and RTSL-E WT Act transmission licences to be public documents and the Television Broadcast Licensing team will make copies of licences available on request
52. Ofcom also publishes a monthly update which lists new services licensed, licences revoked, licence transfers, and changes to the name or nature of the licensed service during the past month. The licensing updates are available on the Ofcom website, <http://licensing.ofcom.org.uk/tv-broadcast-licences/updates/>.

### **Data Protection**

53. We require the information requested in the application form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom’s General Privacy Statement [www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement](http://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement) for further information about how Ofcom handles your personal information and your corresponding rights.

# Guidance on questions applicable to the issuing of a Broadcasting Act RTSL-E licence

## Ownership restrictions

54. The 1990 Act (as amended by the 1996 Act and the Communications Act) lays down a number of restrictions on who may hold Ofcom's Broadcasting licences. The following are among those who are disqualified from holding a RTSL-E Broadcasting Act licence or from controlling a licensee:
- a. a local authority (except where the service is provided exclusively for the purposes of carrying out the functions of a local authority under Section 142 of the Local Government Act 1972 (as amended) (provision by local authorities of information relating to their activities);
  - b. a political body;
  - c. a religious body, other than where Ofcom is satisfied that it is appropriate for a particular person to hold a licence and makes a determination to that effect. If you wish to seek such a determination, please consult the Ofcom Guidance for religious bodies applying for a Broadcasting Act licence (<http://licensing.ofcom.org.uk/tv-broadcast-licences/other-issues/religious-guidance>);
  - d. any company controlled by any of the above or by their officers or associates;
  - e. an advertising agency or any company controlled by such an agency or in which it holds more than a 5 per cent interest.
55. Please note that the 1990 Act (as amended by the 1996 Act and the Communications Act) provides for Ofcom to determine that in certain circumstances a person with less than a 50 per cent share can be deemed to control a company.
56. Where information is relevant to determining whether an applicant is a disqualified person, it is an offence for the applicant to supply false information or to withhold information with the intention of misleading Ofcom. If a person is convicted of such an offence the court may make an order disqualifying the applicant from holding a licence for a specified period. A disqualification order applies not only to the individual concerned but to any company of which he or she is a director or involved in the management of (whether directly or indirectly).

## Nature of the service

57. Applicants are asked a series of questions to ascertain details relating to the nature and characteristics of the proposed service, the answers to which will be taken into account by Ofcom and will form the basis of the description of the service set out in Part 1 of the Annex to the licence. Applicants should note that the Annex to the licence forms part of the licence and can only be varied with the agreement of Ofcom. Applicants should also note that certain commitments made by an applicant will be incorporated into the Annex to the licence as Conditions of the licence. Please see Condition 2(1) of the standard form licence and Part I of the Annex to the standard form licence which can be found on our website under <http://licensing.ofcom.org.uk/tv-broadcast-licences/rtsl-e/>

## **Content**

58. In the application form, the applicant should provide a description of the proposed service, ensuring that they include the following information:
- i) a description of the event for which the application is made;
  - ii) an indicative schedule of proposed programming;
  - iii) transmission hours; indicating how many hours a day and how much programming is planned to be transmitted;

# Guidance on questions applicable to the issuing of a WT Act RTSL-E licence

## UK frequency clearance

59. The frequencies allocated to television broadcasting are intensively used. So that interference is not caused to other broadcast services, a clear frequency must be found before a RTSL-E service can be allowed to operate. This section provides information for applicants on the process involved in obtaining frequency clearance for RTSL-Es.
60. On receipt of a valid application, Ofcom will commission a detailed frequency plan for the RTSL-E transmission licence proposal based on the target area and transmission site proposed by the applicant. An assessment will be made of potential interference the RTSL-E service may cause to other existing and planned television and other licensed services and the potential coverage area.
61. Detailed frequency planning normally takes up to 14 weeks to complete. During this time Ofcom will keep the applicant informed of significant developments which occur during the assessment. Although Ofcom will normally commission the assessment from an external consultant it is Ofcom who makes the final decision on the outcome of this stage and this decision is final.
62. The actual time taken to complete the assessment depends on the quality of information provided in the application. For instance the applicant will have to have decided upon a transmission site from which the service will be broadcast before the assessment can be carried out.
63. If the detailed frequency planning study finds that the proposals can be accommodated, UK approval will be given, otherwise the proposal will be rejected. If approved, a technical paper will be issued to the applicant which will include a set of transmitter operating parameters, population coverage estimates and an evaluation of any interference issues.
64. Theoretical coverage predictions are made using internationally accepted planning techniques. A predicted coverage map and an estimate of the population coverage are given on the basis that viewers are using an appropriate aerial, located 10 metres above ground level, pointing towards the transmitting site and therefore indicates the maximum potential coverage achievable. The actual number of viewers able to receive the service may be much lower, and will depend on factors such as: local topography; whether the frequency channel is in-band to viewers' existing aeriels, whether the polarisation of existing aerial is the same; the direction in which existing aeriels are pointing relative to the proposed restricted service licence transmitter. It is up to the applicant to take all these factors into account to determine the likely coverage achievable in practice.

## International co-ordination

65. Once UK technical approval has been given, the application will be put forward by Ofcom for international co-ordination if necessary. According to internationally agreed rules, proposals in which the transmitter power exceeds agreed limits, or when the proposed service could potentially cause interference to other services, need to be submitted to neighbouring countries for approval.

66. Although low power RTSL-E services are unlikely to require international co-ordination, some may fall above the appropriate threshold. If co-ordination is required, a period of 12 weeks from the date of submission is set for the co-ordinating countries to reply. However, countries may request more time to consider the request without giving a specific reason and are under no obligation to agree to a proposal. Please note that the time required for international co-ordination is in addition to that required for detailed frequency planning.
67. Should a country initially refuse co-ordination or raise concerns, a much longer time could be required. If a country continues to refuse co-ordination then the restricted service licence proposal will not be able to proceed and the application will be rejected. There is no way round this procedure which forms part of the UK's international obligations.
68. Ofcom will inform the applicant of the date of submission for international co-ordination of their proposal, and of any significant developments that occur during the process.
69. Ofcom will normally allow a RTSL-E WT Act transmission licence to be granted only when full international co-ordination has been received from Ofcom. However, if more than 12 weeks have elapsed since the initial request for international co-ordination, and not all co-ordination replies have been received, Ofcom may consider allowing clearance on a "no interference, no protection" conditional basis. If agreed by Ofcom, the condition is that changes to the transmitter characteristics may subsequently be required when all international co-ordination replies are received. In such cases the licensee must agree in writing to accept the risk of having to modify or replace transmission equipment (at its own cost) at some point in the future should it be required as a condition of co-ordination. Furthermore, the licensee may also be required to immediately shut down any existing transmissions if serious interference problems arise. In the worst case, neighbouring countries could refuse co-ordination in which case transmissions would have to cease.
70. Only in exceptional circumstances will proposals for amendments to the approved transmission characteristics be considered. These might involve the need to seek national and international frequency clearance, and will extend the time taken to process the application. Applicants may wish to first seek professional advice before proposing changes, but should in any case make a written request to Ofcom. Ofcom would assess the feasibility of the proposal, and decide whether to commission the necessary detailed planning work. There is no guarantee that proposals for amendments will result in the necessary UK or international frequency clearances. In particular, proposals for amendments which would have an adverse effect on other services will be rejected.

### **Technical aspects of the service**

71. The application form requires applicants to answer a number of questions on the technical aspects of the proposed service. Applicants should note that where an application is submitted for an already cleared frequency channel, applicants must conform to the existing technical specification.
72. The following provides some background information to help applicants answer the questions on the application form.
73. *Target area(s) to be served.* Except in the case of applications for an already cleared frequency channel or for a new licence commencing upon expiry of an existing licence, a map should be provided clearly identifying the proposed coverage area of the

service. It should be clear to Ofcom planners which geographic areas the restricted television service licence applicant wishes to cover. A map in which the boundary of the proposed coverage area has been marked by a thick black line will be sufficient at this stage.

74. *Has a transmitter site been identified? If so, is it currently being used for the transmission of television or radio services?* Applicants are highly recommended to identify a transmission site at an early stage as the frequency planners will not be able to carry out an assessment of frequency availability without this information. Identification of a site will also help the applicant to start addressing practical issues associated with broadcasting a television service. It is recommended that existing television transmission sites be used where possible. This minimises the difficulties associated with commissioning a new site, avoids some potential interference effects and ensures the target population of viewers will already have television aerials aligned in the correct direction. Ofcom reserves the right to reject applications where detailed assessment indicates that use of a particular transmission site will result in unacceptable interference to other broadcast services.
75. *Location of transmitter site (by Ordnance Grid Reference).* Existing transmitter site information can be found on the Ofcom website at <http://stakeholders.ofcom.org.uk/broadcasting/guidance/tech-guidance/transmaps/>. If a new site is proposed it is important that this information is accurately provided. Please use a 1:50 000 Ordnance Survey series map. The format should be as follows, using the example of Crystal Palace: TQ 339712. The frequency planners use a terrain database to assess interference to and from the proposed service to other television services and it is important that an accurate grid reference is provided.
76. *Ground height (above sea level) of transmitter site.* Please use a 1:50 000 Ordnance Survey series map. The format should be metres above sea level and should be accurate to the nearest metre.
77. *Aerial height (above ground level) of transmitter site.* If the site already has a transmitter antenna please provide details of the usable height that the service aerial will be located. Please note that this may be lower than existing television aerials as the mast may have limitations on weight loading at this height. It is recommended that the site operator be consulted on this matter.
78. If the proposed site does not currently have a transmission mast have you approached the local authority about gaining planning permission for a new building and/or mast? If a new transmission site is proposed (i.e. one that has not previously been used for broadcasting television, radio or mobile phone services) planning permission may be required from the local authority. It is highly recommended that they be approached before an application is made to assess the likelihood of permission being granted. It will be easier to gain permission if existing buildings in the area are used (such as blocks of flats or office buildings) rather than proposing a new mast and transmitter building.
79. *Do you have the agreement of the site owner for the use of the site for broadcasting?* It is important the owner will give permission for the use of the site and that commercial terms are agreed in advance of detailed planning work. This both prevents the frequency planners from planning and clearing a site which cannot in fact be used for broadcast services and ensures that commercial terms can be agreed between the site owner and the applicant.

80. *Please supply details of the transmission installer and operator if known.* The purchase, installation and operation of a transmitter is a specialist task and should not be undertaken unless the applicant has suitable experience in these matters. A condition of the RTSL-E WT Act transmission licence is that the broadcast signal conforms to the Ofcom Television Technical Performance Code [http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/tech-guidance/tv\\_tech\\_platform\\_code.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/tech-guidance/tv_tech_platform_code.pdf) In addition digital broadcast signals must conform to the relevant parts of UK Interface Requirement 2022 for Broadcast Transmitters operating in frequency bands administered by Ofcom <http://stakeholders.ofcom.org.uk/binaries/spectrum/spectrum-policy-area/spectrum-management/research-guidelines-tech-info/interface-requirements/ir2022.pdf>. Ofcom has powers to inspect the site and installation in order to check that these requirements are being adhered to.
81. In some cases we may require the applicant to amend their choice of site. This may be due to difficulties in achieving the required coverage from the proposed site or that the levels of interference from the proposed site to other services is unacceptable. In such cases we may attempt to provide the applicant with an alternative proposal, otherwise the applicant can in conjunction with their transmission provider propose an alternative site. In either case it is important that the applicant responds immediately to such a request. We may set a timetable for resolving these issues.
82. Ofcom will on a case-by-case basis consider permitting RTSL-E WT Act licensees to employ variations to the signals detailed in the Ofcom Television Technical Performance Code where the applicant can provide evidence that doing so will not result in interference or loss of service to other broadcast services. In any case, the transmitter's emissions must still comply with the requirements of UK Interface Requirement 2022.



# Broadcasting Act Licence conditions

**A RTSL-E service cannot be broadcast unless a corresponding WT Act transmission licence has been granted. .**

83. The RTSL-E Broadcasting Act licence, providing location restricted television coverage of a short term event, contains the formal conditions to which licensees are subject. In the event of any conflict between these notes and the terms of the licence, the terms of the licence and the relevant legislation prevail. The following is not an exhaustive account of the licensing requirements or licence conditions.
84. Where Ofcom has contracted out functions to other bodies (such as the contracting out of the regulation of broadcast advertising to the ASA), the references to Ofcom in the licence conditions and in these notes should, where relevant, be read to also refer to those other bodies.

## Licence term

85. A RTSL-E is granted for a maximum term of up to 56 days.

## Programme and advertising standards

86. The licensee must ensure that all content included in the licensed service complies with the relevant Standards Codes including, but not limited to, the Ofcom Broadcasting Code, the Rules on the Amount and Distribution of Advertising (RADA), the Cross-promotion Code and the BCAP Television Advertising Standards Code.
87. Copies of the Ofcom Broadcast Codes are available at:  
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code-february2011/>
88. The regulation of broadcast advertising has been contracted out by Ofcom to the Advertising Standards Authority (ASA), and the BCAP Television Advertising Standards Code is available on the ASA website, [www.asa.org.uk](http://www.asa.org.uk).

## Listed events

89. Certain sports events are “listed” by the Secretary of State. The legislation restricts the acquisition by broadcasters of exclusive rights to the whole or any part of live television coverage of listed events and the broadcasting on an exclusive basis of such coverage without the previous consent of Ofcom.
90. Ofcom publishes a Code on Sports and other Listed Events (<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/code-sports-events/>), which includes details of the events that are currently listed. Events may be added to or deleted from the list by the Secretary of State after consultation with Ofcom, the BBC, the Welsh Authority and appropriate rights holders.

## Subtitling, signing and audio-description

91. A television service achieving an average audience share of all UK households of 0.05% or more may be required to provide subtitling, signing and audio description, subject to passing an affordability threshold and not facing technical difficulties that are impracticable to surmount. These obligations would apply from the first anniversary of the launch of the service.

## Retention and production of recordings

92. The licensee must retain, or arrange for the retention of, recordings of everything included in the licensed service for a period of 60 days. If Ofcom requests a copy of

any recording, the licensee must provide this forthwith. Recordings must be of a standard and in a format which allows Ofcom to view the material as broadcast. The licensee must also (where possible) provide Ofcom with scripts or transcripts of any material included in the service.

### **Provision of information to Ofcom**

93. The licensee has to supply to Ofcom any information that Ofcom may require for the carrying out of its duties. This includes (but is not limited to) information about the licensee's corporate structure, any information that Ofcom may need to determine whether the licensee is on any ground a disqualified person, and information relevant to the calculation of fees. Please note that the requirements in the licence for the provision of information to Ofcom are broad, and that this is only a brief overview.
94. The licence also obliges the licensee to inform Ofcom about changes to the nature, characteristics or control of the licensee body, including:
  - b) Notification to Ofcom, in advance as soon as reasonably practicable, of proposals affecting the control of the licensee, and changes in control.
  - c) Information about changes in shareholders and directors, no later than 28 days from the changes taking place.
  - d) Information about changes in management, key staff and contact details as soon as they take place.
  - e) Notification to Ofcom, immediately, if the licensee becomes aware that any order is made or resolution passed which would result in the licensee going into administration, liquidation, or if the licensee may become insolvent.
  - f) Notification to Ofcom if a court judgement is passed against the licensee, or the licensee is convicted of a criminal offence.

### **Fair and effective competition**

95. Ofcom has a duty to ensure fair and effective competition in the provision of licensed services and services connected with them. Ofcom's general policy is to include in Broadcasting Act licences a condition requiring the licensee (a) not to enter into or maintain any arrangements or engage in any practices which are prejudicial to fair and effective competition in the provision of licensed services or connected services and (b) to comply with any code or guidance approved by Ofcom for the purpose of ensuring fair and effective competition in the provision of licensed services or connected services, and (c) to comply with any direction given by Ofcom for that purpose. Ofcom has adopted this general policy because of the merits of ex ante regulation in securing fair and effective competition.
96. Before taking enforcement action under the licence pursuant to this condition, Ofcom would need to consider whether, in the circumstances, it would be more appropriate to proceed by enforcing the relevant provisions of the Competition Act 1998 rather than by enforcing the licence condition. If you think that there are special or exceptional circumstances in your case which mean this condition should not be included in the licence for which you are applying, please set out in writing what those circumstances are so that Ofcom can consider them. You should aim to provide as much detail as possible.
97. In accordance with the provisions of section 317(1)(a), (4) and (5) of the Communications Act, Ofcom is required to notify you (and hereby notifies you) that,

pursuant to section 317(6) you may appeal a decision by Ofcom to include this condition in your licence to the Competition Appeal Tribunal.

### **Compliance with ownership restrictions**

98. The Broadcasting Act 1990 (as amended by the Broadcasting Act 1996 and the Communications Act) lays down a number of restrictions on who may hold Ofcom's broadcasting licences. The licensee is obliged to comply with these ownership restrictions and failure by a licensee to do so will constitute a breach of the licence and if not rectified may result in revocation of the licence. For further information about revocation, see paragraphs 110-118

### **Compliance**

99. The licensee must adopt procedures that are acceptable to Ofcom for ensuring that the licensed service complies with the requirements of the licence, including complying with any direction issued by Ofcom. Such procedures would include ensuring that there are enough persons, and of sufficient seniority, involved in providing the service that are adequately versed in the licence requirements and the programme and advertising standards that apply to the service; and making arrangements for the adequate clearance of advertising.
100. The licensee must supply details of the licensee's compliance procedures to Ofcom, if Ofcom requests it.

### **Government directions and representations**

101. The Government may notify Ofcom that it wishes an announcement to be included in a licensed service, or a licensee to refrain from including an item in the licensed service. If notified, Ofcom will direct the licensee to that effect.

### **Complaints relating to the licensed service**

102. Licensees must ensure that they have procedures acceptable to Ofcom in place for the handling and resolution of complaints about their service. Licensees must keep a record for 12 months of all complaints it receives and its responses to them and make this available to Ofcom on request.
103. The licensee must also comply with all of the specific provisions relating to fairness complaints (such as the provision of transcripts, copies of documents and correspondence related to the complaint, recordings etc to Ofcom and the complainant).
104. If requested by Ofcom, the licensee must publicise Ofcom's functions in relation to complaints.

### **Variations to the licence**

105. Ofcom may vary the licence by notice served on the licensee, provided that the licensee has been given a reasonable opportunity to make representations to Ofcom about the proposed variation. Ofcom may vary the licence period with the consent of the licensee.

### **Equal opportunities and training**

106. Any holder of an Ofcom television or radio broadcasting licence who employs, or is likely to employ, either individually or as a group, more than twenty individuals in connection with the provision of its licensed service and provides a service which is authorised to broadcast for more than 31 days a year (a "Relevant Licensee") is under certain duties as regards training. A RTSL-E licensee who is a Relevant Licensee for this purpose is obliged to make and from time to time review arrangements for training and retraining of people it employs in, or in connection with, the provision of the

licensed service or the making of programmes for that service. In making and reviewing those arrangements, the Relevant Licensee must comply with any Ofcom guidance.

107. Ofcom will continue to carry out its functions relating to the promotion of equal opportunities between men and women and between different racial groups and the equalisation of opportunities for disabled persons under section 337 of the Communications Act.

## Sanctions

108. Ofcom can impose sanctions on a licensee for breaches of the licence conditions, including the requirements for the content of the licensed service. The sanctions available to Ofcom range from the broadcasting of Ofcom's findings to the imposition of a fine on the licensee and revocation of the licence. For further information about sanctions, please consult Ofcom's Outline procedure for statutory sanctions (<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/procedures-statutory-sanctions/>).
109. In cases where Ofcom has instigated sanctions procedures against a licensee, it will not generally consider any applications for new licences by the same licensee or by a person/body connected to that licensee until such time as the sanctions procedure against the existing connected licensee is concluded. This means any sanction imposed, must be satisfied (e.g. in the case of a fine, full payment of the fine must have been made) before any new application by that licensee or by a person/body connected to that licensee can be considered

## Revocation and surrender

110. If you no longer wish to broadcast the RTSL-E service, you should surrender the RTSL-E Broadcasting Act licence. To surrender your licence, you must serve a notice, in writing, on Ofcom. The notice must be signed by an appropriately authorised person on behalf of the licensee. The notice can be in the form of a letter or email, and take effect on the date of service or on a date specified in the notice.
111. The RTSL-E WT Act transmission licence will expire on surrender of the RTSL-E Broadcasting Act licence.
112. Ofcom can revoke your RTSL-E Broadcasting Act licence for a number of reasons, including breaches of the licence conditions, failure to comply with a direction, and as a result of a sanction. A licence may also be revoked if it is not being used to provide the licensed service.
113. Ofcom may also consider revocation of the licence if:
- a) The licensee has provided false information (or withheld information) with the intention of causing Ofcom to be misled, either in purporting to comply with any condition of the licence, or in connection with the application for the licence;
  - b) The licensee becomes a disqualified person;
  - c) Any change takes place affecting the nature, characteristics or control of the licensee which would have precluded the original grant of the licence;
  - d) Ofcom ceases to be satisfied that the licensee is fit and proper to hold a licence;
  - e) The licensee provides the licensed service whilst failing to comply with any requirement to hold (or have held on his behalf) a licence under the WT Act, or if the licensee ceases to comply with requirements applicable to the licensed service under Chapter 1 of Part 2 of the Communications Act (relating to electronic communications networks and services);

- f) The service provided by the licensee no longer constitutes a service licensable by Ofcom as an RTSL-E service.
114. The licensee being placed in administration or liquidation, or becoming insolvent, are examples of circumstances when Ofcom would consider revocation. Before revoking a licence, Ofcom must notify the licensee and give the licensee a reasonable opportunity to make representations.
  115. The reasons for the possible revocation of a licence set out above are not an exhaustive account of the provisions for revocation.
  116. The RTSL-E WT Act transmission licence will automatically expire should the RTSL-E Broadcasting Act licence be revoked.
  117. If your licence is revoked any fees paid are non-refundable.
  118. When a licence has been revoked or surrendered, the information about the licensed service is removed from the list of licensed services on Ofcom's website and the fact that the licence has been revoked or surrendered is included in the monthly update that Television Broadcast Licensing publishes (available on the Ofcom website, <http://licensing.ofcom.org.uk/tv-broadcast-licences/updates/> ).

# Wireless Telegraphy Act Licence conditions

**A RTSL-E service described in the RTSL-E Broadcasting Act licence cannot be broadcast unless a corresponding RTSL-E WT Act licence has been granted.**

119. The RTSL-E WT Act licence, permitting the transmission of a location restricted television coverage of a short term event, contains the formal conditions to which licensees are subject. In the event of any conflict between these notes and the terms of the licence, the terms of the licence and the relevant legislation prevail. The following is not an exhaustive account of the licensing requirements or licence conditions.

## Commencement of the service

120. The RTSL-E WT Act licence for a specific service will commence on a date as agreed by the applicant and Ofcom. The associated RTSL-E Broadcasting Act licence will normally commence on the same date.

## Test transmissions

121. Once a RTSL-E WT Act licence has been granted by Ofcom, the licensee may be permitted to broadcast test transmissions in advance of the on air date of the service in the transmission areas, provided that they comply with the requirements of paragraph 126 below and the timing and duration of these transmissions have been agreed in advance by Ofcom.

122. The licensee must ensure that such transmissions are authorised by the RTSL-E-WT Act licence that has been issued. The WT Act licence is normally issued at the same time as the RTSL-E Broadcasting Act licence. **It is a criminal offence to carry out any transmissions without having received the appropriate WT Act licence.**

123. The test transmissions must clearly identify the station and carry a telephone number which viewers can call if they are experiencing any interference. The licensee should be capable of responding to any complaints received by offering basic advice on how viewers can remove the interference.

124. The licensee should keep records of the number of calls received concerning interference.

125. Test transmissions may carry programmes as well as engineering test signals, provided that:

- a) All programmes comply with Ofcom Broadcasting Code
- b) No programmes are sponsored
- c) There is no advertising. Advertising is defined as any item of publicity broadcast on behalf of someone other than the licensee and publicity by the licensee himself except information to viewers about or in connection with the licensed service.

126. We may direct the licensee to cease test transmissions if any of these guidelines are contravened or if any other licence conditions are breached by the transmissions.

## **Commencement of service – "on air"**

127. The applicant is able to start broadcasting once a RTSL-E Broadcasting Act and the corresponding WT Act transmission licence have been granted. The WT Act licence contains details of the approved site together with details of the transmitter power, aerial pattern and height. It is important that the restricted service licence broadcasts operate within these constraints as these have been designed to minimise interference to other broadcasts both within the UK and abroad.
128. It is recommended that when the transmitter and aerial installation is complete a site survey is carried out to ensure that the propagation pattern predicted for the installation has been realised.

## **Status of restricted television services**

129. The issuing of an RTSL-E WT Act transmission licence does not imply continued use of the frequency beyond the expiry date of the licence as there may be higher priority uses for the spectrum which conflict with specific event use. Frequencies for restricted television services may in some cases be available for short periods only and may be taken over by other television or related services which have priority. In extreme circumstances, frequencies may be taken during the lifetime of the licence in which case it will be revoked.

## **Variations to the licence**

130. Ofcom may vary the licence at the request or with the consent of the licensee or by notice in writing in accordance with schedule 1, paragraph 6 of the WT Act.

## **Revocation and surrender**

131. The RTSL-E WT Act licence cannot remain in force unless the associated RTSL-E Broadcasting Act licence remains in force.
132. Ofcom can revoke your RTSL-E WT Act transmission licence for a number of reasons, including breaches of the licence conditions. Licences may also be revoked in certain other circumstances, including where it transpires that interference with other services occurs or is likely to occur. Where frequencies are required for the provision of national digital terrestrial services, licences will be revoked subject to notice. A licence may also be revoked if it is not being used to provide the licensed service.
133. The reasons for the possible revocation of a licence set out above are not an exhaustive account of the provisions for revocation.
134. If your licence is revoked any fees paid are non-refundable.
135. When a licence has been revoked or surrendered, the information about the licensed service is removed from the list of licensed services on Ofcom's website and the fact that the licence has been revoked or surrendered is included in the monthly update that Television Broadcast Licensing publishes (<http://licensing.ofcom.org.uk/tv-broadcast-licences/updates/>).