

Wireless Telegraphy Act 2006

Licence for the transmission of digital terrestrial television multiplex service

Date of Issue	6 July 2007
Licensee	British Broadcasting Corporation
Company number (if a company)	RC000057
Registered address of Licensee	Broadcasting House Portland Place London W1A 1AA
Licence number	WT MUX 1
Name, address and telephone number of person having authority to close down station if necessary	Stephen Baily Controller, Distribution Operations (Acting) BBC Distribution and Business Development Room BC4 A6 Broadcast Centre 201 Wood Lane London W12 7TP 020 8008 2686
Commencement date	17 October 2007
Termination date	31 December 2027
Fee payment date	Anniversary of the Commencement date

Signed for and on behalf of Ofcom by

Helen Hearn
Director, Sector Policy

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1. General

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 known as "Multiplex 1", broadcast on the frequencies granted by the Secretary of State for Culture, Media and Sport to the British Broadcasting Corporation to allow the provision of television and radio services as described at clause 7 and Schedule 1 of the Agreement between the Secretary of State and the British Broadcasting Corporation dated 15 December 2016 (the "Framework Agreement").

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 Framework Agreement; 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 Multiplex 1 digital terrestrial television multiplex service.

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.

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. 700 MHz DTT Clearance Programme

The Licensee shall comply with, or procure compliance with the 700 MHz DTT Clearance Programme requirements set out in the Schedule 2.

12. 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 “Framework Agreement” means the Agreement between Her Majesty’s Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation dated 15 December 2016 which contains a statement to the effect that it is a Framework Agreement made for BBC Charter purposes;

- (e) The “BBC Charter” means the Royal Charter for the continuance of the BBC for the period ending on 31 December 2027.
- (f) the “Commencement Date” means the date indicated in the table on the first page of this Licence;
- (g) the “Digital Switchover Process” means the process of switching from analogue to digital terrestrial transmission.
- (h) the “Termination Date” means the date indicated in the table on the first page of this Licence;
- (i) The “Transitional Period” means any period from the Commencement Date to the Digital Switchover Date.
- (j) the “Digital Switchover Timetable” means the document which sets out the regional timetable for the Digital Switchover Process as published and revised from time to time by Ofcom, or any replacement to this document as may be published by Ofcom;
- (k) the “DSO 1 Date” means the date referred to as such in the Digital Switchover Timetable in respect of the relevant main station or such other date as may be agreed between the Licensee and Ofcom; the DSO 1 Date for a main station shall also apply to that station’s dependent relays unless agreed otherwise between the Licensee and Ofcom;
- (l) the “Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences” means the table which sets out details of the digital terrestrial broadcasting stations for multiplex 1 as published and revised from time to time by Ofcom, or any replacement to this table as may be published by Ofcom.
- (m) the “700 MHz DTT Clearance Programme” means the clearance of digital terrestrial television (DTT) services from the frequencies 694 MHz to 790 MHz and the associated reassignment of DTT services within the frequency range 470 MHz to 694 MHz. This policy is set out in Ofcom’s statement *Decision to make the 700 MHz band available for mobile data* published on 19 November 2014 and *Maximising the benefits of 700 MHz clearance* statement published on 17 October 2016.
- (n) the “700MHz DTT Clearance Date” means the date set out in or fixed in accordance with paragraph 2 of Schedule 2.
- (o) “Clearance Delivery Plan” means the plan, including the technical roll-out plan, setting out how the Licensee and holders of other multiplex licences shall manage and coordinate the delivery of the 700 MHz DTT Clearance Programme, which was notified to the Licensee by Ofcom in December 2016, and as amended from time to time as reasonably required, where such amendments are agreed with Ofcom

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.

Wireless Telegraphy Act licence number WT MUX 1

Schedule 1

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 Licensees (the "Radio Equipment").

2. Purpose of Use

The Licensee shall use the Radio Equipment for the purpose of providing the Multiplex 1 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.

4. Date of Authorisation

The Radio Equipment is authorised with effect from the DSO 1 Date.

Schedule 2

Requirements relating to the 700MHz DTT Clearance Programme

1. Cooperation and coordination with other parties

(1) The Licensee shall use all reasonable endeavours to cooperate in all respects, including promptly and in good faith with:

- (a) Other Ofcom licensees and S4C;
- (b) Government;
- (c) Digital UK; and
- (d) With such other parties, as necessary, or as notified to him by Ofcom

in the administration, organisation or implementation of the 700MHz DTT Clearance Programme in the United Kingdom.

(2) The Licensee shall, in conjunction with the other holders of a multiplex licence, manage and coordinate the delivery of the 700MHz DTT Clearance Programme. The Licensee shall submit to Ofcom for Ofcom's agreement a plan setting out how this Condition shall be implemented no later than 4 months after this condition comes into force. The plan shall include appropriate governance arrangements.

In the event agreement on a plan is not reached, Ofcom shall determine an appropriate plan following further consultation with the Licensee. Following agreement or determination as the case may be, the Licensee shall comply with this plan. This plan may be amended as may reasonably be required, such changes to be agreed with Ofcom.

This obligation may be discharged jointly with the other holders of a multiplex licence or by a third party on behalf of the Licensee. For the purposes of this Part, "multiplex licence" has the meaning given to it by section 39 of the 1996 Act.

2. 700MHz DTT Clearance Date

- (1) The Licensee shall take all reasonable steps necessary to give effect to the Clearance Delivery Plan.
- (2) The Licensee shall complete the 700 MHz DTT Clearance Programme by the 700 MHz DTT Clearance Date.
- (3) The 700MHz DTT Clearance Date shall be determined by Ofcom following consultation with the Licensee.
- (4) The 700MHz DTT Clearance Date shall be any such date as may be notified by Ofcom following consultation with the Licensee.

The Licensee shall broadcast the Licensed Service from the transmission sites listed in the Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences using the relevant frequencies and transmission parameters set out therein, and in accordance with the order set out.

3. Selkirk Trial

The Licensee shall with effect from 1 March 2017, broadcast the Licensed Service at the transmission site at Selkirk on both frequencies set out in the Table of Digital Terrestrial Broadcasting Stations for Multiplex Licences (in addition to the other frequencies and other sites in that table).

4. Communication with viewers

(1) The Licensee shall use his reasonable endeavours to ensure that all viewers of the Licensed Service are informed by way of broadcast MHEG messages about:

- a. changes in frequencies associated with the 700 MHz DTT Clearance Programme which necessitate a rescan of set top boxes;
- b. how they can seek further advice and in appropriate cases, technical support, including how a rescan can be completed; and
- c. other viewer actions required which relate to obligations contained in this Licence, which are notified to the Licensee by Ofcom.

(2) The Licensee shall:

- d. provide a plan for Ofcom's agreement explaining how it proposes to fulfil the obligations required under paragraph 4(1) above;
- e. provide information about the estimated costs to implement the plan, and any such information that Ofcom may subsequently reasonably require; and
- f. submit the plan to Ofcom for agreement no later than the date specified in paragraph 4(3).

(3) The date referred to in paragraph 4(2) is 31 May 2017.

(4) Where Ofcom has notified the Licensee of the level of viewer communications that Ofcom reasonably considers to be necessary under paragraph 4(1), the plan referred to in paragraph 4(2) above must include the means by which the Licensee shall provide such communications.

(5) The Licensee shall agree in writing with Ofcom the plan required under paragraph 4(2) above by the date specified in paragraph 4(6).

In the event agreement on a plan is not reached, Ofcom shall determine an appropriate plan following further consultation with the Licensee.

Following agreement or determination as the case may be, the Licensee shall comply with this plan. The plan may be amended as may reasonably be required, such changes to be agreed with Ofcom.

- (6) The date referred to in paragraph 4(5) is: 30 June 2017.
- (7) The duties under this paragraph may be discharged by the Licensee itself, jointly with the BBC and other holders of a multiplex licence, or by Digital UK or another Government-appointed body as notified by Ofcom to the Licensee, acting on behalf of the Licensee.