

The new BBC Scotland Channel

Decision on the variation to Ofcom's Operating Licence
for the BBC's public services

STATEMENT

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1. Overview

On 24 February 2019 the BBC will launch its new BBC Scotland Channel (“BBC SC”) and the BBC Two Scotland opt-out service will cease to broadcast. This Statement sets out Ofcom’s Decision in relation to varying the Operating Licence for the BBC’s public services (“the Licence”)¹ to incorporate the new “BBC SC”.²

What we have decided – in brief

We have decided to amend the Licence in the following areas:

We are clarifying how BBC SC (and BBC Alba) programming should be treated in relation to requirements for programme-making in the nations and regions. Programming shown on the BBC SC and BBC Alba will be ‘zero-weighted’ for certain network quotas.

We are setting out how programmes co-commissioned by different BBC television services should be treated for the purposes of considering certain quotas. We are introducing new conditions which clarify how the BBC should report against expenditure and hours quotas in its Licence when dealing with content co-commissioned with other BBC services, such as BBC One, BBC Two and BBC Four. We consider the changes create the right incentives for the BBC to explore co-commissioning opportunities, while ensuring high-quality content on the BBC SC for the benefit of Scottish viewers.³

We are removing all references to the BBC Two Scotland opt-out service from the Licence, to reflect that this service will discontinue when the BBC SC launches. However, in doing so we are applying to the BBC SC some of the conditions which used to be applicable to BBC Two Scotland. We are also amending certain hours quotas which used to apply to the various BBC One and BBC Two opt-outs taken together, to reflect the closure of BBC Two Scotland.

We are imposing additional licence requirements on the BBC SC. These will ensure that: at least 250 hours of news content is broadcast on the BBC SC during peak viewing time; 75% of the BBC SC’s output consists of original productions; and at least 90% of first run originations on the new channel are made in Scotland.

This overview is a simplified high-level summary only. The decisions we have taken and our reasoning for them are set out in the full document below.

- 1.1 The BBC is the UK’s most widely-used media provider, offering programmes on television and radio, as well as content online. The public has exceptionally high expectations of the BBC, shaped by its role as a publicly-funded broadcaster with a remit to inform, educate and entertain the public, as well as to support the creative economy across the UK.

¹ Ofcom published the first version of the Operating Licence on 13 October 2017 and an amended version of the Operating Licence on 27 March 2018.

² https://www.ofcom.org.uk/data/assets/pdf_file/0017/107072/bbc-operating-licence.pdf

³ See 2.12-17

- 1.2 To meet these expectations, the BBC must deliver the mission and public purposes set out in its Charter, including a requirement to provide the most creative, highest quality and distinctive output. Public Purpose (4) requires the BBC to reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom.⁴ The Public Purposes are supplemented in the Agreement with more detailed obligations.
- 1.3 Ofcom holds the BBC to account for delivering its mission and promoting its public purposes, as set out in its Charter. One of the ways we do so is by setting an Operating Licence containing a set of regulatory conditions with which the BBC must comply. Ofcom issued the first Licence in October 2017.
- 1.4 Ofcom is required to impose obligations on the BBC to ensure that sufficient BBC network time is given to programming of a national or regional interest, that it is of high quality and that it is made in the relevant areas.
- 1.5 The Agreement requires that in setting regulatory conditions Ofcom must have particular regard to the need for the BBC to secure the provision of distinctive output and services, and that one factor in considering distinctiveness is the amount of original output produced in the UK.⁵
- 1.6 The Agreement defines two types of programmes in relation to which Ofcom must set conditions: "network programmes" and "programme[s] of national or regional interest". These include requirements that a level of programming is made outside the M25 area, within Scotland (as with each Nation), that a suitable proportion of BBC expenditure is referable to production centres outside the M25, and that a range of production centres are used.⁶
- 1.7 The Licence issued in October 2017 included quotas for programmes of interest to audiences in each nation, including Scotland, and a provision for content on the BBC Two Scotland opt out. As this service will cease to exist when the new channel is launched, on 24 February 2019, Ofcom considers that we need to amend the Operating Licence to reflect these changes.
- 1.8 In November 2017, the BBC published proposals for a BBC Scotland television channel. Ofcom undertook a BBC competition assessment – referred to here as the "BCA" – to examine whether the public value offered by the new channel would justify any potential adverse effects on fair and effective competition. On 26 June 2018 we published our decision that the BBC could proceed with the launch of the new channel.⁷

⁴ The "Charter" is used in the rest of this document to refer to the [Royal Charter for the continuance of the British Broadcasting Corporation](#). The [Agreement between the Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation](#) is referred to as the "Agreement".

⁵ Schedule 2 Section 1 of the [Agreement](#)

⁶ Schedule 2 Section 7. (1) (a) to (e) of the [Agreement](#)

⁷ https://www.ofcom.org.uk/data/assets/pdf_file/0016/115270/BBC-scotland-statement.pdf

1.9 As such, we published a consultation⁸ setting out our proposals to alter the BBC's Operating Licence ("the Consultation") on 29 August 2018.

Background

1.10 In paragraphs 1.5 to 1.22 of the Consultation we set out:

- the background to the BBC SC including the proposals the BBC published for the new channel on 30 November 2017 in its own Public Interest Test (PIT),⁹ and Ofcom's decision published on 26 June 2018 allowing the BBC to proceed with the BBC SC;
- the obligations that the BBC Charter and Agreement create in this area; and
- the conditions pertaining to Scotland in the current Licence.

Objectives of the BBC Scotland Channel Consultation

1.11 We proposed amending the Licence in five respects, to:¹⁰

- a) set out how BBC SC programming should be treated in relation to requirements for programme-making in the nations and regions, (which gave rise to a question about the treatment of BBC Alba which we therefore also sought to clarify);
- b) set out how programmes co-commissioned by different BBC services should be considered for the purpose of considering certain quotas;
- c) remove all references to the BBC Two Scotland opt-out service from the Licence;
- d) retain some of the BBC Two Scotland opt-out service obligations and apply them to the BBC SC; and
- e) impose an additional Licence requirement on the BBC SC in the form of a requirement to carry news during Peak Viewing Time.

1.12 We also dealt with two other related matters. Specifically:

- a) what performance measures Ofcom proposed to use to assess the performance of the BBC SC; and
- b) how we proposed to assess BBC Two Scotland's performance against the Licence to take account of the fact it will be switched off during the performance year, 2019.

Responses to the BBC Scotland Channel Consultation

1.13 We received nine responses to our Consultation: the BBC; STV; PACT; MG ALBA; the Scottish Government; Ofcom's Advisory Committee for Scotland; and three individuals. We

⁸ <https://www.ofcom.org.uk/consultations-and-statements/category-2/variation-operating-licence-bbc-public-services>

⁹

http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/accountability/consultations/bbc_public_interest_test_submission.pdf

¹⁰ Section 1.23 of the [BBC Scotland Channel Consultation](#)

have considered all responses in reaching our conclusions and have published all responses in full on our website.¹¹

- 1.14 As well as commenting on the specific proposed Licence amendments, respondents commented on the impact the new channel might have on the broadcast sector in Scotland, co-commissioning of productions, Gaelic and Scots language requirements, first run originations and production quotas, as well as the BBC's recruitment, funding and scheduling for the new channel. PACT and the Scottish Government broadly agreed with the structure of our proposed variations, other broadcasters questioned the potential adverse effect of the new channel on the Scottish media landscape.
- 1.15 In Section Two of this document we summarise comments made by respondents, assess the arguments presented and outline the conclusions we have reached.

Conclusion and next steps

- 1.16 In light of the analysis set out in Section Two, we have decided to amend the BBC's Operating Licence. We have reproduced the amended Licence in full in Annex One and the formal Notice of Variation is reproduced in Annex Two.
- 1.17 The amendments set out above will come into force on 24 February 2019.

¹¹ <https://www.ofcom.org.uk/consultations-and-statements/category-2/variation-operating-licence-bbc-public-services>

2. Analysis of responses to the BBC Operating Licence Consultation

- 2.1 In this section we set out our consideration of the responses received and our Decision in relation to our proposals:
- a) to amend the BBC Operating Licence (“the Licence”)¹² to specify how BBC SC and BBC Alba programming should be treated in relation to requirements for programme making in the nations and regions;
 - b) set out how programmes co-commissioned by different BBC services should be considered for the purpose of considering certain quotas;
 - c) remove all references to the BBC Two Scotland opt-out service from the Licence;
 - d) retain some of the BBC Two Scotland opt-out service obligations but applied to the BBC SC; and
 - e) impose an additional Licence requirement on the BBC SC in the form of a requirement to carry news during Peak Viewing Time.
- 2.2 We also dealt with two other related matters. Specifically:
- a) what performance measures Ofcom proposed to use to assess the performance of the BBC SC; and
 - b) how we proposed to assess BBC Two Scotland’s performance against the Licence to take account of the fact it will be switched off during the performance year.
- 2.3 The amended Licence is set out in full in Annex One. To implement the changes, we are issuing a Notice of Variation to the BBC, see Annex Two.

How BBC SC and BBC Alba programming should be treated in relation to requirements for programme making in the nations and regions

- 2.4 As explained in paragraphs 1.9 to 1.17 of the Consultation setting out our proposals to alter the BBC’s Operating Licence, there is currently no provision in the Agreement for nation-specific television services that are not variations of other network services. Under the Agreement, all programmes on BBC SC are, by definition, “network programmes”, as the new service is not a variation of a UK Public Television service. The same is true of the programmes on BBC Alba.
- 2.5 Without amendment, programmes on BBC SC (and BBC Alba) could therefore count towards the requirement in the Licence condition 2.56 that 8% of network hours/expenditure must be attributable to Scotland. If this quota could be met with programmes shown only in Scotland, and lead to a reduction of programmes from Scotland

¹² Ofcom published the first version of the Operating Licence on 13 October 2017 and an amended version of the Operating Licence on 27 March 2018.

appearing on the network and so available for the rest of the UK on linear television, it could inadvertently undermine the Charter and Agreement's policy objectives for this condition.

2.6 In the Consultation, we said that the most appropriate solution for dealing with this issue would be to amend the programme definitions in the Agreement to place BBC Alba as well as BBC SC outside the scope of the Network Programmes quotas. However, the Agreement is between the BBC and Government, and Ofcom has no power to do this.

2.7 Given this, we stated that our preferred approach was to use the discretion afforded by the Agreement to determine what proportion of network content is "suitable" for the purposes of calculating the BBC's compliance with the outside the M25 quotas for network programming. We stated our intention to amend the Licence to assign a zero-weight to BBC SC and BBC Alba programming.

2.8 Our proposed change to the wording of the Licence to achieve this was set out in condition 2.52A of the proposed amended Licence in Annex One of the Consultation:

"For the purposes of conditions 2.53 to 2.63, the hours of Network Programmes made only for BBC Alba and BBC Scotland shall be zero-weighted."

Summary of responses

2.9 The BBC, PACT, STV, the Scottish Government and Ofcom's Advisory Committee for Scotland agreed with our proposals on 'zero-weighting'.¹³

2.10 The BBC suggested that, for the purposes of clarity, an alternative form of wording be used in the Licence to make clear that this applies to both hours and expenditure, altering section 2.52A to read "*For the purposes of conditions 2.53 to 2.63, the hours of and expenditure on Network Programmes made only for BBC Alba and BBC Scotland shall be zero-weighted*".¹⁴

Ofcom's response

2.11 We agree with the BBC's suggested amendment that it would be appropriate to reference both expenditure as well as hours quotas in relation to the BBC SC and BBC Alba. We have therefore decided to adopt the wording laid out in paragraph 2.10 above.

Treatment of programmes co-commissioned by different BBC services

2.12 Shortly before Ofcom published its Consultation, the BBC shared its proposals for reporting co-commissioned programmes (i.e. programmes co-commissioned between the BBC SC and any of BBC One/BBC Two/BBC Four) against certain quotas set out in Licence. The quotas to which the BBC referred were:

¹³ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 2.1; [Pact's response to the BBC Scotland Channel Consultation](#), paragraph 1.1; [STV's response to the BBC Scotland Channel Consultation](#); [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 1; [Ofcom's Advisory Committee for Scotland's response to the BBC Scotland Channel Consultation](#)

¹⁴ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 2.1

- the first-run UK originations quotas set out in conditions 2.33 to 2.36 of the Licence; and
- the quotas relating to programme-making for network services in the nations and regions set out in conditions 2.53 to 2.60 of the Licence.

2.13 Having considered these, we proposed to amend the Licence to make the position on co-commissions clear.

2.14 We stated the following:

- It is important to distinguish between co-commissions, which are essentially BBC internal budgeting arrangements for programme making, and co-productions, which occur when two different legal entities collaborate to make a programme. The Consultation only dealt with the former.
- The BBC has, historically, considered the different financial contributions made by different services to a co-commissioned programme separately for the purposes of various quotas, for example quotas applicable only to network programmes. This will continue to be the case when reporting against, for example, Licence condition 2.56.2 (that 8% of network *expenditure* must be attributable to Scotland).
- However, Licence conditions setting *hours* quotas for network productions in the nations are new requirements introduced by Ofcom when we first set the current Licence in October 2017. The BBC argued that the historical approach does not work for reporting against, for example, the new BBC Scotland Channel Licence condition 2.56.1 (that 8% of network hours must be made in Scotland). Its position was that all programme hours generated by co-commissions should count against: condition 2.56.1 (that 8% of network hours must be made in Scotland); condition 2.53.1 (that at least 50% of network hours be made outside the M25); and condition 2.33/2.34 (that at least 4,000 hours on BBC One (and 2,200 hours on BBC Two) must be first-run UK originations. For example, the BBC should be able to count the hours of a BBC One/BBC SC co-commission against the first-run UK origination quota in condition 2.33, even if the programme premiered on BBC SC before being shown on BBC One.
- The BBC's rationale for such an approach was that it would encourage collaboration and co-commissioning between the BBC SC and BBC One, BBC Two and/or BBC Four. It added that these existing network channels would be reluctant to co-commission content with the BBC SC if the programming hours did not contribute to the quotas mentioned above.¹⁵

2.15 In response to the BBC's proposal, in our Consultation we said that we were minded to amend the Licence to clarify how the BBC should report against the various expenditure and hours quotas in the Licence when dealing with co-commissions. We also considered

¹⁵ Section 2.10-13 of the [BBC Scotland Channel Consultation](#)

that the historical approach to reporting expenditure remained appropriate and should be formalised in the drafting of the Licence.

2.16 However, we were not persuaded by the BBC's suggestion that the Licence be amended to allow the BBC to attribute all co-commissioned hours (between the BBC SC and BBC One, BBC Two and/or BBC Four) to, for example, the first-run UK origination hours quotas for BBC One and BBC Two in conditions 2.33/2.34 of the Licence, or the made outside of the M25 and made in Scotland quotas in conditions 2.53.1 and 2.56.1, even if the programme was shown on the BBC SC first. In our view, this challenged the commonly understood definition – and intention – of 'first run' (and would weaken the existing requirements upon the BBC to ensure that a substantial amount of first-run originations, including content made outside the M25 and in the nations, is shown first on its leading television network services).

2.17 We therefore proposed new conditions 3.7 and 3.8 of the Licence to reflect our position laid out above:

“3.7 Where any condition of this Licence sets a quota for expenditure, expenditure on co-commissioned programme content shall be allocated to a service in proportion to the percentage contribution it made to the total expenditure.

3.8 For the quotas measured in hours in conditions 2.33 to 2.36 and 2.53 to 2.60 of this Licence, hours of co-commissioned content shall be allocated to the service on which the programme first appeared.”

Summary of responses

2.18 PACT, the Scottish Government, STV and Ofcom's Advisory Committee for Scotland agreed that it was appropriate for financial contributions made by the different BBC services to be allocated in proportion with actual expenditure.¹⁶

2.19 STV and Ofcom's Advisory Committee for Scotland also agreed with our proposal that broadcast hours should be allocated toward quotas relating to the channel that the content first appeared on.¹⁷

2.20 However, PACT and the Scottish Government stated that they felt in regard to network hours it would be more appropriate to allocate hours in proportion with expenditure.¹⁸ PACT said that it believed no disincentives should be created in relation to co-commissioning with the new channel. The Scottish Government also commented that our proposals could result in hours funded by the BBC SC being attributed to BBC network

¹⁶ [Pact's response to the BBC Scotland Channel Consultation](#), paragraph 2.1; [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 1; [STV's response to the BBC Scotland Channel Consultation](#); [Ofcom's Advisory Committee for Scotland's response to the BBC Scotland Channel Consultation](#);

¹⁷ [STV's response to the BBC Scotland Channel Consultation](#); [Ofcom's Advisory Committee for Scotland's response to the BBC Scotland Channel Consultation](#)

¹⁸ [Pact's response to the BBC Scotland Channel Consultation](#), paragraph 2.3; [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 1

quotas, as well as expressing concern about the possible disincentivising effect this may have on BBC SC co-commissions.

2.21 The BBC argued that the inability to report content against multiple channels' quota requirements (made outside the M25 and in the nations, first run originations) could disincentivise network channels from utilising their budget to create content, because they would then be unable to allocate it to their own relevant network quotas.¹⁹

2.22 The BBC suggested that, given the potential value of such commissions for the BBC SC, Ofcom should amend its proposals so that "any programme broadcast on both BBC Scotland and on a network channel should count fully towards the relevant regional and national production quotas if those criteria are met, irrespective of which channel the programme premieres on."²⁰

2.23 The BBC also suggested that Ofcom amend the definition of first-run originations, as defined in condition 2.37.1 of the Operating Licence as follows:

*"'first-run originations' means programmes which are commissioned by or for a UK Public Television Service and have not been shown on a television service aimed at UK-wide audiences in the United Kingdom."*²¹

Ofcom's response

2.24 We have carefully considered the responses we have received on these matters. Given that all respondents who commented on this matter (PACT, the Scottish Government, STV and Ofcom's Advisory Committee for Scotland) agreed with our proposed new condition 3.7, we have made this amendment to the Licence. This would mean, for example, that in the case of a programme co-commissioned between the BBC SC and BBC One, where the BBC SC contributes 20% of the expenditure of the co-commissioned programme and BBC One 80%, then 80% of the expenditure shall be allocated against the relevant network expenditure-based quotas.

2.25 In relation to proposed new condition 3.8, relating to how the BBC should report against the various hours quotas in the Licence, we are not minded to adjust the commonly held understanding of the first-run origination quotas (and as currently defined in the Licence) as applying to the service that premieres a programme first.

2.26 In relation to the quotas around content made outside of the M25, we have taken account of the fact that, in its PIT, the BBC made clear that it would explore co-commissioning opportunities between the network and the BBC SC to address concerns expressed by some stakeholders concerning levels of funding for the new channel.²² It could be argued that it is still open for the BBC to choose to premiere high-value network/BBC SC co-commissions on the BBC SC without claiming those hours against the relevant network quotas. However, we also recognise the realities of funding and commissioning within the

¹⁹ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 2.2

²⁰ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 2.2.2

²¹ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 2.2

²² Schedule 65 of the [BBC's Public Interest Test Submission](#)

BBC and the fact that if we maintained our position it would be unlikely that high-value co-commissioned programming would be shown on the new channel.

2.27 We are sympathetic to the arguments put forward by the BBC that certain programmes on the Scottish Channel may serve to boost that channel without undermining the policy intention of the made outside the M25 quotas (to drive production of significant amounts of original content in the nations and regions for broadcast on the network).

2.28 We are therefore amending the Licence to allow the BBC to count hours of content co-commissioned for the BBC SC and UK Public Television Services (such as BBC One, BBC Two and/or BBC Four) against the Scottish and UK-wide made outside the M25 network hours quotas when a programme premieres on the BBC SC. We consider this will incentivise the BBC to provide high-quality content on the BBC SC and therefore serve as an attractive destination for Scottish audiences.

2.29 The effect of paragraphs 2.25 to 2.28 would mean, for example, that in the case of a two hour programme, co-commissioned between the BBC SC and BBC One, which is premiered on the BBC SC, the two hours:

- could not be allocated against the first-run origination hours quota attributable to BBC One programming (condition 2.33); but
- could be allocated against the network made outside the M25 hours quota (condition 2.53.1) and network made in Scotland quota (condition 2.56.1).

2.30 However, mindful that this is a variation to the existing requirement upon the BBC to ensure that a substantial amount of first-run originations are broadcast on BBC network services, including content made outside the M25 and in the nations, we will monitor the implementation of this issue going forward.

2.31 Given the above, we are amending the Licence to insert a new condition 3.8 as follows:

“(a) Subject to (b) below, for the quotas measured in hours in conditions 2.33 to 2.36 and 2.53 to 2.60 of this Licence, hours of co-commissioned content shall be allocated to the service on which the programme first appeared.

(b) Where hours of content are co-commissioned between the BBC Scotland Channel and any other UK Public Television Service(s), for the quotas measured in hours in conditions 2.53 to 2.60, the hours of co-commissioned content may be allocated to the first UK Public Television Service(s) other than the BBC Scotland Channel on which the programme is shown, even if the content is shown on the BBC Scotland Channel first”.

Our approach to amending the existing Operating Licence conditions relating to BBC Two Scotland

2.32 When the BBC SC launches on 24 February 2019, the current BBC Two Scotland opt-out service will be discontinued. The Licence currently contains a number of requirements on BBC Two’s Scotland opt-out programming and in the Consultation. We therefore proposed to remove references to it from the Licence.

2.33 In the Consultation we proposed amendments to the annual quotas set out in conditions 2.67.1, 2.67.4 and 2.67.5 in respect of programmes which are of national or regional interest shown on the five BBC One and BBC Two opt-out channels²³ which will continue to exist in Scotland, Wales and Northern Ireland after BBC Two Scotland is discontinued. We also proposed setting separate quotas for 2019 to reflect the fact that BBC Two Scotland was expected to continue broadcasting until February 2019, when the BBC SC was expected to launch. We therefore proposed the following quotas:²⁴

- in the Calendar Year 2019, at least 5,974 hours are allocated to programmes which are of national or regional interest (new condition 2.67.1);
- in each Calendar Year after 2019, at least 5,909 hours are allocated to programmes which are of national or regional interest (new condition 2.67.2);
- in the Calendar Year 2019, at least 581 hours of those programmes consist of non-news programming in Peak Viewing Time (new condition 2.67.5);
- in each Calendar Year after 2019, at least 557 hours of those programmes consist of non-news programming in Peak Viewing Time (new condition 2.67.6);
- in the Calendar Year 2019, at least 196 hours of those programmes consist of non-news programming at times immediately preceding or following Peak Viewing Time (new condition 2.67.7); and
- in each Calendar Year after 2019, at least 179 hours of those programmes consist of non-news programming at times immediately preceding or following Peak Viewing Time (new condition 2.67.8).

2.34 We also proposed in new conditions 2.80.1 to 2.80.3 to apply the following conditions which currently apply to BBC Two Scotland (as set out in conditions 2.67 and 2.79 of the Licence) on the BBC SC:²⁵

- The BBC SC should provide a suitable range of programmes (including regional news programmes).
- The BBC SC should provide a range of genres in its programming that reflects Scotland's culture.
- At least 95% of the BBC SC's output would consist of programmes made in Scotland.

2.35 Under the existing condition 2.80 of the Licence the BBC is required to ensure that in each Financial Year at least 200 hours are allocated to non-news programmes, including Gaelic language output. In the Consultation, we noted that the BBC had indicated that the BBC SC will not include Gaelic programming. We therefore proposed not setting any licence conditions relating to Gaelic programming on the BBC SC.

²³ i.e. BBC one Scotland, BBC One Wales, BBC Two Wales, BBC One Northern Ireland and BBC Two Northern Ireland.

²⁴ Section 2.21 of the [BBC Scotland Channel Consultation. The quotas we proposed were based on the assumption that the BBC SC would not launch \(and therefore BBC Two Scotland would continue to broadcast\) until the end of February 2019](#)

²⁵ Section 2.23 of the [BBC Scotland Channel Consultation](#)

- 2.36 As part of our BCA work, we found that BBC SC is a new UK Public Service.²⁶ Consistent with the approach we have previously taken with respect to BBC Alba and BBC Two Scotland, in the Consultation, we proposed that at least 75% of the BBC SC's output must consist of original productions (condition 2.32).

Summary of responses

- 2.37 The BBC agreed with our proposal to amend the annual hours quotas set out in our proposed conditions 2.67.1, 2.67.2 and 2.67.5 to 8.²⁷
- 2.38 STV expressed concern that due to the BBC SC taking the place of the BBC Two Scotland opt out, BBC One Scotland would now be required to meet opt-out quotas as a single entity. It stated that at present 155 hours are allocated to non-news programming which includes repeats and acquisitions and requested that Ofcom introduce some benchmarking to ensure the public value of the Scottish opt-outs is maintained.²⁸
- 2.39 The BBC, PACT, the Scottish Government and an individual agreed with our proposal, as set out in new condition 2.80.1, requiring the BBC SC to provide a range of genres in its programming that reflects Scotland's culture.²⁹
- 2.40 PACT and the Scottish Government agreed with our proposal, as set out in new condition 2.80.3, requiring at least 95% of output to consist of programmes made in Scotland.³⁰ The Scottish Government argued the measure would help the development of the creative sector in Scotland.³¹
- 2.41 However, the BBC challenged this proposed requirement, stating that the new channel will look to co-produce and acquire content from around the world which will include repeats of programmes from other BBC channels and archive content which "resonates with audiences in Scotland" such as *The Thick of It* and *Extras*, starring Scottish actors. They argued that the 95% requirement would prevent the BBC SC from achieving this, and alternatively offered to commit to a requirement that 90% of first-run original programmes be made in Scotland.³²
- 2.42 An individual respondent stated that a 95% threshold might prevent the BBC from broadcasting programming with a distinct Scottish interest such as that made in the Scottish diaspora in Australia or Canada. They also expressed concern that this threshold may disincentivise the BBC from investing in high value drama content for BBC SC, as this could leave them with little budget remaining to fulfil a 95% Scottish made content quota.³³

²⁶ https://www.ofcom.org.uk/_data/assets/pdf_file/0027/109395/Letter-concluding-initial-assessment.pdf

²⁷ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 1.1

²⁸ [STV's response to the BBC Scotland Channel Consultation](#)

²⁹ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 1.3; [Pact's response to the BBC Scotland Channel Consultation](#), paragraph 3.2; [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 2; [Professor Robert Beveridge's Response to the BBC Scotland Channel Consultation](#)

³⁰ [Pact's response to the BBC Scotland Channel Consultation](#), paragraph 3.2

³¹ [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 2

³² [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 1.4

³³ [Professor Robert Beveridge's Response to the BBC Scotland Channel Consultation](#)

- 2.43 Several respondents commented on our proposal in condition 2.80.2 to require the BBC SC to “provide a suitable range of programmes (including regional news programmes).” The BBC questioned the use of language in our proposal. It argued that whilst news programming will be an important feature of the new network, this will not include regional news in the same sense as news programmes provided on the BBC One and Two opt outs, in that it will not vary in each differing region of Scotland. Instead it will feature content “told from a Scottish perspective”, including national, UK and international stories. As such, it suggested that condition 2.80.2 should instead read “in each Calendar Year it should provide a suitable range of programmes.”³⁴
- 2.44 STV expressed concern around the market impact an increase in the BBC’s Scottish news provision might have, as well as Ofcom’s decision to require the BBC Board to monitor the wider effects of the BBC SC on other BBC Services and third parties including online provisions. It suggested that self-reporting was not an effective way to monitor the fulfilment of this regulation.³⁵
- 2.45 An individual respondent suggested that the BBC should be able to act with a degree of independence in how it approaches our proposal to provide regional news programmes in order to improve coverage outside of Glasgow.³⁶
- 2.46 Ofcom’s Advisory Committee for Scotland expressed concern that a condition requiring the BBC SC to “provide a suitable range of programmes” would be too general and open to interpretation.³⁷
- 2.47 On the issue of Gaelic content, PACT and the Scottish Government agreed that it was appropriate to discontinue the requirement to provide Gaelic language programming given the provision of this on BBC Alba.³⁸
- 2.48 However, MG ALBA stated that it was concerned by our proposals and by the fact that the BBC had indicated that the BBC Scotland Channel will not include Gaelic programming. It queried the BBC’s ability to fulfil condition 2.79 of its Licence, that “the BBC must ensure that it provides a range of genres in its programming that reflects Scotland’s culture” if it were not to include Gaelic programming. It further suggested that the existence of BBC Alba should not allow for a binary approach in relation to content on the BBC SC, and that the previous requirement for Gaelic hours on BBC 2 Scotland was beneficial for the Gaelic community.³⁹

³⁴ [The BBC’s response to the BBC Scotland Channel Consultation](#), paragraph 1.3

³⁵ [STV’s response to the BBC Scotland Channel Consultation](#)

³⁶ [Professor Robert Beveridge’s Response to the BBC Scotland Channel Consultation](#), paragraph 4

³⁷ [Ofcom’s Advisory Committee for Scotland’s response to the BBC Scotland Channel Consultation](#)

³⁸ [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 6; [Pact’s response to the BBC Scotland Channel Consultation](#), paragraph 3.3

³⁹ [MG ALBA’s Response to the BBC Scotland Channel Consultation](#)

- 2.49 An individual respondent argued that a stipulation for Gaelic content would help foster the inclusion of the Gaelic community, and that Ofcom should seek a commitment from the BBC on this as well as monitoring its compliance with this for two years.⁴⁰
- 2.50 The BBC, PACT, the Scottish Government and Ofcom’s Advisory Committee for Scotland agreed with our proposal to stipulate that at least 75% of BBC SC’s output consists of original productions.⁴¹ The Scottish Government also suggested that Ofcom impose conditions for first-run UK originations on the BBC SC to further encourage innovation and creativity.⁴²

Ofcom’s response

- 2.51 The BBC as the only respondent to comment on such matters, supported our proposals to amend the annual hours quotas set out in new conditions 2.67.1, 2.67.2 and 2.67.5 to 8. Separately, all respondents who commented on this matter (the BBC, PACT, the Scottish Government and Ofcom’s Advisory Committee for Scotland) supported our proposal that at least 75% of BBC SC’s output consists of original productions. We are therefore making these amendments to the Licence. Given that the BBC SC will launch on 24 February 2018 rather than at the end of February (which was our understanding when we consulted), we have amended the relevant quotas for 2019 in new conditions 2.67.1, 2.67.5 and 2.67.7 to 5,969 hours, 579 hours and 195 hours respectively.
- 2.52 The BBC, PACT and the Scottish Government, as the only respondent to comment on such matters agreed with our proposed condition 2.80.1 requiring the BBC SC to provide a range of genres in its programming that reflects Scotland’s culture. We are therefore making this amendment to the Licence.
- 2.53 We received mixed responses on our proposal to require that at least 95% of output on the BBC SC consist of programmes made in Scotland, as set out in proposed new condition 2.80.3. In this regard, we are mindful that in its PIT for the new service, the BBC stated that the BBC SC would include a range of content that “resonates with audiences in Scotland”, including acquisitions.⁴³ It added that some content would be produced by BBC Scotland and other content would be bought from elsewhere. In our BCA approval decision,⁴⁴ we said that the BBC’s proposal would contribute to the delivery of public value by broadening the options available to viewers in Scotland, by “delivering more content designed to reflect the lives of people in Scotland”. We are also mindful that the 95% quota applicable to the BBC Two Scotland opt-out applied to a service providing only c.450 hours per year whereas the BBC SC will be broadcasting over four times that amount of content.
- 2.54 In this context, we are sympathetic to the concerns expressed by the BBC and have accepted its alternative proposed commitment that at least 90% of first-run originations on

⁴⁰ [Professor Robert Beveridge’s Response to the BBC Scotland Channel Consultation](#), paragraph 5

⁴¹ [The BBC’s response to the BBC Scotland Channel Consultation](#), paragraph 1.2; [Pact’s response to the BBC Scotland Channel Consultation](#), paragraph 3.4; [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 2; [Ofcom’s Advisory Committee for Scotland’s response to the BBC Scotland Channel Consultation](#);

⁴² [The Scottish Governments response to the BBC Scotland Channel Consultation, paragraph 4](#)

⁴³ Schedule 68 of the [BBC’s Public Interest Test Submission](#)

⁴⁴ Schedule 3.7 of the [BBC Scotland BCA Final Statement](#)

the new channel will be made in Scotland, which we have introduced as a condition in the Licence. In reaching this decision, we have taken into account the Scottish Government's suggestion that Ofcom should impose conditions for first-run UK originations on the BBC SC to further encourage innovation and creativity.

- 2.55 Given the difference in scale between BBC Two Scotland and the BBC SC, we do not envisage a significant decrease in the amount of Scottish-made content for viewing by a Scottish-only audience. However, we will monitor performance in this area and if the levels of Scottish-made content on the BBC SC give rise for concern we may look at amending the Licence further in future.
- 2.56 Given the above we are amending Licence condition 2.80.3 to read as follows:
"in each Calendar Year at least 90% of first-run UK originations (as defined under condition 2.37.1) are made in Scotland";
- 2.57 We acknowledge the BBC's concern about our proposal, to require the BBC SC to provide a suitable range of programmes (including regional news programmes). However, we would still expect BBC SC's news provision to report on a range of news content from across Scotland. As such, and for the purpose of providing clarity, we are minded to make the following amendment to licence condition 2.80.2:
*" [...] it provides a suitable range of programmes, including news programmes **which contain news from across Scotland or reflecting a Scottish perspective**".*
- 2.58 We note the Advisory Committee for Scotland's concerns about our proposed condition that the BBC SC should "provide a suitable range of programmes". However, this wording is already present in the BBC's current Operating Licence in relation to the BBC opt-out services. We consider that, in tandem with the other Licence conditions, this condition remains appropriate for holding the BBC to account in this area.
- 2.59 We acknowledge the arguments put by MG ALBA and an individual respondent about including a Licence condition relating to the provision of Gaelic content on the BBC SC. We remain unconvinced of the value in imposing conditions for the inclusion of Gaelic on the BBC SC, given the existence of BBC Alba and that the provision of Gaelic content was not a feature of the BBC PIT on which our BCA decision was reached. However, we would encourage the BBC to remain mindful of its Public Purpose 4, i.e. "reflecting, representing and serving the diverse communities of all of the United Kingdom's nations and regions" in relation to meeting the needs of Gaelic viewers in the BBC SC's output.

Should any additional Licence conditions be imposed?

- 2.60 As part of the Consultation, we considered whether it would be appropriate to impose any further conditions on the BBC SC, in order to secure that the BBC fulfils its Mission and promotes the Public Purposes, including serving the diverse communities of all of the UK's nations and regions.

- 2.61 We considered that the obligations already in place (which we propose to revise as set out above) strike an appropriate balance between holding the BBC to account and leaving it sufficient freedom to fulfil its mission and public purposes.
- 2.62 However, we had noted the weight placed by the BBC, in its PIT and elsewhere,⁴⁵ on the proposed weekday news programme for the BBC SC. In our BCA, we considered that the BBC had provided evidence that the proposal will contribute to the delivery of public value, including through its increased news provision and greater Scottish-focus in its news coverage.⁴⁶
- 2.63 Having regard in particular to the Public Purposes of providing impartial news and information to help people understand and engage with the world around them, and to reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions, we proposed to include in the Licence a condition requiring the BBC SC to provide the volume of news hours that the BBC has proposed. We therefore proposed that:
- in each calendar year after 2019, at least 250 hours are allocated to news programmes in Peak Viewing Time (condition 2.80.5); and
 - to take account of the fact that the BBC SC would be launching in February 2019, in 2019 at least 208 hours are allocated to news programmes in Peak Viewing Time (condition 2.80.4).
- 2.64 We also considered imposing an additional Licence condition on the BBC SC to reflect the fact that the BBC has committed to ensuring that repeats will make up no more than 50% of the new channel's output. However, mindful of how other television services are treated under the Licence, we considered it would not be appropriate to set such a condition at this time. Ofcom's BBC monitoring programme will capture the BBC's activities in Scotland. Therefore, we said that should we be concerned by any aspect of the BBC SC's on-going performance, including the level of repeats, we do not rule out imposing additional Licence conditions on the new channel in future, if we consider it is appropriate to do so.

Summary of responses

- 2.65 All respondents who commented on this matter (the BBC, PACT, Ofcom's Advisory Committee for Scotland, and an individual) agreed with our proposal that the BBC should provide at least 250 hours of news content in Peak Viewing Time per calendar year.⁴⁷ The individual respondent added however that they believed the BBC should be given flexibility in how it fulfils the quota and at what time it chooses to broadcast its evening bulletin.⁴⁸

⁴⁵ Schedule 64 of the [BBC's Public Interest Test Submission](#)

⁴⁶ Schedule 3.27-29 of the [BBC Scotland BCA Final Statement](#)

⁴⁷ [The BBC's response to the BBC Scotland Channel Consultation](#), paragraph 1.5; [Pact's response to the BBC Scotland Channel Consultation](#), paragraph 4.2; [Ofcom's Advisory Committee for Scotland's response to the BBC Scotland Channel Consultation](#)

⁴⁸ [Professor David Hutchison's response to the BBC Scotland Channel Consultation](#), paragraph 3

- 2.66 On the issue of repeats, the Scottish Government agreed with our proposal not to impose a licence condition stipulating an amount of repeats on the BBC SC, citing the BBC's voluntary commitment to do this.⁴⁹ STV disagreed, stating its belief that this commitment should be transposed into the licence, arguing that Local TV services were bound by repeat quotas from the outset and the BBC should be treated similarly. It also questioned the public value of a channel broadcasting up to 50% repeats, arguing that the potential adverse impact on competition the BBC SC might have would only be justified by a high level of public value.⁵⁰
- 2.67 Ofcom's Advisory Committee for Scotland also expressed concern that 50% repeat programming over a schedule represented a high number. As such, it suggested the introduction of a licence condition stating that the BBC SC can broadcast a maximum of 50% repeat programming excluding any news & current affairs programmes.⁵¹

Ofcom's response

- 2.68 Given the responses received, we are including the condition relating to the provision of news in Peak Viewing Time within the amended Licence. Given that the BBC SC will launch on 24 February 2018, we are setting the relevant quota for 2019 at 212 hours. The issue of scheduling of the BBC SC's news programming is a matter for the BBC, subject to the requirement that at least 250 hours per calendar year are broadcast during peak viewing time.
- 2.69 On the issue of repeats, whilst we note the views expressed by stakeholders, we believe there is a strong case for ensuring consistency of treatment of services under the Licence and as such remain unconvinced of the value in imposing conditions on the amount of repeated content to be broadcast on the BBC SC. However, we will monitor the BBC SC's performance, including the level of repeats, and do not rule out imposing additional Licence conditions on the new channel in future, if we consider it is appropriate to do so.

Other matters

- 2.70 Stakeholders raised a number of other issues when responding to the Consultation.
- 2.71 An individual respondent raised concerns about the treatment of the Scots language by the BBC and suggested that Ofcom had the opportunity to correct what this respondent saw as an "historic inequity" between Scots language and other languages present in Scotland.⁵²
- 2.72 The Scottish Government agreed with our proposed methods of monitoring the BBC SC's performance.⁵³

⁴⁹ [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 5;

⁵⁰ [STV's response to the BBC Scotland Channel Consultation](#)

⁵¹ [Ofcom's Advisory Committee for Scotland's response to the BBC Scotland Channel Consultation](#)

⁵² [Name Withheld 1's response to the BBC Scotland Channel Consultation](#)

⁵³ [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 6

- 2.73 The Scottish Government, STV, Ofcom’s Advisory Committee for Scotland, PACT, and two individual respondents raised concerns that the BBC SC would be underfunded.⁵⁴
- 2.74 STV raised concerns that the BBC was, in its view, attempting to attract talent from other companies working in the sector, and that potential salary inflation would work against the health of the sector. It also expressed concern that details of the schedule announced to date such as the transfer of *River City* put the BBC in danger of breaching its licence commitments on Network first run-originations.⁵⁵
- 2.75 PACT welcomed Ofcom’s previous call for a greater degree of transparency from the BBC.⁵⁶
- 2.76 An individual respondent argued that Ofcom’s current regulation of the BBC is not in keeping with a commitment to regulate with a ‘light touch’ philosophy.⁵⁷
- 2.77 In the Consultation, we included a marked-up version of the BBC’s Operating Licence to reflect the creation of the Scotland channel. Schedule 2 of the Operating Licence reproduces for information a list of public services which it is the BBC’s requirement, and not Ofcom’s, to maintain. In response to the Consultation, the BBC provided the description it proposes to use, “a mixed genre television channel that appeals to and reflects the diversity of Scotland”, which we therefore have included in the marked-up licence in Annex 2 (but not in the formal Notice of Variation in Annex 2).

Ofcom’s response

- 2.78 We are unconvinced that it is appropriate at present to impose conditions for the inclusion of Scots language on the BBC SC given that this would be a new and potentially onerous requirement, not envisaged in the BBC’s PIT or our assessment of the impact of the channel’s launch. The Scots language does not have the same protection in law as Gaelic. However, we would encourage the BBC to remain mindful of its Public Purpose 4, “reflecting, representing and serving the diverse communities of all of the United Kingdom’s nations and regions” in relation to meeting the need of Scots language viewers in the BBC SC’s output.
- 2.79 A number of respondents expressed concerns about the funding of the BBC SC. As stated in our BCA decision, we acknowledge the extent which the BBC is able to deliver public value to audiences in Scotland will be partly dependent on delivering high quality, distinctive content.⁵⁸ However, the BBC’s budgetary decisions are an internal matter for the BBC and it is only its performance against the conditions of the Licence as well its overall delivery against its mission and public purposes that Ofcom can ultimately consider.

⁵⁴ [The Scottish Governments response to the BBC Scotland Channel Consultation](#), paragraph 1; [STV’s response to the BBC Scotland Channel Consultation](#); [Ofcom’s Advisory Committee for Scotland’s response to the BBC Scotland Channel Consultation](#); [Pact’s response to the BBC Scotland Channel Consultation paragraph 5.4](#); [Professor Robert Beveridge’s Response to the BBC Scotland Channel Consultation](#) paragraph 3.2; [Professor David Hutchison’s response to the BBC Scotland Channel Consultation](#)

⁵⁵ [STV’s response to the BBC Scotland Channel Consultation](#)

⁵⁶ [Pact’s response to the BBC Scotland Channel Consultation](#), paragraph 5.7

⁵⁷ [Professor Robert Beveridge’s Response to the BBC Scotland Channel Consultation](#) paragraph 2

⁵⁸ Schedule 3.30 of the [BBC Scotland BCA Final Statement](#)

- 2.80 We do not consider the issue of the BBC's recruitment for the BBC SC relevant to this Consultation.
- 2.81 We have considered the matter of the BBC's transparency in our first Annual Report on the BBC, published on 25 October 2018.⁵⁹
- 2.82 We believe our current approach to regulating the BBC is consistent with the role given to us in the Agreement and Charter and is in keeping with our desire to balance efficient regulation with creative freedom.

⁵⁹ <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2018/ofcom-reports-performance-bbc>

A1. Tracked changes version of amended Operating Licence for the BBC's UK Public Services

Document published separately:

https://www.ofcom.org.uk/_data/assets/pdf_file/0024/135159/Annex-1-Operating-licence-for-the-BBCs-UK-Public-Services.pdf

A2. Notice of Variation

NOTICE NUMBER 2 DATED 31 JANUARY 2019

TO THE OPERATING LICENCE FOR THE BBC'S UK PUBLIC SERVICES ISSUED ON 13 OCTOBER 2017 ("THE LICENCE")

RECITALS

(A) On 15 December 2016, the Government published the Royal Charter for the continuance of the BBC ("the Charter") and the agreement between the Secretary of State for Culture, Media and Sport, and the BBC (the "Agreement") which required Ofcom to set a licence for the BBC's UK Public Services. On 13 October 2017, Ofcom issued the Licence.

(B) Following consultation, on 26 June 2018 Ofcom published a statement setting out our decision to approve the launch by the BBC of a new BBC television channel for audiences in Scotland,

(C) In accordance with Clauses 80 and 13(5) of the Agreement, Ofcom's "Procedures for setting and amending the operating licence" published on 13 October 2017 (the "Procedures") and its consultation principles, Ofcom consulted with the BBC on proposed consequential amendments to the licence on 20 April 2018. In addition, Ofcom considered it appropriate in the circumstances to consult publicly having regard to the nature and significance of the proposals for industry. Ofcom has considered all the responses to the consultation.

(D) For the reasons set out in the Statement, Ofcom has decided that it is appropriate to amend the Licence. For ease of reference, Ofcom has also decided to make available a consolidated Licence together with a version of the Licence which marks the changes.

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

1. In condition 2.32, at the end of the table, insert a new row as follows:

"

BBC Scotland	75%	-
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"

2. After the heading "Programme making in the nations and regions: network programmes" (which falls immediately after condition 2.52 of the Licence) insert a new condition numbered 2.52A as follows:

"For the purposes of conditions 2.53 to 2.63, the hours of and expenditure on Network Programmes made only for BBC Alba and BBC Scotland shall be zero-weighted."

3. Replace the existing text of condition 2.67 with the following:

"2.67 In respect of BBC One and BBC Two taken together, the BBC must ensure that:

2.67.1 in the Calendar Year 2019, at least 5,969 hours are allocated to programmes which are of national or regional interest;

2.67.2 *in each Calendar Year after 2019, at least 5,909 hours are allocated to programmes which are of national or regional interest;*

2.67.3 *those programmes include a suitable range of programmes (including regional news programmes);*

2.67.4 *at least 95% of those programmes consist of programmes made in the nation or region in relation to which those programmes are to be of national or regional interest;*

2.67.5 *in the Calendar Year 2019, at least 579 hours of those programmes consist of non-news programming in Peak Viewing Time;*

2.67.6 *in each Calendar Year after 2019, at least 557 hours of those programmes consist of non-news programming in Peak Viewing Time;*

2.67.7 *in the Calendar Year 2019, at least 195 hours of those programmes consist of non-news programming at times immediately preceding or following Peak Viewing Time; and*

2.67.8 *in each Calendar Year after 2019, at least 179 hours of those programmes consist of non-news programming at times immediately preceding or following Peak Viewing Time.”*

4. In condition 2.79, delete the words “*and BBC Two Scotland taken together*”.

5. In condition 2.80, for the following words: “BBC Two Scotland, the BBC must ensure that in each Financial Year at least 200 hours are allocated to non-news programmes, including Gaelic language output. For the purpose of this requirement, “non-news programmes” includes repeats and acquisitions, and does not include current affairs programmes”, substitute:

“BBC Scotland, the BBC must ensure that:

2.80.1 *it provides a range of genres in its programming that reflects Scotland’s culture;*

2.80.2 *in each Calendar Year it provides a suitable range of programmes, including news programmes which contain news from across Scotland or reflecting a Scottish perspective;*

2.80.3 *in each Calendar Year at least 90% of first-run UK originations (as defined under condition 2.37.1) are made in Scotland;*

2.80.4 *in the Calendar Year 2019, at least 212 hours are allocated to news in Peak Viewing Time; and*

2.80.5 *in each Calendar Year after 2019, at least 250 hours are allocated to news in Peak Viewing time.*

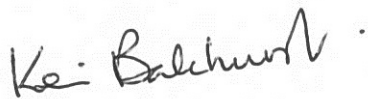
6. In condition 3.1, delete the definition of “BBC Two Scotland”.

7. After condition 3.6, insert:

- “3.7 Where any condition of this Licence sets a quota for expenditure, expenditure on co-commissioned programme content shall be allocated to a service in proportion to the percentage contribution it made to the total expenditure.
- 3.8 (a) Subject to (b) below, for the quotas measured in hours in conditions 2.33 to 2.36 and 2.53 to 2.60 of this Licence, hours of co-commissioned content shall be allocated to the service on which the programme first appeared.
- (b) Where hours of content are co-commissioned between the BBC Scotland Channel and any other UK Public Television Service(s), for the quotas measured in hours in conditions 2.53 to 2.60, the hours of co-commissioned content may be allocated to the first UK Public Television Service(s) other than the BBC Scotland Channel on which the programme is shown, even if the content is shown on the BBC Scotland Channel first”.

This variation to the Licence shall come into force on 24 February 2019.

SIGNED FOR OFCOM ON 31 January 2019



Kei Balchurn