

Revocation of Licences - ARY Network Limited (in liquidation)

On 1 February 2017, Ofcom revoked all of the licences held by ARY Network Limited (in liquidation) ('ARY Network'). The reason for Ofcom's decision is that ARY Network had ceased to provide the licensed services and that Ofcom was satisfied it was appropriate to revoke the licences.

ARY Network held six Television Licensable Content Service ('TLCS') licences granted under Part 1 of the Broadcasting Act 1990. These licences were used to broadcast the following channels: ARY Digital (TLCS-290BA/1), ARY QTV (TLCS-1550BA/1), ARY News (TLCS-925BA/1), ARY World News (TLCS1549BA/1), QTV–Islamic Education Channel (TLCS924BA/1), and ARY Entertainment (TLCS1551BA/1).

On 27 January 2017, Ofcom notified ARY Network that it was minded to revoke the licences, subject to their representations, on the basis that the company had ceased to provide all six of the services. ARY Network had ceased trading on 31 December 2016 and had been placed into voluntary liquidation on 12 January 2017. Ofcom was concerned that, despite the liquidation of the company, programmes were still being broadcast on three of the licensed services (ARY Digital, ARY QTV and ARY News). Ofcom noted that the three remaining services (ARY World News, QTV – Islamic Education Channel and ARY Entertainment) were no longer broadcasting at all.

Following Ofcom's letter of 27 January, the liquidator for ARY Network provided both written and oral representations to Ofcom. These confirmed that ARY Network was no longer providing the services and that the liquidator had been investigating the matter. In its oral representations, the liquidator explained that he believed that the services that were still on air were being provided by a third party. The liquidator also explained his role in maximising the value of the assets in the company and that he was seeking Ofcom's permission to vary the licences to rename the channels and to begin broadcasting new content, with the intention of then selling the EPG slots on which the channels were available.

Having given careful consideration to the comments made in both the written and oral representations of the liquidator, Ofcom was satisfied that ARY Network had ceased to provide all six of its licensed services and, in particular, that it did not have general control of those services within the meaning of section 362(2) of the Communications Act 2003.

The broadcasting regulatory framework relies on Ofcom being able to identify who is providing the licensed service at all times and to be able to hold its broadcast licensees accountable to the terms and conditions of their licences. Having regard to these functions, particularly in relation to authorising the provision of broadcasting services and regulating the content of those services, Ofcom was satisfied that it was appropriate to serve a notice on ARY Network revoking the licences.

On this basis, Ofcom issued and served a notice on ARY Network on 1 February 2017 under section 238(4) of the Communications Act 2003 revoking all six of its licences with immediate effect.