



Guidance Note on Test Transmissions

Publication date:

April 2012

Contents

| Section | | Page |
|---------|------------|------|
| 1 | Background | 1 |
| 2 | Guidance | 2 |

Section 1

Background

- 1.1 This note provides guidance to the holders of certain types of licences¹ issued under the Broadcasting Acts 1990 and 1996 (as amended) on the conditions with which they should comply when carrying out test transmissions.
- 1.2 This guidance will be reviewed from time to time and revised as appropriate to reflect current regulatory requirements.

¹ The relevant Licences are licences to provide Restricted Television Services granted under Part I of the Broadcasting Act 1990 (as amended) and licences to provide Television Multiplex Services granted under Part I of the Broadcasting Act 1996 (as amended, and, in respect of local television multiplex licences, as modified by The Local Digital Television Programme Services Order 2012).

Section 2

Guidance on test transmissions

- 2.1 The Licensee may broadcast test transmissions in advance of the commencement of the digital service in some or all transmission areas, provided that the timing and duration of these transmissions has been agreed in advance by Ofcom.
- 2.2 The Licensee should ensure that such transmissions are authorised by an appropriate Licence issued by Ofcom under the Wireless Telegraphy Act 2006.
- 2.3 Test transmissions may carry programmes as well as engineering test signals but any programmes included in the transmission(s) should comply with the Broadcasting Code² and should exclude certain types of content (see paragraph 2.4 below). Licensees should also comply with paragraph 2.5 of this guidance.
- 2.4 Test transmissions should not contain the following types of content:
- a) Advertising
Any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods and services, including immovable property, rights and obligations, in return for payment³.
 - b) Product placement
The inclusion in a programme of, or of a reference to, a product, service or trade mark where the inclusion is for a commercial purpose, and is in return for the making of any payment, or the giving of other valuable consideration, to any relevant provider or any person connected with a relevant provider, and is not prop placement⁴.
 - c) Sponsored programming
Sponsored programming (which may include a programme, channel, programme segment or block of programmes) is programming that has had some or all of its costs⁵ met by a sponsor. It includes advertiser-funded programmes.
 - d) Premium rate telephony services
The use of premium rate telephony services (“PRS”)⁶ as a means of communication between the viewer and the programme and/or Licensee.
 - e) Programme-related material

² See the Broadcasting Code
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>

³ See the Code on the scheduling of television advertising (COSTA): <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>

⁴ See Section Nine of the Broadcasting Code for definitions of ‘relevant provider’, ‘connected person’ and ‘prop placement’:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/commercial-references-television/>

⁵ See Section Nine of the Broadcasting Code for the definition of ‘costs’:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/commercial-references-television/>

⁶ In this guidance, the term ‘PRS’ means those services that are regulated by PhonepayPlus.

Programme-related material consists of products and services that are both directly derived from a programme and specifically intended to allow viewers to benefit fully from, or to interact with, that programme.

f) Cross-promotions

Promotions on a channel, of programmes and Broadcasting-related Services that are not Self-promotions⁷.

g) Appeals for funds for programming or services

Appeals to viewers for donations to fund the Licensee's programming or services.

- 2.5 The Licensee should retain, or arrange for the retention of, recordings of test transmissions for a period of 60 days. If Ofcom requests a copy of any recording, the Licensee should provide this forthwith. Recordings should be of a standard and in a format, which allows Ofcom to view the material as broadcast. The Licensee should also (where possible⁸), provide Ofcom with scripts or transcripts of any material included in the service.

⁷ See the Cross-promotion Code for the definition of 'Broadcasting-related services' and 'Self-promotions': <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/cross-promotion/>

⁸ In this guidance, the term 'where possible' means that it is intended only to cover circumstances where the production of a script or transcript is not possible for example, because the relevant content contains no actual dialogue.