

**BROADCASTING ACT 1996 AS AMENDED BY THE LOCAL DIGITAL TELEVISION PROGRAMME SERVICES ORDER 2012 (S.I. 2012/292) AND THE COMMUNICATIONS ACT 2003**

**NOTICE OF VARIATION**

**VARIATION NUMBER 9 DATED 27 MARCH 2019**

**TO LICENCE GRANTED TO COMUX UK LIMITED (“THE LICENSEE”) TO PROVIDE A MULTIPLEX SERVICE UNDER PART 1 OF THE BROADCASTING ACT 1996 (AS AMENDED) DATED 29 JULY 2013 (“THE LICENCE”) AS AMENDED BY VARIATION NUMBER 1 DATED 18 FEBRUARY 2014, VARIATION NUMBER 2 DATED 18 JULY 2014, VARIATION NUMBER 3 DATED 10 APRIL 2015, VARIATION NUMBER 4 DATED 27 NOVEMBER 2015, VARIATION NUMBER 5 DATED 1 MARCH 2017, VARIATION NUMBER 6 DATED 6 MARCH 2018, VARIATION NUMBER 7 DATED 16 APRIL 2018 AND VARIATION NUMBER 8 DATED 13 JULY 2018.**

**WHEREAS**

- A. On 19 November 2014 Ofcom published a statement called “Decision to make the 700MHz band available for mobile data” containing a spectrum management decision to make spectrum in the 700 MHz band available for mobile data use.
- B. On 17 October 2016, Ofcom published a statement called “Maximising the benefits of 700MHz clearance – enabling acceleration of 700MHz clearance and use of the 700MHz centre gap”, in which it stated that it would aim to make the band available for that use by May 2020.
- C. On 28 April 2016 and 17 May 2017, the European Commission and the European Parliament and Council, respectively, made decisions the effect of which is to require Member States to make the 700 MHz band available for mobile data use by 30 June 2020.
- D. In order to make the 700MHz band available for mobile data use, existing authorised users of digital terrestrial television, including the Licensee, will have to be cleared from the 700MHz band.
- E. Ofcom has therefore decided that it is appropriate to amend the Licence in order to implement the 700MHz DTT Clearance Programme and give effect to its decisions, by varying the frequencies on which the Multiplex operates.
- F. Conditions 3(1) and 3(2) of the Licence provides that:

*“(1) In order to provide the multiplex service, the Licensee shall establish, operate and maintain a transmission network for the multiplex broadcast of the local television services at the locations listed in Column A of the Technical Plan.*

*(2) In particular, the Licensee shall establish, operate and maintain broadcast facilities on the television transmitter stations and relays listed in Column B of the Technical Plan.”*

G. Condition 3(3) requires the Licensee to comply with specified technical requirements set out in the Technical Plan.

H. Condition 4 states that:

*“Ofcom may change the network requirements for build out or transmission locations and other aspects of transmission or operation, in accordance with the licence variation process described in condition 25 below.”*

I. Condition 25(1) provides that:

*“Ofcom may by a notice served on the Licensee:*

*...*

*(b) vary any conditions imposed in pursuance of Section 12(1)(a) or (b) of the 1996 Act with the consent of the Licensee”*

J. The relevant changes to the Licence are made to the Technical Plan, referenced in Condition 3. In particular, the changes relate to clearance events taking place from March 2019 to March 2020.

K. In accordance with Condition 25, Ofcom has written to the Licensee regarding the changes and the Licensee has on 27 March 2019 consented to them.

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

1. By replacing the relevant rows in the Technical Plan with the revised rows as shown in the first attachment to this notice of variation.
2. By replacing the existing version of annex 1 in the Technical Plan with the revised version of Annex 1 in the second attachment to this notice of variation.

Unless otherwise stated, this variation to the Licence shall come into force on the execution of the variation by Ofcom.

This document shall be construed as if it formed part of the Licence and shall be governed by English law. Terms used in it shall have the same meaning as in the Licence unless stated or the context requires otherwise.

**SIGNED FOR OFCOM ON 27 MARCH 2019**



**Lauren Cleverley**  
**Principal, Broadcast Licensing**