

Revocation

Provider of the Service

Press TV Limited

Introduction

Press TV Limited held a Television Licensable Content Service (“TLCS”) licence under the Broadcasting Act 1990 for the television service Press TV (“the Licensed Service”).

The Communications Act 2003 (“the Act”), the Broadcasting Act 1990 (“the 1990 Act”) and the Broadcasting Act 1996 require that any person who provides a television service in the UK must be authorised to do so under a licence granted by Ofcom or another appropriate European regulatory authority. Under section 13(1) of the 1990 Act it is a criminal offence to provide a television service without a licence.

Under section 362(2) of the Act, the provider of the service for the purposes of holding a licence is the person with general control over which programmes are comprised in the service¹.

Ofcom’s “Guidance regarding the ‘provider of a broadcasting service’ and ‘sub-letting of capacity’ dated 21 May 2010² states that Ofcom considers:

“a person will normally have general control if that person exercises effective control over the selection of programmes that comprise the service and their organisation into a programme schedule. It is that person who will normally be treated as being the provider of the service and who will need to hold a broadcasting licence authorising its provision.”

Condition 29(2)(a) of all TLCS Licences provide that Ofcom may revoke the licence by notice in writing served on the Licensee and taking effect from the time of service if Ofcom is satisfied that the Licensee has ceased to provide the Licensed Service and it is appropriate to revoke the Licence.

Decision

In the course of correspondence and meetings with Ofcom, statements made by Press TV Limited about the operation of the Licensed Service failed to satisfy Ofcom that the Licensee had general control over which programmes and other services were comprised in the Licensed Service. Ofcom therefore concluded that Press TV Limited had ceased to provide the Licensed Service in accordance with section 362(2) of the Act and that, accordingly, it was appropriate to revoke TLCS Licence 1211 under Condition 29(2)(a) of that Licence and

¹ Section 362 (2) state *“the person with general control over which programmes and other services and facilities comprised in the service (whether or not he has control of the content of the individual programmes or the broadcasting or distribution of the service)”*.

² The full guidance regarding the licensing position of the provider of the service can be found at <http://licensing.ofcom.org.uk/binaries/tv/service-provider.pdf>

section 238(4) of the Communications Act 2003. The Licence was revoked on 20 January 2012.

Revocation of the Licence under Condition 29(2)(a) of the Licence and section 238(4) of the Communications Act 2003.