BROADCASTING ACT 1996 (AS AMENDED BY THE COMMUNICATIONS ACT 2003)

NOTICE OF VARIATION

VARIATION NUMBER 38 DATED 28 OCTOBER 2019


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 700MHz band available for mobile data use.

B. 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.

C. 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.
D. 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 requiring the Licensee to complete the 700 MHz Clearance Programme by 30 April 2020, and is now varying the Licence in order to do so.

E. Ofcom has amended the definition of the “700 MHz DTT Clearance Date” in the Licence, removed the placeholder text on the 700 MHz DTT Clearance Date from the Licence and specified a 700 MHz DTT Clearance Date of 30 April 2020.

F. In accordance with section 3(4) of the Broadcasting Act 1996, the Licensee has been given a reasonable opportunity to make representations on the proposed variation.

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

1. By amending the definition of “the 700 MHz DTT Clearance Date” in the Licence and amending paragraph 37 in Annex A Part 12 to the Licence, as set out in the fully consolidated licence attached 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 28 OCTOBER 2019

Graham Plumb
Director of Spectrum Broadcasting