

**Title:**

Please select

**Forename:****Surname:**

Concerned Viewer

**Representing:**

Self

**Organisation (if applicable):****Email:**

[ofcomwatcher@gmail.com](mailto:ofcomwatcher@gmail.com)

**What additional details do you want to keep confidential?:**

No

**If you want part of your response kept confidential, which parts?:****Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Additional comments:****Question 1: Do you have any comments on the proposed order?:**

Clause 3 of the draft statutory instrument is not consistent with Ofcom's statutory duties, which are defined in Clause 3 of the Communications Act 2003. The three subsections of Clause 3 of the statutory instrument are copied from parts (a), (b) and the first half of (c) of Clause 3 (2) of the Communications Act. There is no need for these to be reproduced in this statutory instrument, because Ofcom already has these duties under the Communications Act. However, by only copying parts of its duties under the Communications Act, Ofcom is indicating that it will not consider the other aspects of its duties in relation to this licence award. In particular Clause 3 (1) of the Comms Act defines Ofcom's principle duty, and the subsections of Clause 3 (2) are only examples of things that Ofcom needs to secure in order to fulfil this duty. Also, the second half of Clause 3 (2) states " ...which (taken as a whole) are

both of high quality and calculated to appeal to a variety of tastes and interests". If the number of televisions services are increased, then Ofcom must consider the quality and appeal of these new services in order to assess whether these criteria are met "taken as a whole".