

BROADCASTING ACT 1996 (AS AMENDED BY THE COMMUNICATIONS ACT 2003)**NOTICE OF VARIATION****VARIATION NUMBER 28 DATED 27 NOVEMBER 2012**

TO LICENCE GRANTED TO BBC FREE TO VIEW LIMITED (“THE LICENSEE”) TO PROVIDE A MULTIPLEX SERVICE UNDER PART 1 OF THE BROADCASTING ACT 1996 (AS AMENDED) AND DATED 16 AUGUST 2002 AS VARIED BY VARIATION NUMBER 1 DATED 17 DECEMBER 2003, VARIATION NUMBER 2 DATED 9 NOVEMBER 2004, VARIATION NUMBER 3 DATED 1 APRIL 2005, VARIATION NUMBER 4 DATED 19 FEBRUARY 2007, VARIATION NUMBER 5 DATED 5 JULY 2007, VARIATION NUMBER 6 DATED 10 OCTOBER 2008, VARIATION NUMBER 7 DATED 20 MARCH 2009, VARIATION NUMBER 8 DATED 2 JUNE 2009, VARIATION NUMBER 9 DATED 3 JUNE 2009, VARIATION NUMBER 10 DATED 5 AUGUST 2009, VARIATION NUMBER 11 DATED 8 SEPTEMBER 2009 AND VARIATION 12 DATED 20 OCTOBER 2009, VARIATION NUMBER 13 DATED 4 JANUARY 2010, VARIATION NUMBER 14 DATED 15 FEBRUARY 2010, VARIATION NUMBER 15 DATED 22 FEBRUARY 2010, VARIATION NUMBER 16 DATED 10 MARCH 2010 AND LICENCE VARIATION NUMBER 17 DATED 29 MARCH 2010, VARIATION NUMBER 18 DATED 3 JUNE 2010, VARIATION NUMBER 19 DATED 30 JUNE 2010, VARIATION NUMBER 20 DATED 30 JUNE 2010, VARIATION NUMBER 21 DATED 6 AUGUST 2010, VARIATION NUMBER 22 DATED 15 SEPTEMBER 2010, VARIATION NUMBER 23 DATED 29 SEPTEMBER 2010, VARIATION NUMBER 24 DATED 21 JANUARY 2011, VARIATION NUMBER 25 DATED 22 MARCH 2011, VARIATION NUMBER 26 DATED 24 MARCH 2011 AND VARIATION 27 DATED 28 OCTOBER 2011 (“THE LICENCE”).

WHEREAS

- A. On 17 October 2008, Ofcom announced its determination under Article 3 of the Television Multiplex Services (Reservation of Digital Capacity) Order 2008 (“the Order”) to reserve capacity for relevant Public Service Broadcasters (the “Determination”). This reserved capacity on Multiplex B for services proposed by Channel 4 and S4C in their joint application. Ofcom subsequently varied the Licence in order to reflect the necessary changes required to give effect to the Determination.
- B. On 5 July 2012, Ofcom received formal notification from S4C that it intends to cease provision of the SC4 HD service in Wales on Multiplex B from midnight on 1 December 2012 (i.e. as of 23:59 on 1 December 2012). It therefore surrendered its entitlement to the capacity reserved for the Channel 4/S4C joint application with effect from that date.
- C. On 9 July 2012, Channel 4 indicated that it wished to provide services using the reserved capacity as of 1 December 2012. On 4 September 2012, Channel 4 provided information as to how this proposal, amending the original application, would continue to meet the criteria set out in the original Invitation to Apply and

Ofcom’s general duties under the Communications Act 2003. This information was circulated to the Broadcast Licensing Committee, (the “Committee”) which is now the committee of the main Ofcom Board with delegated responsibility for the discharge of Ofcom’s functions under the 2008 Order.

- D. On 18 September 2012, the Committee reviewed the proposal to amend the Determination against the specific assessment criteria and Ofcom’s general duties. The Committee decided to amend the Determination and this decision was published on 2 October 2012.
- E. 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 Reservation 2 in paragraph 23 of Annex A: Part 11; “DETAILS OF THE RELEVANT PUBLIC SERVICE BROADCASTER, THE RESERVED CAPACITY AND SERVICES TO BE PROVIDED FOR BROADCASTING BY MEANS OF RESERVED CAPACITY” so that it reads as follows:

Reservation 2 (under the terms of Conditions 7A in Part 2)

Company	Regions
Channel Four Television Corporation	Border, Westcountry, Granada, HTV West, Grampian, Scottish, Central, Yorkshire, Anglia, Meridian, Carlton London and LWT, Tyne Tees, Ulster, Channel and HTV Wales

2. By amending Reservation 2: Service 1 (ii) in paragraph 25 of Annex A:Part 11; “Services to be provided by the Relevant Public Service Broadcaster(s) for broadcasting by means of Reserved Capacity pursuant to his commitments given to Ofcom” so that it reads as follows:

“This service will consist of an HD simulcast of the Channel 4 service to be broadcast in England, Scotland, Northern Ireland and Wales.

The Channel 4 HD simulcast service in England, Scotland, Northern Ireland and Wales (Sect 1.1 of the Channel 4 application, and the Channel 4 Amendment Application).

“The programming commitments would mirror those currently captured in the licence obligations of Channel 4 (Sect 5.2 of the Channel 4 application)”

3. By removing Reservation 2: Service 2 in its entirety from paragraph 25 of Annex A: Part 11 “Services to be provided by the Relevant Public Service Broadcaster(s) for broadcasting by means of Reserved Capacity pursuant to his commitments given to Ofcom” .

The amendments outlined in this variation to the Licence shall come into force at 23:59 on 1 December 2012

This document shall be construed as if it formed part of the Licence and shall be governed by English law.

SIGNED FOR OFCOM ON 27 NOVEMBER 2012

Kathleen Stewart

Manager, Television Broadcast Licensing