Draft Order laid before Parliament under section 6(4) of the Wireless Telegraphy Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 000

ELECTRONIC COMMUNICATIONS

BROADCASTING

The Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2012

Made - - - -	*Date*
Coming into force - -	*Date*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 5 and 121(3) of the Wireless Telegraphy Act 2006(**a**).

In accordance with section 6(2) of that Act, the Secretary of State has consulted OFCOM and such other persons as the Secretary of State thinks fit.

In accordance with section 6(3A)(**b**) of that Act, the Secretary of State has taken due account of the desirability of not favouring one form of electronic communications network, electronic communications service or associated facility, or one means of providing or making available such a network, service or facility, over another.

In accordance with section 6(4) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2012 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"ancillary service" has the meaning given in section 24(2) of the Broadcasting Act 1996(**c**);

(**a**) 2006 c.36.
(**b**) Subsection (3A) was inserted by the Electronic Communications and Wireless Telegraphy Regulations 2011, S.I.2011/1210, reg 2(2) and Sch.2, paras 1 and 3.
(**c**) 1996 c.55. Section 24(2) was amended by the Communications Act 2003 (c.21), s 360(3), Sch 15, Pt 2, para 93(1) and (3).

"broadcasting channel" means one of the frequency bands listed in column 2 of Table 1 in the Schedule and which is commonly known and referred to by the broadcasting channel number which is listed opposite that frequency band in column 1 of that Table;

"local digital television programme service" has the meaning given in article 3 of the Local Digital Television Programme Services Order 2012(**a**);

"MHz" means megahertz;

"multiplex licence" means a multiplex licence awarded by OFCOM for a local multiplex service pursuant to section 8 of the Broadcasting Act 1996(**b**) as it has effect as modified by Article 4 of, and the Schedule to, the Local Digital Television Programme Services Order 2012;

"multiplex licensee" means the holder of a multiplex licence;

"standard definition television service" means a digital television programme service, as defined in section 362(1) of the Communications Act 2003(**c**), which is broadcast in a format designed to display the images comprising a television programme by employing 576 active lines of pixels per frame.

Keeping spectrum for use for the provision of local digital television services

3.—(1) OFCOM must ensure that one broadcasting channel (which may be a different broadcasting channel in different places within the United Kingdom) is kept available or made available for—

(a) multiplex broadcasting of a local digital television programme service; and

(b) such other activities as are authorised or required by a multiplex licence.

(2) OFCOM must ensure that on every broadcasting channel kept available or made available in accordance with article 3(1) there is sufficient digital capacity to carry—

(a) one standard definition television service, to be used for the broadcasting of a local digital television programme service;

(b) any ancillary services required for that standard definition television service; and

(c) two further standard definition television services.

Wireless telegraphy licence for multiplex licensee

4. OFCOM must—

(a) grant to every multiplex licensee a wireless telegraphy licence under section 8 of the Wireless Telegraphy Act 2006 which authorises the establishment or use of wireless telegraphy stations and the installation or use of wireless telegraphy apparatus in the places where that multiplex licensee is authorised to broadcast under a multiplex licence; and

(b) exercise their functions to vary or revoke such wireless telegraphy licence, to the extent necessary to match any changes to the places where the multiplex licensee is authorised to broadcast by variations to the multiplex licence.

Release of unused broadcasting channels at a later date

5. If, immediately before 1 January 2019—

(a) OFCOM have kept or made a broadcasting channel available in a particular place of the United Kingdom in accordance with article 3, and

---

(**a**) [S.I. number to be inserted here once issued by SI Registrar].
(**b**) Section 8 was amended by the Communications Act 2003 (c.21), s 360(3), Sch 15, Pt 2, para 80(1) to (3).
(**c**) 2003 c.21.

(b) that channel has not been used by any multiplex licensee for the purposes set out in article 3(1),

OFCOM's duties under articles 3 and 4 cease to have effect on that date in relation to that place.

Undue interference with an existing television multiplex service

6. Where, in a particular place in the United Kingdom, in the opinion of OFCOM undue interference would be caused to transmissions from an existing television multiplex service (as defined in section 241 of the Communications Act 2003) in that particular place as a consequence of—

(a) a broadcasting channel being kept or made available in accordance with article 3 for multiplex broadcasting of a local digital television programme service in that place, and

(b) the installation or use of wireless telegraphy apparatus in that place in accordance with a wireless telegraphy licence granted by virtue of article 4,

articles 3 and 4 do not apply in relation to that particular place.

Name
Title
Date Department for Culture, Media and Sport

SCHEDULE

Article 2

Table 1

Column 1	*Column 2*
Broadcasting channel number	*Frequency range (MHz)*
21	470 to 478
22	478 to 486
23	486 to 494
24	494 to 502
25	502 to 510
26	510 to 518
27	518 to 526
28	526 to 534
29	534 to 542
30	542 to 550
39	614 to 622
40	622 to 630
41	630 to 638
42	638 to 646
43	646 to 654
44	654 to 662
45	662 to 670
46	670 to 678
47	678 to 686
48	686 to 694
49	694 to 702
50	702 to 710
51	710 to 718
52	718 to 726
53	726 to 734
54	734 to 742
55	742 to 750
56	750 to 758
57	758 to 766
58	766 to 774
59	774 to 782
60	782 to 790

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives a number of directions to the Office of Communications ("OFCOM") in relation to the provision of local television services in the UK.

Article 3(1) of the Order directs OFCOM to ensure that, at every place in the United Kingdom, one broadcasting channel is kept available, or is made available, for the purposes of multiplex broadcasting of a local digital television programme service. OFCOM will carry out this duty by allocating, across the United Kingdom, a broadcasting channel from the list of packaged frequencies specified in the Schedule to the Order.

Article 3(2) requires that every broadcasting channel allocated by OFCOM in pursuance of its duty at article 3(1) must have sufficient capacity to carry a local digital television programme service as a standard definition television service, together with any ancillary services ("standard definition television service" and "ancillary service" are defined in article 2 of the Order). In addition, every broadcasting channel allocated by OFCOM under article 3(1) must have sufficient capacity to carry two further standard definition television services.

Article 4(a) directs OFCOM, wherever they grant a local television multiplex licence, to also grant a licence under section 8 of the Wireless Telegraphy Act 2006 (a "wireless telegraphy licence"). Article 4(b) directs OFCOM to exercise their functions to vary or revoke any such wireless telegraphy licence to the extent necessary to match any changes to the places where the licensee is authorised to broadcast by variations to the multiplex licence.

Article 5 provides that if, immediately before 1 January 2019, OFCOM have kept available a broadcasting channel in a particular place in the United Kingdom in accordance with their duty under article 3(1), and that channel has not been used by a local multiplex licensee for the purposes set out in article 3(1), OFCOM's duty to keep that channel available or make it available shall cease to have effect on that date in that particular place.

Article 6 provides that where, in a particular place in the United Kingdom, in OFCOM's opinion the keeping or making available of a broadcasting channel in accordance with article 3, and the installation or use of wireless telegraphy apparatus in that place in accordance with a wireless telegraphy licence granted under article 4, would cause undue interference to existing television multiplex transmissions in that place, OFCOM's duties under articles 3 and 4 do not apply in relation to that place.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the website of the Department for Culture, Media and Sport (www.culture.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

© Crown copyright 2011

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Draft Order laid before Parliament under section 6(4) of the Wireless Telegraphy Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 000

ELECTRONIC COMMUNICATIONS

BROADCASTING

The Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2012

ISBN 978-0-11-151822-9

£4.00

E2068 12/2011 112068T 19585