

SCHEDULES

SCHEDULE 12

TRANSITIONAL PROVISIONS RELATING TO EXISTING CABLE SERVICES

PART II

LICENSING OF EXISTING CABLE SERVICES

Other diffusion services: services falling partly within and partly outside franchise areas

- 9 (1) Where immediately before the transfer date there is in force under Part I of the 1984 Act a licence to provide a diffusion service which—
- (a) is not a prescribed diffusion service, but
 - (b) is provided in an area (“the relevant area”) only part of which is comprised in the area in which a prescribed diffusion service is for the time being authorised to be provided under a licence to which paragraph 1(1) applies (“the franchise area”),
- then (subject to paragraph 7 above)—
- (i) paragraph 5 above shall apply to the licence to the extent that it authorises the provision of a diffusion service in so much of the relevant area as is comprised in the franchise area, and
 - (ii) paragraph 6(1) above shall apply to the licence to the extent that it authorises the provision of such a service in so much of the relevant area as is not so comprised.
- (2) The reference in paragraph 6(1) to the area in which a diffusion service was authorised to be provided immediately before the transfer date shall accordingly be construed, in relation to a licence to which sub-paragraph (1) above applies, as a reference to so much of that area as is not comprised in the franchise area.
- (3) The reference in paragraph 7(1) above to a licence to provide a diffusion service shall be construed, in relation to a licence to which sub-paragraph (1) above applies—
- (a) in connection with the application of paragraph 5(1) above, as a reference to the licence to the extent that it authorises the provision of such a service as is mentioned in sub-paragraph (1)(i) above; and
 - (b) in connection with the application of paragraph 6(1) above, as a reference to the licence to the extent that it authorises the provision of such a service as is mentioned in sub-paragraph (1)(ii) above.
- (4) Where immediately before the transfer date any such diffusion service as is mentioned in paragraph 8(1) above is provided in an area (“the relevant area”) only part of which is comprised in the area in which a prescribed diffusion service is for the time being authorised to be provided under a licence to which paragraph 1(1) above applies (“the franchise area”), then (subject to sub-paragraph (5) below)—

Status: This is the original version (as it was originally enacted).

- (a) paragraph 8(2) above shall apply to the service to the extent that it is, immediately before that date, being provided in so much of the relevant area as is comprised in the franchise area, and
 - (b) paragraph 8(9) above shall apply to the service to the extent that it is then being provided in so much of the relevant area as is not so comprised.
- (5) Neither paragraph 8(2) nor paragraph 8(9) shall apply to a diffusion service in accordance with sub-paragraph (4) above if the part of the service to which it would otherwise so apply would serve only—
- (a) a single building, or
 - (b) an area in which there are not more than the prescribed number of dwelling-houses;
- and in paragraph (b) “the prescribed number” has the same meaning as in paragraph 7(1) above.