
DRAFT STATUTORY INSTRUMENTS

2024 No.

**The Local Digital Television Programme
Services (Amendment) Order 2024**

Amendments relating to local multiplex licences

3.—(1) In paragraph 7 (modifications of section 12(1) (conditions attached to multiplex licence))

(a) before sub-paragraph (a) insert—

“(za) in subsection (1), at the end of paragraph (a) there were inserted “and any supplementary technical plan submitted under section 16(4A)(a)”,”

(b) after sub-paragraph (a) insert—

“(aa) in that subsection, at the end of paragraph (b) there were inserted “and any supplementary proposals submitted under section 16(4A)(b)”,”

(c) at the end of sub-paragraph (d), omit “and”, and

(d) before sub-paragraph (e) insert—

“(da) in subsection (2), at the end there were inserted “, except that such consent is not needed where the variation is to secure the implementation of any supplementary technical plan or supplementary proposals submitted under section 16(4A)”, and”.

(2) Paragraph 8 (modifications of section 16(2) (duration and renewal of multiplex licences)) is amended in accordance with paragraphs (3) to (5).

(3) At the end of sub-paragraph (a), omit “and”.

(4) For sub-paragraph (b) substitute—

“(b) for subsections (2) and (3) there were substituted—

“(2) OFCOM may, at any time before 31st December 2034, renew a local multiplex licence on one occasion in accordance with this section for a period ending on or before 31st December 2034 and beginning with the date on which it would otherwise expire.

(3) An application for the renewal of a local multiplex licence under subsection (2)—

(a) must be made in writing to OFCOM, and

(b) may be made by the licence holder not later than the day falling three months before the relevant date.””.

(5) After sub-paragraph (b) insert—

“(c) for subsection (4)(a)(i) and (ii) there were substituted—

(1) Section 12 has effect in relation to a local multiplex licence with the modifications set out in *S.I. 2012/292*, article 4 and Schedule, Part 1, paragraphs 3 and 7. There are other amendments, but none are relevant to the modifications made by this Order.

(2) Section 16 was amended by the Communications Act 2003 (c. 21), section 360(3), Schedule 15, Part 2, paragraph 88 and section 406(7), Schedule 19(1). Section 16 has effect in relation to a local multiplex licence with the modifications set out in *S.I. 2012/292*, article 4 and Schedule, Part 1, paragraph 8.

- “(i) information about the service the applicant proposes to provide if their licence were renewed, and
- (ii) such additional information as OFCOM consider necessary for the purposes of considering the application.”,
- (d) subsection (4)(b) were omitted,
- (e) after subsection (4) there were inserted—
 - “(4A) In making an application for the renewal of a local multiplex licence under subsection (2), the applicant may submit—
 - (a) a technical plan which supplements that submitted by the licence holder under section 7(4)(b), and
 - (b) proposals which supplement those submitted by the licence holder under section 7(4)(f).”,
- (f) subsections (5) and (6) were omitted,
- (g) in subsection (7), before “multiplex licence” there were inserted “local”,
- (h) in that subsection, paragraph (b) (but not the “or” after it) were omitted,
- (i) after that subsection there were inserted—
 - “(7A) For the purposes of subsection (7)(c), OFCOM may consider any conditions that would be included to secure the implementation of any supplementary technical plan or supplementary proposals submitted under subsection (4A).”,
- (j) subsections (8) and (9) were omitted,
- (k) in subsection (10), the words from “; and they shall not so renew” to the end were omitted,
- (l) for subsection (11) there were substituted—
 - “(11) Where a local multiplex licence has been renewed under this section, the licence as renewed may include such further conditions, or OFCOM may make such variations to existing conditions, as appear to OFCOM to be appropriate for securing the implementation of any supplementary technical plan and supplementary proposals submitted under subsection (4A).
 - (11A) OFCOM may, having regard to the relevant date, postpone consideration of any supplementary technical plan and supplementary proposals submitted under subsection (4A), in which case OFCOM must treat the submission of such information as an application by the holder of the licence as renewed for a variation of the conditions imposed in pursuance of section 12(1)(a) or (b) (see section 12(2)).”,
- (m) in subsection (12), before “multiplex licence” there were inserted “local”,
- (n) in subsection (12A)(a), for “one year” there were substituted “six months”,
- (o) after subsection (12A) there were inserted—
 - “(12B) Subsection (12A) does not prevent the determination of a date falling less than six months after the making of the determination where the determination is made as soon as practicable after the day this subsection comes into force.”, and
- (p) in subsection (13), before “multiplex licence” there were inserted “local”.”.
- (6) After paragraph 8, insert—
 - “**8A.** Part 1 has effect as if after section 16 there were inserted—

“16A Revocation of local multiplex licences for spectrum management reasons

(1) Where OFCOM have awarded a local multiplex licence under section 8(3), or renewed a local multiplex licence under section 16, they may, with the consent of the Secretary of State, revoke the licence.

(2) OFCOM may only revoke the licence for reasons related to the management of the radio spectrum.

(3) Where OFCOM propose to revoke the licence, they must give the holder of the licence a notification—

- (a) stating the reasons for the proposed revocation, and
- (b) specifying the period during which the person notified has an opportunity to make representations about the proposal.

(4) Where OFCOM have given a notification under subsection (3), they must, as soon as reasonably practicable after the end of the period for the making of representations—

- (a) decide whether or not to revoke the licence in accordance with their proposal, or in accordance with that proposal but with modifications, and
- (b) give the holder of the licence a notification of their decision—
 - (i) stating the reasons for the decision, and
 - (ii) where the decision is to revoke the licence, specifying a date, not earlier than five years after the date on which the notification is given, on which the revocation takes effect.””.

(3) Section 8 was amended by the Communications Act 2003 (c. 21), section 360(3), Schedule 15, Part 2, paragraph 80. Section 8 has effect in relation to a local multiplex licence with the modifications set out in S.I. 2012/292, article 4 and Schedule, Part 1, paragraphs 3 and 5.