

SCHEDULES

SCHEDULE 12

TRANSITIONAL PROVISIONS RELATING TO EXISTING CABLE SERVICES

PART II

LICENSING OF EXISTING CABLE SERVICES

Prescribed diffusion services: replacement of cable licences by local delivery licences

- 2 (1) Where—
- (a) any person is the holder of a licence to provide a prescribed diffusion service, being a licence to which paragraph 1(1) above applies (“the existing licence”), and
 - (b) the closing date for the making of applications for the licence under section 6 of the 1984 Act fell before 7th November 1988,
- that person may, within the period of six months beginning with the transfer date, request the Commission to grant him a licence under Part II of this Act to provide a local delivery service for the area in which the prescribed diffusion service is authorised to be provided under the existing licence.
- (2) Where any request is duly made to them under sub-paragraph (1), the Commission shall (notwithstanding anything in sections 74 to 76 of this Act) grant the licence applied for; and, on the coming into force of that licence, the existing licence shall cease to have effect.
- (3) A local delivery licence granted in pursuance of this paragraph may authorise the licensed service to be provided by wireless telegraphy to such extent as is specified in the licence.
- (4) Nothing in section 77 of this Act shall apply to such a local delivery licence until such time (if any) as it is renewed in accordance with sub-paragraph (5).
- (5) Section 78 of this Act shall apply to such a local delivery licence as if—
- (a) in subsection (1), the first reference to a period of fifteen years were a reference to the period of fifteen years beginning with the date of the coming into force of the existing licence;
 - (b) in subsection (4), paragraph (b) were omitted;
 - (c) subsection (5) were omitted;
 - (d) in subsection (6)(b), the words from “a different” to “as” were omitted; and
 - (e) in subsection (9), the reference to any conditions included in the licence in pursuance of section 77 were a reference to any conditions so included in accordance with sub-paragraph (6) below.

Status: This is the original version (as it was originally enacted).

- (6) Where such a local delivery licence is to be renewed in accordance with sub-paragraph (5), the Commission shall (notwithstanding section 3(4) of this Act, as applied by section 73(3)) by notice served on the licence holder vary the licence, as from the date of its renewal, by including in it such conditions as appear to them to be necessary or expedient in consequence of sub-paragraph (4).
- (7) Section 3(3) of this Act shall, in its application (in accordance with section 73(3)) to a local delivery licence granted in pursuance of this paragraph, have effect as if the reference to Part I of this Act included a reference to this Part of this Schedule.
- (8) Section 81(3) and (4) of this Act shall not apply in relation to a local delivery licence granted in pursuance of this paragraph.
- (9) Except as provided in the preceding provisions of this paragraph, Part II of this Act applies to a local delivery licence granted in pursuance of this paragraph as it applies to any other such licence granted under that Part.