
STATUTORY INSTRUMENTS

1996 No. 2760

**The Independent Analogue Broadcasters
(Reservation of Digital Capacity) Order 1996**

PART III

THE C5/S4C MULTIPLEX LICENCE

Applications for the licence

8.—(1) The notice published by the Commission under section 7(1) of the 1996 Act in respect of the C5/S4C multiplex licence shall, in addition to the matters set out in that section, specify the amount of digital capacity reserved in accordance with a direction of the Secretary of State to the Commission under section 28(2)(b)(ii) of the 1996 Act for the broadcasting of Channel 5 in digital form and of S4C Digital on the frequency on which the multiplex service is to be provided.

(2) A application made in pursuance of the notice referred to in paragraph (1) shall, in addition to the matters set out in section 7(4) of the 1996 Act, be accompanied by the applicant's proposals for the broadcasting of Channel 5 in digital form and of S4C Digital.

(3) Where an application for the C5/S4C multiplex licence has been duly made to the Commission in accordance with section 7 of the 1996 Act and with paragraph (2), they may, without prejudice to section 8 of the 1996 Act, refuse the application if they are not satisfied that the applicant would not charge viewers for the reception of any qualifying service.

Conditions attaching to the licence

9. The C5/S4C multiplex licence shall include, in addition to the conditions referred to in section 12(1) of the 1996 Act, such conditions as appear to be appropriate to the Commission for securing that, in consideration of the making, by the holder of the Channel 5 licence and the Welsh Authority respectively, of such payments as are from time to time agreed between each of them and the holder of the C5/S4C multiplex licence or (in default of agreement) determined by the Commission, the holder of the C5/S4C multiplex licence will use the digital capacity specified in the direction of the Secretary of State referred to in article 8(1) for the broadcasting of services provided by the holder of the Channel 5 licence and by the Welsh Authority.

Variation of Channel 5 licence

10.—(1) The Commission shall vary the licence under which Channel 5 is provided in analogue form so as to include such conditions as appear to the Commission to be appropriate for imposing on the holder of that licence, in specified circumstances, an obligation to provide his qualifying service and such other consequential and transitional provisions as the Commission may consider appropriate.

(2) The Commission shall also include such conditions in any other licence under which Channel 5 is subsequently provided in analogue form.