
STATUTORY INSTRUMENTS

2008 No. 1420

**The Television Multiplex Services
(Reservation of Digital Capacity) Order 2008**

Multiplex A

Variation of the Multiplex A licence: Channel 5 services

9.—(1) If, but only if, OFCOM reserve digital capacity on Multiplex 2 for the holder of a licence to provide Channel 5 as mentioned in article 8(3)(c), they must also vary the Multiplex A licence in accordance with this article.

(2) OFCOM must vary the Multiplex A licence so that, as from the time when the variations reserving capacity on Multiplex 2 for the holder of a licence to provide Channel 5 take effect, the Multiplex A licence includes such conditions as OFCOM consider appropriate for securing that its holder reserves for the holder of a licence to provide Channel 5 digital capacity equivalent to—

- (a) 50 per cent. of the digital capacity available on the frequencies on which Multiplex A is broadcast, throughout the British Islands, less
 - (b) digital capacity sufficient for the broadcasting (as a standard definition television service) of Channel 5, throughout the British Islands.
- (3) At any time when there is digital capacity on Multiplex A reserved for Channel 5 services—
- (a) the holder of a licence to provide Channel 5, or
 - (b) the holder of the Multiplex A licence,

or both of them, may refer to OFCOM for determination any question arising as to the amount of digital capacity which is sufficient for the broadcasting of Channel 5 as a standard definition television service.

Variation of the Multiplex A licence: Welsh Authority services

10.—(1) If, but only if, OFCOM reserve digital capacity on Multiplex 2 for the Welsh Authority as mentioned in article 8(3)(d), they must also vary the Multiplex A licence in accordance with this article.

(2) OFCOM must vary the Multiplex A licence so that, as from the time when the variations reserving capacity on Multiplex 2 for the Welsh Authority take effect, that licence includes such conditions as OFCOM consider appropriate for securing that its holder reserves for the Welsh Authority digital capacity equivalent to—

- (a) 50 per cent. of the digital capacity available on the frequencies on which Multiplex A is broadcast, throughout Wales, less
- (b) digital capacity sufficient for the broadcasting (as a standard definition television service) of the service known as S4C Digital (or S4C Digidol), throughout Wales.

- (3) At any time when there is digital capacity on Multiplex A reserved for the Welsh Authority—
- (a) that Authority, or

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(b) the holder of the Multiplex A licence,
or both of them, may refer to OFCOM for determination any question arising as to the amount of digital capacity which is sufficient for the broadcasting of S4C Digital as a standard definition television service.