NOTICE OF VARIATION

VARIATION NUMBER 12 DATED 11 NOVEMBER 2010


WHEREAS

A. On 2 February 2009, Ofcom published a public consultation, “Digital Dividend: Clearing the 800 MHz band”, on whether to clear the 800 MHz band in the UK in order to align some of the spectrum being released in the UK (as part of the UK’s Digital Dividend Review) with the spectrum being released in an increasing number of other European countries;

B. Following this consultation, Ofcom published a statement called “Digital Dividend: Clearing the 800 MHz band” on 30 June 2009 announcing its decision to clear the 800MHz band in the UK;

C. In order to clear the 800MHz band, existing authorised users of digital terrestrial television will have to be moved from channels 61 and 62 as set out in the Ofcom statement of 30 June 2009;

D. In order to facilitate delivery of the DTT Clearance Programme, Ofcom has decided that it is appropriate to vary the Licence in the manner set out below, and

E. In accordance with section 3(4)(b) of the Broadcasting Act 1996 (as amended), the Licensee has been given a reasonable opportunity to make representations on the proposed variations.

NOW THEREFORE the Licence shall be varied in the following manner:

1. By inserting references to condition 39A and Annex: Part 7 in the Index to the Schedule as appropriate, to read as follows:
39A. DTT Clearance Programme

ANNEX: PART 7 Requirements relating to the DTT Clearance Programme

2. By inserting a new definition into Part 1, Condition 1: Definitions and interpretation of the Schedule, after the ‘Commencement Relevant Digital Switchover Date’ definition, to read as follows:

“DTT Clearance Programme” means the clearance of digital terrestrial television services from the frequencies between 790MHz and 806MHz (which are known as channels 61 and 62). This policy is set out in Ofcom’s Digital Dividend: Clearing the 800 MHz band statement published on 30 June 2009, and by the Government in its Digital Britain – Final Report published on 16 June 2009. DTT services cleared from channels 61 and 62 as a result of this programme will be reallocated to alternative frequencies. Annex: Part 6 will be varied by Ofcom from time to time in order to reflect the necessary frequency changes.

3. By inserting a new Condition 39A, to read as follows:

39A. DTT Clearance Programme

The Licensee shall comply with, or procure compliance with the DTT Clearance Programme requirements set out in Annex: Part 7.

4. By inserting a new Annex: Part 7, to read as follows:

ANNEX: PART 7 REQUIREMENTS RELATING THE DTT CLEARANCE PROGRAMME

14. Cooperation and coordination with other parties

The Licensee shall use reasonable endeavours to cooperate in all respects, including promptly and in good faith, with:

(a) other Ofcom licensees (in particular the holder of the television Multiplex Licence which carries the Licensed Service/s), the BBC and S4C;

(b) Government;

(c) Digital UK; and

(d) with such other parties, as necessary, or as notified to him by Ofcom,

in the administration, organisation or implementation of the DTT Clearance Programme.

These variations to the Licence shall come into force upon the execution of this document by Ofcom.
This document shall be construed as if it formed part of the Licence and shall be governed by English law.

SIGNED FOR AND ON BEHALF OF OFCOM ON 11 NOVEMBER 2010

[Signature]

Kathleen Stewart
Manager, Television Broadcast Licensing