Draft Order laid before Parliament under section 6(4) of the Wireless Telegraphy Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 000

ELECTRONIC COMMUNICATIONS BROADCASTING

The Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2012

Made - - - -	*Date*
Coming into force - -	*Date*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 5 and 121(3) of the Wireless Telegraphy Act 2006(**1**).

In accordance with section 6(2) of that Act, the Secretary of State has consulted OFCOM and such other persons as the Secretary of State thinks fit.

In accordance with section 6(3A)(**2**) of that Act, the Secretary of State has taken due account of the desirability of not favouring one form of electronic communications network, electronic communications service or associated facility, or one means of providing or making available such a network, service or facility, over another.

In accordance with section 6(4) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2012 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"ancillary service" has the meaning given in section 24(2) of the Broadcasting Act 1996(**3**);

(**1**) 2006 c.36.
(**2**) Subsection (3A) was inserted by the Electronic Communications and Wireless Telegraphy Regulations 2011, S.I.2011/1210, reg 2(2) and Sch.2, paras 1 and 3.
(**3**) 1996 c.55. Section 24(2) was amended by the Communications Act 2003 (c.21), s 360(3), Sch 15, Pt 2, para 93(1) and (3).

"broadcasting channel" means one of the frequency bands listed in column 2 of Table 1 in the Schedule and which is commonly known and referred to by the broadcasting channel number which is listed opposite that frequency band in column 1 of that Table;

"local digital television programme service" has the meaning given in article 3 of the Local Digital Television Programme Services Order 2012(**4**);

"MHz" means megahertz;

"multiplex licence" means a multiplex licence awarded by OFCOM for a local multiplex service pursuant to section 8 of the Broadcasting Act 1996(**5**) as it has effect as modified by Article 4 of, and the Schedule to, the Local Digital Television Programme Services Order 2012;

"multiplex licensee" means the holder of a multiplex licence;

"standard definition television service" means a digital television programme service, as defined in section 362(1) of the Communications Act 2003(**6**), which is broadcast in a format designed to display the images comprising a television programme by employing 576 active lines of pixels per frame.

Keeping spectrum for use for the provision of local digital television services

3.—(1) OFCOM must ensure that one broadcasting channel (which may be a different broadcasting channel in different places within the United Kingdom) is kept available or made available for—

(a) multiplex broadcasting of a local digital television programme service; and

(b) such other activities as are authorised or required by a multiplex licence.

(2) OFCOM must ensure that on every broadcasting channel kept available or made available in accordance with article 3(1) there is sufficient digital capacity to carry—

(a) one standard definition television service, to be used for the broadcasting of a local digital television programme service;

(b) any ancillary services required for that standard definition television service; and

(c) two further standard definition television services.

Wireless telegraphy licence for multiplex licensee

4. OFCOM must—

(a) grant to every multiplex licensee a wireless telegraphy licence under section 8 of the Wireless Telegraphy Act 2006 which authorises the establishment or use of wireless telegraphy stations and the installation or use of wireless telegraphy apparatus in the places where that multiplex licensee is authorised to broadcast under a multiplex licence; and

(b) exercise their functions to vary or revoke such wireless telegraphy licence, to the extent necessary to match any changes to the places where the multiplex licensee is authorised to broadcast by variations to the multiplex licence.

Release of unused broadcasting channels at a later date

5. If, immediately before 1 January 2019—

(a) OFCOM have kept or made a broadcasting channel available in a particular place of the United Kingdom in accordance with article 3, and

(**4**) [S.I. number to be inserted here once issued by SI Registrar].
(**5**) Section 8 was amended by the Communications Act 2003 (c.21), s 360(3), Sch 15, Pt 2, para 80(1) to (3).
(**6**) 2003 c.21.