

SCHEDULES

SCHEDULE 12

TRANSITIONAL PROVISIONS RELATING TO EXISTING CABLE SERVICES

PART II

LICENSING OF EXISTING CABLE SERVICES

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

- 6 (1) Subject to paragraph 7(1) below, where immediately before the transfer date there is in force under Part I of the 1984 Act a licence to provide a diffusion service which is neither—
- (a) a prescribed diffusion service, nor
 - (b) a diffusion service to which paragraph 5(1) above applies,
- the licence shall cease to have effect on the transfer date; but the holder of the licence shall be granted by the Commission as from that date a licence under Part II of this Act to provide a local delivery service for the area in which the diffusion service was authorised to be provided immediately before that date.
- (2) So much of section 73(2) of this Act as relates to the provision of local delivery services by wireless telegraphy shall not apply to a local delivery licence granted in pursuance of this paragraph.
- (3) Any local delivery licence granted in pursuance of this paragraph shall be so granted notwithstanding anything in sections 74 to 76 of this Act; and 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 (4).
- (4) 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 five years beginning with the transfer date, and the second reference to a period of fifteen years were a reference to a period of five years;
 - (b) in subsection (2), the reference to five years were a reference to three years;
 - (c) in subsection (4), paragraph (b) were omitted;
 - (d) subsection (5) were omitted;
 - (e) in subsection (6)(b), the words from “a different” to “as” were omitted; and
 - (f) 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 (5).
- (5) Where such a local delivery licence is to be renewed in accordance with sub-paragraph (4), 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

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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 (3).

- (6) Sub-paragraphs (7) to (9) of paragraph 2 above shall have effect in relation to a local delivery licence granted in pursuance of this paragraph as they have effect in relation to such a licence granted in pursuance of that paragraph.