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STATUTORY INSTRUMENTS

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**2008 No. 1420**

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

*Services to be provided on reserved capacity*

**Public service digital programme licences: award**

6.—(1) The following modifications to section 18 of the 1996 Act (licensing of digital television programme services) shall have effect for the purposes of applications for, and the award and grant of, public service digital programme licences.

(2) Subsections (1) to (3) of that section (applications) shall not apply in relation to a public service digital programme licence granted under article 3(9), but in any other case shall have effect in relation to an application by a relevant public service broadcaster for a public service digital programme licence as they have effect in relation to an application for any other digital programme licence.

(3) Except as otherwise provided in this Order, a public service digital programme licence shall be treated as if it were a digital programme licence granted under subsection (4) of that section.

(4) Nothing in this Order shall require OFCOM to grant a licence to an applicant if they are prevented from doing so by—

- (a) section 3(3)(a) of the 1996 Act (which provides that OFCOM must not grant a licence to a person unless satisfied that they are a fit and proper person to hold it), or
- (b) section 5(1)(a) of that Act (which provides that OFCOM must do all they can to secure that a person does not become or remain the holder of a licence under Part 1 of that Act if they are a disqualified person in relation to that licence by virtue of Part 2 of Schedule 2 to the Broadcasting Act 1990).

(5) For the purposes of paragraph (4), the reference in section 18(4) (grant of licence) to section 5(1)(a) of the 1996 Act shall not be taken to prevent OFCOM from granting a public service digital programme licence to the Welsh Authority.