

Status: Point in time view as at 13/02/2013.

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SCHEDULES

SCHEDULE 10

LICENSING THE PUBLIC TELETEXT SERVICE

Modifications etc. (not altering text)

- C1** Sch. 10 excluded (8.12.2003) by [The Office of Communications Act 2002 \(Commencement No. 3\) and Communications Act 2003 \(Commencement No. 2\) Order 2003 \(S.I. 2003/3142\)](#), **art. 8(1)** (with art. 11)

PART 1

APPLICATIONS FOR AND AWARD OF LICENCE

Notice of proposal to grant licence

- 1 (1) Where OFCOM propose to grant a licence to provide the public teletext service they must publish a notice stating that they are proposing to do so.
- (2) The notice must—
- (a) specify the digital capacity which is available for the public teletext service on television multiplex services;
 - (b) specify whether the licence will require the public teletext service to comprise a service to be provided for broadcasting in analogue form;
 - (c) invite applications for the licence;
 - (d) specify the closing date for applications;
 - (e) specify the fee payable on the making of an application for the licence; and
 - (f) specify the percentage of qualifying revenue for each accounting period of the licence holder which OFCOM have determined to be the percentage of that revenue that will have to be paid to them.
- (3) Where the licence is to comprise an analogue teletext service the notice must specify—
- (a) the television broadcasting service or services on whose frequency or frequencies the services are to be provided; and
 - (b) the extent and nature of the spare capacity which is to be allocated by the licence.
- (4) For the purposes of sub-paragraph (2)(f)—
- (a) different percentages may be determined and specified for different accounting periods; and
 - (b) the percentages that may be determined and specified for an accounting period include a nil percentage.

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- (5) A notice under this paragraph is to be published in such manner as OFCOM consider appropriate.

Commencement Information

I1 Sch. 10 para. 1 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

Guidance as to applications

- 2 (1) When publishing a notice under paragraph 1, OFCOM must publish with it some general guidance to applicants about what is likely to make proposals relating to the matters mentioned in paragraph 3(1)(c) to (e) acceptable to them.
- (2) Guidance published under this paragraph must include examples.

Commencement Information

I2 Sch. 10 para. 2 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

Applications for the licence

- 3 (1) An application made in response to a notice under paragraph 1 must be accompanied by—
- (a) the fee specified in the notice as payable on the making of the application;
 - (b) a technical plan complying with sub-paragraph (2);
 - (c) the applicant's proposals for providing, or securing the provision of, a service that fulfils the public service remit for the public teletext service;
 - (d) the applicant's proposals for including news items in the service and for securing that the news items included in the service are up to date and regularly revised;
 - (e) the applicant's proposals for the inclusion in the service of material that is of particular interest to persons living in different parts of the United Kingdom;
 - (f) the applicant's cash bid in respect of the licence; and
 - (g) such information as OFCOM may reasonably require about the matters mentioned in sub-paragraph (3).
- (2) The technical plan must indicate—
- (a) the nature of the public teletext service which the applicant is proposing to provide; and
 - (b) the nature of any services the provision of which, in accordance with proposals made by another person, would be secured by the applicant in accordance with provision made under section 220.
- (3) The matters about which OFCOM may require information under sub-paragraph (1) (g) are—
- (a) the applicant's present financial position; and
 - (b) his projected financial position during the period for which the licence would be in force.

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- (4) At any time after receiving an application under this Schedule and before disposing of it, OFCOM may require the applicant to furnish additional information about any one or more of the following—
- (a) the matters that must be indicated in the technical plan;
 - (b) the applicant's proposals with respect to the matters mentioned in sub-paragraph (1)(c) to (e); and
 - (c) the matters mentioned in sub-paragraph (3).
- (5) Any information to be furnished to OFCOM under this paragraph must be in such form, and must be verified, in such manner as they may require.

Commencement Information

I3 Sch. 10 para. 3 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Notice inviting public representations

- 4 (1) As soon as reasonably practicable after the date specified in a notice under paragraph 1 as the closing date for applications, OFCOM must publish—
- (a) the name of every person who has made an application to them in response to their notice;
 - (b) particulars of the technical plan submitted by each applicant;
 - (c) the proposals submitted by each applicant with respect to the matters mentioned in paragraph 3(1)(c) to (e);
 - (d) such other information connected with each application as OFCOM consider appropriate; and
 - (e) a notice under sub-paragraph (2).
- (2) The notice required by this paragraph is one that—
- (a) invites representations to be made to OFCOM with respect to the other matters published under this paragraph; and
 - (b) specifies the manner in which, and the time by which, such representations have to be made.
- (3) Publication of any information or notice under this paragraph is to be in such manner as OFCOM consider appropriate.

Commencement Information

I4 Sch. 10 para. 4 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

Determination of applications

- 5 (1) This paragraph applies where, in response to a notice under paragraph 1, a person has made an application for a licence to provide the public teletext service.
- (2) OFCOM must not proceed to consider whether to award the applicant the licence in accordance with the following provisions of this paragraph unless it appears to them—

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- (a) that the applicant’s technical plan, in so far as it involves the use of an electronic communications network, contains proposals that are acceptable to them;
 - (b) that the applicant’s proposals with respect to the matters mentioned in paragraph 3(1)(c) to (e) are acceptable to them; and
 - (c) that the services proposed to be provided under the licence would be capable of being maintained throughout the period for which the licence would be in force.
- (3) In determining whether it appears to them as mentioned in sub-paragraph (2), OFCOM must take account of any representations made to them in response to the invitation published under paragraph 4.
- (4) Sections 17 and 17A of the 1990 Act (award of licence to highest cash bidder and financial conditions) apply in relation to a licence to provide the public teletext service as they apply in relation to a Channel 3 licence, but with the modifications set out in sub-paragraphs (5) and (6).
- (5) In the application of section 17 of the 1990 Act in accordance with sub-paragraph (4)
- (a) any reference to an applicant is to be construed as a reference to an applicant in whose case it appears to OFCOM as mentioned in sub-paragraph (2);
 - (b) the provisions of subsection (4) down to the end of paragraph (b) are to be omitted;
 - (c) in subsection (7)(a), the reference to section 19(1) of the 1990 Act is to be construed as a reference to paragraph 7 of this Schedule;
 - (d) subsection (12) shall have effect with the substitution of the following paragraph for paragraph (b)—
 - “(b) the name of every other applicant in whose case it appeared to OFCOM as mentioned in paragraph 5(2) of Schedule 10 to the Communications Act 2003;”
 - (e) in subsection (14), the references to a notice under section 15(1) of the 1990 Act and a notice under Part 1 of that Act shall each have effect as a reference to a notice under paragraph 1 of this Schedule.
- (6) In the application of section 17A of the 1990 Act in accordance with sub-paragraph (4)—
- (a) the reference in subsection (1)(b) to section 15(3)(g) of the 1990 Act shall have effect as a reference to paragraph 3(1)(g) of this Schedule; and
 - (b) the reference in subsection (3) to a notice under section 15(1) of the 1990 Act shall have effect as a reference to a notice under paragraph 1 of this Schedule.

Commencement Information

15 Sch. 10 para. 5 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

Revocation of award

- 6 (1) This paragraph applies if, at any time after a licence to provide the public teletext service has been awarded to a person, but before it has come into force—

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- (a) that person indicates to OFCOM that he does not intend to provide, or secure the provision of, the licensed service; or
 - (b) OFCOM have, for any other reason, reasonable grounds for believing that the licensed service will not be provided once the licence has come into force.
- (2) OFCOM must revoke the licence by serving a notice of revocation on the person to whom it was awarded.
- (3) OFCOM may then award the licence again in accordance with section 17 of the 1990 Act (as applied by paragraph 5 of this Schedule) as if the person whose licence is revoked had not made an application.
- (4) Sub-paragraph (3) has effect subject to subsection (14) of section 17 of the 1990 Act (as so applied) (re-publication of invitation to make applications) as if the reference in that subsection to the following provisions of Part 1 of that Act included a reference to that sub-paragraph.
- (5) Before acting under sub-paragraphs (2) and (3) in a case falling within sub-paragraph (1)(b), OFCOM must serve a notice on the person awarded the licence stating their grounds for believing that the licensed service will not be provided once the licence has come into force.
- (6) Where such a notice is required to be given, OFCOM must not revoke the licence unless they have given the person to whom it was awarded a reasonable opportunity of making representations to them about the matters by reference to which they are proposing to revoke it.
- (7) In the case of a licence to provide a service that must comprise both—
 - (a) an analogue teletext service, and
 - (b) a teletext service provided in digital form,the references in sub-paragraphs (1) and (5) to the licensed service are references to one or both of those services.

Commencement Information

I6 Sch. 10 para. 6 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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