

Digital UK LCN Policy

Version 7.0, 1 March 2021

This Policy supersedes all previous versions.

1 INTRODUCTION

- 1.1 Digital UK supports Freeview and channels, providing viewers with information about their options for receiving terrestrial TV and advice on reception and equipment. Digital UK also handles day-to-day technical management of the Freeview Electronic Programme Guide ('EPG'), allocates logical channel numbers ('LCNs') and manages the launch of new services onto the digital terrestrial television ('DTT') platform and the Freeview Play platform.
- 1.2 Digital UK holds Ofcom licences to provide an EPG¹ and allocates LCNs to a wide range of different services on the DTT platform, e.g. television, radio, text and interactive. For the sake of convenience, all DTT services are referred to within this Policy as 'channels' and those who provide such services are referred to as 'channel providers'.
- 1.3 This Digital UK LCN Policy (the 'Policy') governs the way in which the Digital UK LCN Group (the Digital UK-member approval forum) will allocate channels to genres, and to LCNs within genres. It was implemented following a consultation² and replaces Version 6.1 of this Policy that was published on 12 September 2020.
- 1.4 The Policy conforms with the requirements of the Communications Act 2003 and Ofcom's Code of Practice on Electronic Programme Guides published in July 2004 (the 'Ofcom EPG Code'). Within this regulatory framework, Digital UK's objective will be to apply the Policy in such a way as it considers to be for the long-term benefit of the DTT platform and in the interests of viewers (in each case as determined by Digital UK members in accordance with the Policy) and in compliance with the fair, reasonable and non-discriminatory ('FRND') requirements of the Ofcom EPG Code (or any equivalent Code published by Ofcom and in force at the relevant time).
- 1.5 For the avoidance of doubt, Digital UK interprets its FRND obligation to mean that the Policy is applied consistently to all channels on or joining the platform regardless of their ownership.
- 1.6 Digital UK's terms and conditions of LCN allocation are contained within the Digital UK LCN Allocation Terms and Conditions (the 'Terms'). By making an application to Digital UK for allocation of an LCN, or broadcasting a channel using an LCN, channel providers also agree to be bound by the Terms³. Furthermore, the benefits of this Policy are only available where the channel provider accepts the Terms in full.
- 1.7 Where there is a change of control of a channel or a channel provider, it is the

¹ See [Ofcom | Digital terrestrial television](http://static.ofcom.org.uk/static/radiolicensing/html/tv/cs/tlcs101213ba1enhancedipmetadataforthedttbroadcaststepg.htm) for the DTT EPG licences we hold, and <http://static.ofcom.org.uk/static/radiolicensing/html/tv/cs/tlcs101213ba1enhancedipmetadataforthedttbroadcaststepg.htm> for our licence to provide enhanced IP metadata

² <https://www.freeview.co.uk/consultation-change-digital-uk-LCN-Policy>

³ freeview.co.uk/lcn/terms

responsibility of the new provider to comply with the Policy and the Terms.

- 1.8 After an LCN allocation has been made by Digital UK, the LCN continues to belong to Digital UK and will remain subject to its discretion and the Policy. Digital UK reserves the right to move a channel to an alternative LCN in accordance with this Policy.
- 1.9 Digital UK will allocate LCNs to channels using DTT capacity that meet the criteria for an LCN as set out in sections 2.2 and 2.3. Digital UK has reserved a range of LCNs in which IP television platforms may allocate channels according to their own allocation policy. Digital UK allocates LCNs in this range to solely IP-delivered channels on the Freeview Play platform.
- 1.10 For the purposes of this Policy, the following definitions are applied:
- i. **‘Lower LCNs’** refers to lower channel numbers; i.e. smaller numbers which appear closer to the beginning of the LCN list. **‘Higher LCNs’** refers to larger channel numbers which are further away from number 1 in the channel list.
 - ii. **‘Public service channels’** are those channels identified as such in accordance with section 310 of the Communications Act 2003, and HD simulcasts thereof. When allocating LCNs to public service channels, Digital UK will seek to give ‘appropriate prominence’ to these channels in the appropriate genre in accordance with the Ofcom EPG Code.
 - iii. **‘Associated channels’** are two or more channels that:
 - are classified into the same genre as each other; and
 - are under common control; and
 - have common branding and/or a significant degree of existing or intended cross-promotion.

Public service channels are not considered to be associated channels.

In order to improve viewer or listener navigation Digital UK considers that it is in the best interests of viewers and listeners to group associated channels together.

- iv. **‘Common branding’** may take a number of forms. In considering whether two channels have common branding, Digital UK will consider the following non-exhaustive factors: the names of the channels, and the look and feel of their logos and idents.
- v. Channels will be considered to be under **‘common control’** where they are owned or controlled by companies in the same corporate group. The corporate group consists of a holding company and all its subsidiaries, the terms ‘holding company’ and ‘subsidiary’ having the meanings given in section 1159 of the Companies Act 2006. In addition, where a holding company directly or indirectly holds 50% of the voting rights in a channel which does not otherwise fall within the definition of ‘subsidiary’ in section 1159 of the Companies Act 2006, that channel will be treated as under common control with any of the holding company's subsidiaries with which the channel in question has common branding.
- vi. **‘Streamed channels’** are channels where audio visual content is delivered over IP but access is enabled via an MHEG or HbbTV application which is broadcast over DTT. They should not be confused with channels that are delivered solely by IP (see section 1.9). When assessing whether streamed channels qualify for associated channel status, or whether they are under common control, Digital UK will consider a ‘channel’ to be the audio-visual content accessible via the LCN, rather than the MHEG/HbbTV

application and/or any MHEG/HbbTV slate carried on the LCN.

- 1.11 Previous decisions of Digital UK regarding the allocation of LCNs prior to the adoption of this version of the Policy will not be considered relevant in the interpretation of this Policy and will not bind Digital UK as precedent.

2 REQUIREMENTS TO BE ELIGIBLE FOR AN LCN

- 2.1 By making an application to Digital UK for allocation of an LCN, or broadcasting a channel using an LCN, channel providers agree to be bound by the Terms.
- 2.2 To be eligible for an LCN a channel is required to have:
- a DTT capacity agreement with a multiplex operator (a 'carriage agreement') or, in the case of IP-delivered channels, a Freeview Play Content Provider agreement with Digital UK; and
 - a valid broadcasting licence (or equivalent authorisation) permitting the channel to broadcast on the DTT platform in the UK, or, in the case of IP-delivered channels, to broadcast on the Freeview Play platform (a 'broadcast licence'); and
 - arrangements for providing EPG schedule data (a 'schedule provider agreement').
- 2.3 In order to be allocated or retain an LCN, channels must broadcast a minimum of six hours per day or 42 hours per week of audio-visual content via DTT. A static slate does not count as audio-visual content for the purpose of this rule. However:
- This rule does not apply to Streamed channels⁴, or to channels in the Adult genre, the Text genre or the Radio genre.
 - Channels in the IP section on the Freeview Play platform must broadcast a minimum of six hours of content per day or 42 hours per week via IP.
 - Channels which were broadcasting on the DTT platform before 1 March 2021 must broadcast a minimum of two hours per day or 14 hours per week of audio-visual content via DTT. Channels which were broadcasting on the DTT platform for less than two hours per day or 14 hours per week prior to 3 April 2017 must broadcast at least two hours per day or 14 hours per week of audio-visual content via DTT upon the expiry of their current carriage agreement with a multiplex operator.
 - A channel may reduce its broadcast hours to less than the minimum threshold for up to 12 weeks, accrued in any 12-month rolling period. The channel provider should (where circumstances permit) notify Digital UK in advance in writing before reducing its broadcast hours. If a channel falls below the minimum broadcast hours for more than 12 weeks accrued in any 12-month rolling period then, upon notice from Digital UK to the channel provider, its LCN will be withdrawn.
- 2.4 A channel provider may cease to make a channel available for up to 12 weeks in any rolling 12-month period without losing its LCN. The channel provider should notify Digital UK in advance in writing of its intention to temporarily cease broadcasting its channel. If the channel does not resume broadcasting within the 12-week time limit,

⁴ See paragraph 1.10(vi) for an explanation of the difference between "Streamed channels" and channels in the IP section of the Freeview Play platform

then the LCN will be deemed vacated and can be re-allocated by Digital UK in accordance with this Policy.

- 2.5 Digital UK may allocate LCNs for test channels if, at its absolute discretion, it thinks it appropriate to do so.
- 2.6 A channel in any DTT genre may link to supplementary content carried via IP, but this content must be licensed by an appropriate regulatory authority and suitable for the genre of the DTT channel.

3 APPLICATION FOR AN LCN

3.1 Any channel provider which requires an LCN should submit its LCN application as per the process set out in Schedule 1, between eight and four weeks prior to the channel provider's intended launch date of the channel. Applications received less than four weeks before the intended launch date of the channel will be processed, but in such cases Digital UK cannot guarantee that the intended launch date will be met.

3.2 The channel provider should:

- provide evidence confirming that its channel meets the criteria for an LCN as set out in sections 2.2 and 2.3. Evidence of a capacity agreement will be by way of a letter of corroboration from the relevant multiplex operator; and
- state which genre it believes would be most appropriate for the channel; and
- at its cost, supply Digital UK with any other information as specified in the allocation process or as Digital UK may otherwise reasonably request regarding the channel.

The channel provider must ensure that all information provided by it or on its behalf is accurate, complete and up-to-date. Once a valid application with the relevant detail is received, it will usually take two weeks for Digital UK to allocate an LCN to the channel.

3.3 Digital UK will review the proposed genre, in accordance with Schedule 3 of this Policy. If the channel might meet the definition of more than one genre, the following considerations will apply, in this order:

- Whether any consumer protection issues might exist (in particular, any service which would qualify for an LCN in the Adult genre will be placed in that genre).
- Whether the channel is HD, IP-delivered, Streamed, text, interactive or radio in nature.
- The nature of the content on the channel as per our genre definitions.

3.4 If a channel is allocated an LCN and does not launch within eight weeks of the specified launch date, the LCN which was allocated to the channel may be withdrawn.

3.5 Requests for an LCN made on a speculative basis (i.e. channels without confirmed genre and intended launch date) will not be considered. However, Digital UK will be willing to engage in confidential pre-application discussions with channel providers about the availability of LCNs and other matters connected with the operation of Policy and will permit the use of 'working' channel names in any application for an LCN.

3.6 The LCN allocation process may change from time to time. Any amendments to Schedule 1 will be published on the Digital UK website.

4 GENRES

- 4.1 Genres are the basis for grouping channels. They assist viewer navigation, and can protect consumers from content that may harm or offend.
- 4.2 Digital UK may from time to time add, remove, merge or move genres, following a consultation process.
- 4.3 In the event a genre overflows its prescribed LCN range, Digital UK will temporarily place any additional channels of that genre in the most appropriate alternative location as determined by Digital UK.
- 4.4 See Schedule 3 for descriptions of genres. Any amendments to Schedule 3 will be published on the Digital UK website.

5 ALLOCATION OF LCNs

Sections 5.1 to 5.12 do not apply to channels in the IP-delivered range, except as noted in section 5.18

- 5.1 Public service channels will at the very least be assigned an LCN in accordance with any prominence obligations specified by Ofcom. If there is one or more vacant LCNs within their relevant genre at a lower position than that specified by Ofcom, then the lowest vacant LCN will be assigned. In cases where there is no suitable slot available for a public service channel to meet any prominence obligations specified by Ofcom, Digital UK will normally create a slot by requiring the channel that is currently in the slot required for the public service channel, and all channels in higher LCNs, to move up by one LCN each. If there is a vacant LCN between the slot required by the PSB and the last channel in the genre, then only channels between the slot required and the vacant LCN will be moved. If Digital UK considers in any particular case that one or more other methods of creating a suitable slot for a public service channel may be appropriate, Digital UK will issue a consultation under section 7 of this Policy on the options under consideration and decide which method to adopt in the light of the responses received. Where no prominence obligations are specified by Ofcom, public service channels will be assigned the lowest available vacant LCN within their relevant genre (unless sections 5.10 and/or 5.12 apply).
- 5.2 For all other channels, unless section 5.6 is invoked, Digital UK will allocate the channel the next available LCN at the end of the genre.
- 5.3 As soon as a channel has been allocated an LCN, Digital UK considers that it is occupying its LCN for the purpose of the rules in sections 5.6, 5.7 and 6, even if the channel has not yet launched or moved.
- 5.4 If a channel is allocated an LCN in the HD genre and the channel has no equivalent standard definition simulcast channel on the DTT platform, Digital UK may also reserve the lowest available LCN in the genre in which such simulcast channel would otherwise have been allocated an LCN. Digital UK may at any time elect to revoke or amend any reservation made under this section 5.4 if it considers it appropriate for prudent LCN management. For the avoidance of doubt, sections 5.6 and 6 shall not

apply to LCNs reserved in accordance with this section 5.4. Reservations made under this section 5.4 will automatically be revoked if:

- a) a standard definition version of the channel is allocated an LCN on the DTT platform (in which case, the standard definition channel would be allocated an LCN in the same way as any other new channel launch); or
- b) the HD channel is withdrawn.

Vacated LCNs

5.5 Where a channel is withdrawn from its LCN for any reason, it will trigger the vacated LCNs procedure below.

5.6 Vacated LCNs will be offered to channels in the following order:

- To a public service channel at a higher LCN within the genre, starting with the public service channel that is nearest to the vacant LCN, and then to the next nearest and so on until it has been offered to all public service channels at higher LCNs within the genre.
- To existing associated channels (as defined under section 1.10) at higher LCNs within the genre, in the following way:
 - First, Digital UK will identify the channel that appears next in the listing in a lower LCN than the vacated LCN. Digital UK will offer the vacated LCN to any channel associated with this channel
 - Second, Digital UK will look at the channel that appears next in the listing in a higher LCN than the vacated LCN. Digital UK will offer the vacated LCN to any channel associated with this channel
 - Third, Digital UK will look at the channel that is two positions lower than the vacated LCN. Digital UK will offer the vacated LCN to any channel associated with this channel
 - Fourth, Digital UK will look at the channel that is two positions higher than the vacated LCN. Digital UK will offer the vacated LCN to any channel associated with this channel
 - And so on for five positions higher and lower than the vacated LCN
- Finally, to any new associated channel (as defined under section 1.10) launching on the platform.

Any channel provider which is offered a vacated LCN will have two weeks in which to consider the offer and respond in writing to Digital UK. If no response is received within that timescale, Digital UK may offer the LCN to another channel provider in accordance with this Policy.

5.7 Where vacated LCNs have still not been filled pursuant to section 5.6, Digital UK may either:

- undertake a 'shuffle-down' procedure. The channel in the next highest LCN will be offered the opportunity to move into the vacant LCN. They will usually be given two weeks to decide whether to take up the offer. No channel will be obliged to move, but if the offeree chooses not to move then the vacant LCN may be offered to the channel in the next highest LCN; or
- use the LCNs for any other reason it deems reasonable.

5.8 Any channel that already has an LCN on the platform which is allocated a different LCN under any of the above processes will have eight weeks to complete its move following the allocation, or it will lose the right to use the vacated LCN. Any new

channel launching onto the platform into a vacated LCN will be subject to the timelines in section 3.

- 5.9 Channels already on the platform may not request vacant LCNs from Digital UK; Digital UK will always offer vacant LCNs to channels as described above.

Sharing LCNs

- 5.10 Where channels broadcast to distinct areas of the UK, and their coverage does not overlap (except where section 5.12 applies), those channels may share an LCN if:
- all of the channels under consideration are public service channels, or
 - all of the channels under consideration are associated with one another.

Digital UK may, in the interests of LCN efficiency and viewer benefit, require that channels which meet these criteria share an LCN.

- 5.11 Where channels share an LCN and one channel expands its coverage such that it overlaps with the coverage of one or more other channels on the LCN (except where section 5.12 applies), the expanding channel must apply for a new LCN.
- 5.12 In the case of some local public service channels, while the channels may be licensed to serve distinct geographic areas, in practice there may be some overlap in their actual coverage. In such cases, Digital UK may decide that the channels should share an LCN.

Freeview Play Channel List Management

- 5.13 Channel List Management (CLM) is a feature enabled in certain new Freeview Play product ranges since 2020. We expect all newly introduced Freeview Play devices will add support for this functionality. It enables HD/SD substitution, IP channels and IP fallback channels.

IP channels on the Freeview Play platform

- 5.14 The following rules govern the allocation of LCNs to channels delivered solely via IP (as distinct from 'Streamed' channels, as defined in section 1.10). At present, we intend to offer this option to channel providers which have a Freeview Play application, because we have existing processes in place to ensure their streams are fully integrated and tested.
- 5.15 Channels that deliver content solely by IP will be allocated LCNs within the 300-599 range, within genres (see Schedule 2a).
- 5.16 If a channel has an LCN in a DTT genre in only one or two nations of the UK, and is therefore not eligible to use IP fallback to cover the whole of the UK, then the channel provider may choose to deliver the channel via IP to the whole of the UK; if so, the IP-delivered version of the channel will be allocated an LCN in the 300-599 range.
- 5.17 Each channel provider with a Freeview Play app will be allocated ten LCNs in the IP-delivered General Entertainment range, five LCNs in the IP-delivered Children's range,

and five LCNs in the IP-delivered News range. The LCNs will be allocated in the order that the apps appear on Freeview Play devices⁵. If there are regional differences in the ordering of Freeview Play apps, the LCNs will be allocated in the order that apps appear to the majority of the UK. The channel provider may choose to use these LCNs for IP-delivered channels that appear on its player, and which are under common control with the company that has a Freeview Play agreement for the app. If the channel provider does not use the LCNs, then those LCNs will remain vacant.

- 5.18 IP-delivered channels which are carried in a Freeview Play app, but are not under common control with the company that has a Freeview Play agreement for the app, will be allocated LCNs on a first come, first served basis in the ranges defined in Schedule 2a. LCNs will be allocated in these ranges in accordance with sections 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, and 5.12.

HD/SD substitution using CLM

- 5.19 If a channel is available in both SD and HD, then the channel provider may choose for the HD version to appear in the LCN allocated to the SD version on devices that support Channel List Management.
- 5.20 In the case of PSB channels, where an HD version is substituted in the LCN for the SD version, all programming on the HD version must be an exact simulcast of the SD version in order to satisfy Ofcom's PSB prominence requirements. There may however be differences in promotions, advertisements, and on-screen graphics and idents.
- 5.21 For non-PSB channels, there may be some different programming on the HD version, but the HD version must recognisably be a simulcast of the SD version, and this must be reflected in the channel name, and the vast majority of programming.
- 5.22 The HD version of the channel may retain its LCN in the HD area on devices that support this, and may therefore appear twice in the listing (except in the case of Children's and Adult channels).
- 5.23 The SD version of the channel will appear in the SD Simulcast Area (except in the case of Children's and Adult channels). The SD Simulcast Area will display SD channels in the same order that they appear in the main listing (though for the avoidance of doubt, there will be no numerical correlation between the SD Simulcast Area LCN and the LCN in the main listing).
- 5.24 For Children's and Adult channels, both the HD and the SD versions of the channel will appear in their relevant content genre, for consumer protection purposes.
- 5.25 Where channels are regionalised (i.e. their content differs in different parts of the UK), channel providers may choose to enable HD/SD substitution in some regions and not others. (For the avoidance of doubt, as per the rule above, the regional HD version of a PSB channel would have to provide exact simulcasts of all programming on the regional SD version, excepting any permitted differences in promotions,

⁵ The core player apps are in the following order: BBC iPlayer, ITV Hub, All 4, My5; except in Scotland, where the core apps are in the following order: BBC iPlayer, STV Player, All 4, My5, ITV Hub. Non-core player apps are ordered according to the channel providers' lowest-numbered LCN on the DTT platform, subject to the channel being available across the UK.

advertisements, and on-screen graphics and idents.)

- 5.26 The HD version may be delivered via IP (so long as the channel provider is able to provide us with a technically compliant IP stream; at present, we intend to offer this option to channel providers which have a Freeview Play application, because we have existing processes in place to ensure their streams are fully integrated and tested). The broadcast hours of the IP-delivered HD version of the channel must match the broadcast hours of the DTT-delivered SD version of the channel. Viewers will have the ability to opt out of receiving IP-delivered channels in the main genre listings – Digital UK will ensure that there is a simple and clear process for viewers to control this.
- 5.27 Note that the above rules apply only to devices that support Channel List Management (i.e. certain Freeview Play devices from 2020 onwards). For all other devices, the SD and HD versions of the channel will continue to appear in their own allocated LCN, as they currently do.

IP fallback

- 5.28 The following rules govern the use of “IP fallback” for channel providers which are able to provide us with a technically compliant IP stream; at present, we intend to offer this option to channel providers which have a Freeview Play application, because we have existing processes in place to ensure their streams are fully integrated and tested.
- 5.29 If a channel qualifies for an LCN within an SI region, then it may choose to display the channel via IP within that SI region on that LCN, including to devices that are not connected to an aerial, and to devices that are not able to receive that channel via DTT from a transmitter.
- 5.30 If a channel qualifies for an LCN in at least three of the four nations of the UK (England, Scotland, Wales and Northern Ireland), then the channel provider may choose to display the channel via IP across the UK plus the Channel Islands and Isle of Man on that LCN, including to devices that are not connected to an aerial, and to devices that are not able to receive that channel via DTT from a transmitter. (See section 5.16 for options for channels that have an LCN in only one or two nations of the UK.)
- 5.31 For the avoidance of doubt, where PSB channels share an LCN, no PSB may display IP-delivered content on the LCN in regions where the LCN is allocated to another PSB. (For example, Channel 4 may not use LCN 4 in Wales, where LCN 4 is allocated to S4C.) Local TV services with LDTPS licences may use their LCN to display IP-delivered content within the region covered by their LDTPS licence.
- 5.32 IP fallback channels must be appropriately licensed as per paragraph 2.6.
- 5.33 The broadcast hours of the IP-delivered version of the channel must match the broadcast hours of the DTT-delivered version of the channel.
- 5.34 For the avoidance of doubt, if a channel ceases to be eligible for an LCN in a genre that requires a minimum number of hours to be broadcast via DTT (as per paragraph 2.3), then the channel may no longer use that LCN to display the channel via IP.
- 5.35 Viewers will have the ability to opt out of receiving IP-delivered channels in the main genre listings – Digital UK will ensure that there is a simple and clear process for viewers to control this.

6 CHANGING A CHANNEL AFTER AN LCN HAS BEEN ALLOCATED

Requests to reorder channels

- 6.1 Digital UK will consider all applications to reorder LCNs of channels that are in the same genre and are under common control (as defined under section 1.10). The channel provider should set out a preferred date for the channel changes.
- 6.2 Digital UK will also consider all applications to reorder LCNs of channels that are controlled by two different channel providers. (However, this is not permitted for channels within the IP-delivered range on the Freeview Play platform, except as noted in section 5.18.) The following processes will apply:
 - Two existing channels within a particular genre, each under different ownership, might choose to swap LCNs with each other. Both channel providers must write to Digital UK to confirm that they wish the swap to go ahead.
 - An existing channel on the platform might choose to sell the right to occupy its LCN to a new channel (under different ownership) which is launching into the same genre. The new channel must first apply to Digital UK to launch a new channel, following the process in section 3. An LCN will be allocated to the new channel. Both channel providers must then write to Digital UK to confirm that they wish to swap LCNs at the point that the new channel launches.
- 6.3 Public service channels are allowed to reorder their channels (if they meet the criteria in 6.1 above) except those at LCNs 1-5 and 101-105. Public service channels may not be reordered with non-public service channels.
- 6.4 Digital UK reserves the right to refuse any application to reorder channels where it believes that the proposed changes would not be in the best interests of viewers and listeners and/or the platform. For example, Digital UK may decide it would not be in the best interests of viewers for a part-time channel to move into a more prominent position and a full-time channel into a less prominent position, or for a channel that is only available to a minority of viewers to move into a more prominent position and a channel that is available to the majority of viewers to move into a less prominent position.
- 6.5 The timing of any channel reordering must be agreed with Digital UK. Where possible, Digital UK will seek to co-time the reordering with other changes to the platform to minimise disruption for viewers and listeners.
- 6.6 Channel providers may reorder the LCNs of two or more of their channels and then close one of the affected channels.

Changing a channel's name and/or content

- 6.7 Channel providers may change the content and/or name of a channel, and nonetheless retain that channel's LCN so long as it remains appropriate to the genre in which it has been placed. This could mean replacing the channel with a new channel or a channel that already exists but is not currently carried on the DTT platform.
- 6.8 If, at any time, Digital UK finds, at its discretion, that a channel has changed such that it would be more appropriately placed in a different genre, Digital UK may then require that the channel be moved to that genre. It will be allocated an LCN within that genre according to the principles in section 5.

Charges

- 6.9 A channel provider will be charged a reasonable single fee for all LCN swaps and name changes that it requests be made to channels in its portfolio on a particular day. These charges will only apply to LCN swaps and name changes that are requested by channel providers – they will not apply to any changes which are enforced by Digital UK, and they will not apply to changes which take place under the ‘vacated channels’ rules.

7 CONSULTATIONS

- 7.1 Digital UK will consult with channel providers on any proposed enforced move of LCNs (where the moves are not conducted under sections 5.6, 5.7, 5.10, 5.11, 5.12, 6.1 or 6.7 of this Policy), unless the enforced move is required under section 5.1, in which case Digital UK will not consult if it decides to create a slot using the normal method defined in that section.
- 7.2 Where there are fewer than five channels to be moved, Digital UK will generally conduct a ‘light’ consultation process. A notification of the consultation will be sent to all channel providers, and responses invited from the channels proposed to be moved and any other channels which Digital UK believes will be significantly affected by the proposed changes. A notification will also be placed on the Digital UK website. A consultation period of approximately four weeks will be used (time limit to be set and communicated by Digital UK in its discretion), following which Digital UK will consider responses, communicate its conclusion to the channel providers and publish a notice on the Digital UK website at least eight weeks prior to the date set to coordinate any move(s).
- 7.3 Where there are more than five channels to be moved, Digital UK will generally conduct a full consultation process with all channel providers. Responses will be invited from all channel providers and stakeholders and a notification will be placed on the Digital UK website. A consultation period of approximately eight weeks will be used (time limit to be set and communicated by Digital UK in its discretion), following which Digital UK will consider responses, communicate its conclusion to channel providers and any other responders and publish a notice on the Digital UK website at least eight weeks prior to the date of any move(s).
- 7.4 Digital UK reserves its right to conduct an expedited consultation process where there are deemed to be, or might be, consumer protection issues.
- 7.5 Where Digital UK reviews the Policy and believes there is a need to make substantive amendments to the Policy, Digital UK will conduct a consultation process with channel providers and stakeholders following that described in 7.3 of this Policy.

8 APPEALS PROCESS

8.1 The appeals process is available should a channel provider (the 'appellant') wish to appeal the Digital UK LCN Group's decision on:

(a) The application of this Policy in regard to:

- allocating an LCN or genre to a new channel;
- moving an existing channel to a different LCN or genre;
- placing a channel in an 'overflow' section;
- applying the vacated LCN rules;
- allowing, not allowing, or insisting on LCN sharing;
- allowing or not allowing channels to reorder LCNs;
- allowing or not allowing a channel to change its name.

(b) Changes to the LCNs of existing channels that are made following a consultation process as set out in section 7.

The appeals process does not apply to other policy decisions made by Digital UK.

8.2 Any appeal to Digital UK is without prejudice to recourse to Ofcom, or other relevant authorities as may be available to the appellant.

8.3 The appellant may appeal a decision only if it can demonstrate that one or more of its channels is directly affected by the decision.

8.4 Where the appellant appeals against a decision that benefits or adversely affects a third party, the third party may make representations in the appeal.

Appealing a decision made in one of the categories listed in section 8.1(a):

8.5 The following process will apply:

- i. The appellant should appeal in writing to the Chair of Digital UK.
- ii. Where the decision relates to a channel under the appellant's control, the appellant must appeal within four weeks of being notified of the decision. Where the appeal relates to another channel (but nonetheless directly affects the appellant's channel), the appellant must appeal within four weeks of the decision being published on the Digital UK website or taking effect in the channel listing.
- iii. The letter must be as evidence-based as possible and explain why, in the appellant's view, the decision does not meet the Policy. If relevant, the letter should explain which genre or LCN the appellant thinks the channel should be eligible for, and why.
- iv. The channel may launch at or move to the LCN allocated without prejudice to the concurrent appeals process.
- v. The appellant may be named publicly by Digital UK, and where the appeal relates to a channel other than those operated by the appellant, the relevant channel provider affected will also be informed of the appeal.
- vi. The Chair of Digital UK will review the process that was followed in allocating the LCN, and decide whether the correct process was followed.
- vii. The Chair of Digital UK may take up to four weeks to consider the appeal, and will then respond in writing to the appellant and, where they are different, the provider of the channel whose LCN allocation was appealed.
- viii. Within the four-week period of consideration, the Chair of Digital UK may ask any channel provider for further information to assist with the review.
- ix. If the Chair of Digital UK agrees that the appellant has presented a sufficiently

compelling case that the decision does not meet the Policy, the decision will not stand. The Digital UK LCN Group will then reconsider its decision including (if relevant) the appellant's proposal for an alternative genre or LCN allocation. Digital UK may move the relevant channel into the relevant LCN or genre at the earliest reasonable date.

- x. If the Chair of Digital UK does not agree that the appellant has presented a sufficiently compelling case, the Digital UK LCN Group's decision will stand.
- xi. Digital UK may publish appeal adjudications subject to redaction of any commercially sensitive material.

Appealing changes to the LCNs of existing channels following a consultation

8.6 The following process will apply:

- i. The appellant should appeal in writing to the Chair of Digital UK.
- ii. The appellant must appeal within four weeks of the consultation statement being published on the Digital UK website.
- iii. The letter must be as evidenced-based as possible and explain why, in the appellant's view, the consultation decision should not stand.
- iv. Receipt by Digital UK of an appeal will place the appealed move on hold until the end of the appeals process.
- v. The appellant may be named publicly by Digital UK, and where the appeal relates to a channel other than those operated by the appellant, the relevant channel provider affected will also be informed of the appeal.
- vi. The Chair of Digital UK will review the consultation process that was followed, and decide whether the correct process was followed.
- vii. The Chair of Digital UK may take up to four weeks to consider the appeal, and will then respond in writing to the appellant and, where they are different, the provider of the channel whose LCN allocation was appealed.
- viii. Within the four-week period of consideration, the Chair of Digital UK may ask any channel provider for further information to assist with the review.
- ix. If the Chair of Digital UK agrees that the appellant has presented a sufficiently compelling case, the appealed changes to the LCNs will not go ahead. The Digital UK LCN Group may decide to undertake a further consultation.
- x. If the Chair of Digital UK does not agree that the appellant has presented a sufficiently compelling case, the Digital UK LCN Group's decision will stand and Digital UK will move channels as per its consultation statement generally no more than eight weeks from the date of the Chair of Digital UK's decision.
- xi. Digital UK may publish appeal adjudications subject to redaction of any commercially sensitive material.

9 CHARGES

9.1 Digital UK reserves the right to levy fair and reasonable charges in respect of the allocation and use of any LCNs and to suspend or withdraw the allocation or use of LCNs if any such charges are not properly paid in accordance with Digital UK's payment terms.

10 INFORMATION PROVISION AND MONITORING

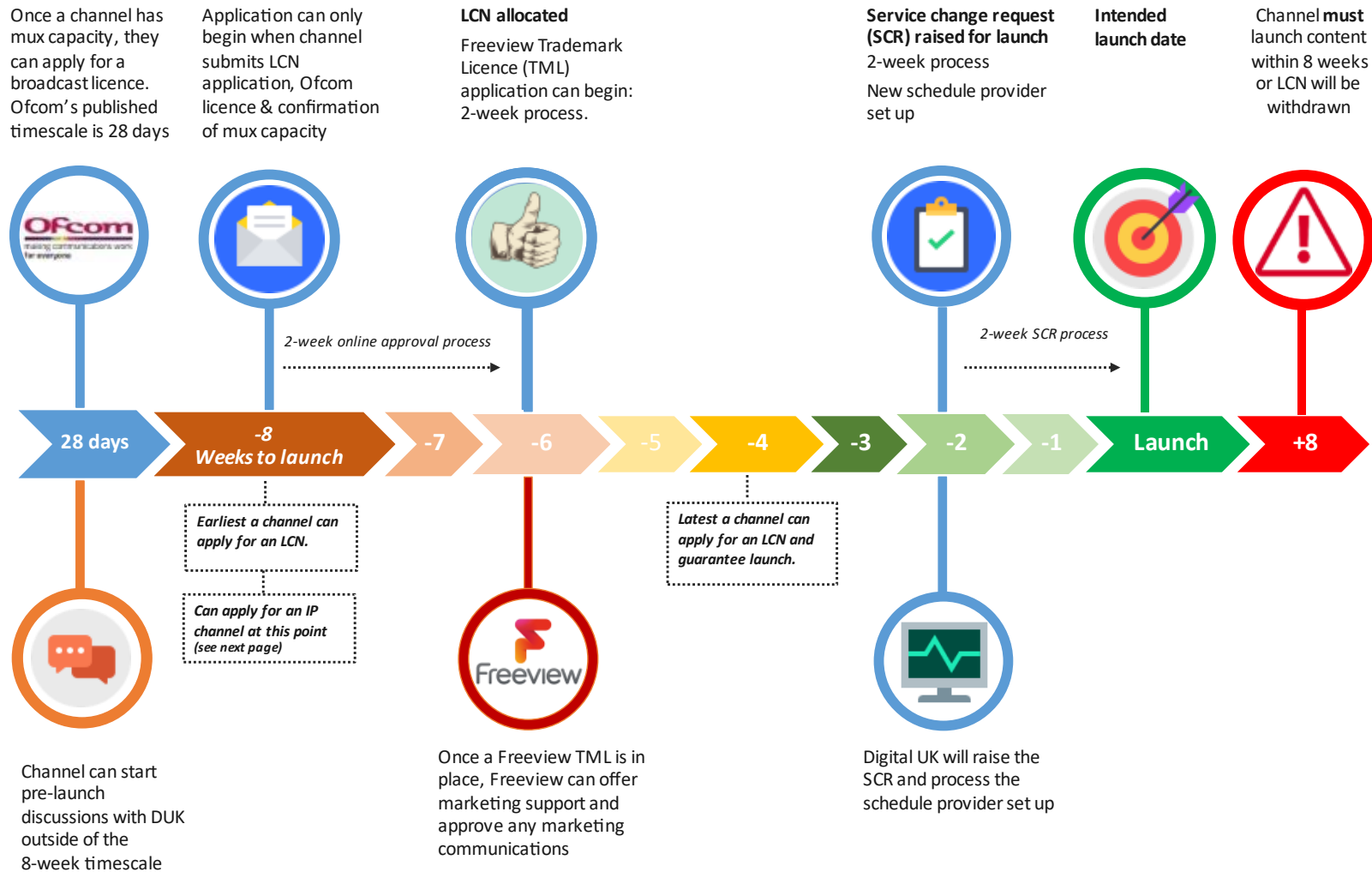
- 10.1 Digital UK is not obliged to monitor the content of the channels which are on the DTT platform in order to ensure that they continue to comply with any representations made to Digital UK by the channel provider about the channel or to investigate allegations brought by channel providers about such on-going compliance. However, Digital UK reserves the right at its discretion to monitor the content of channels and to investigate allegations that may arise.
- 10.2 Channel providers shall at their cost provide all such information as Digital UK reasonably requests in order to enable it: (i) To conduct any monitoring or investigations which Digital UK at its discretion wishes to conduct; and/or (ii) To provide viewers with scheduling information.
- 10.3 Channel providers must take steps to ensure that all information provided by them or on their behalf is accurate, complete and up-to-date. Channel providers are expressly obliged to inform Digital UK of changes to their channel (including, but not limited to, change of name and/or change in broadcast hours).

11 REVIEWS

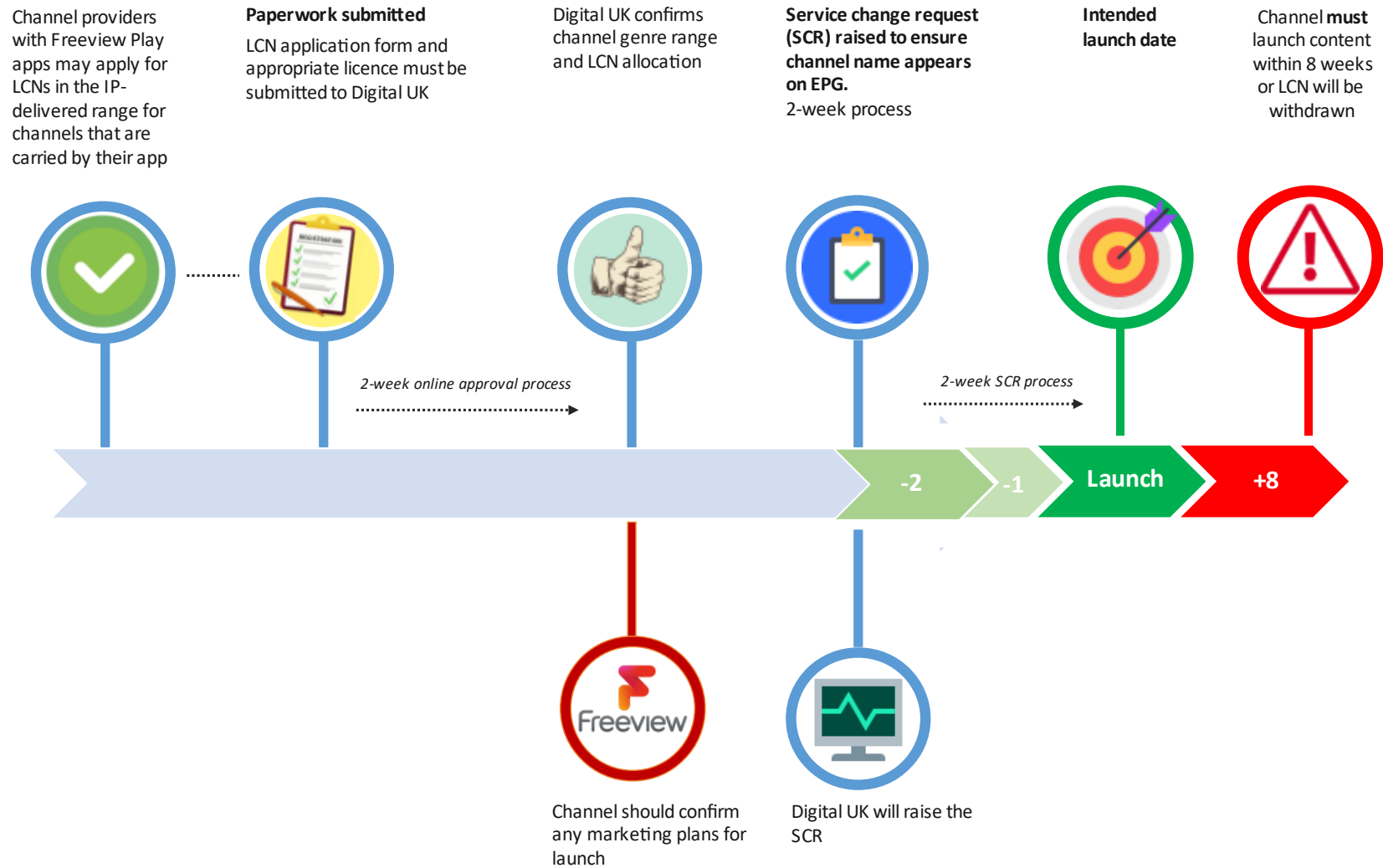
- 11.1 Digital UK will carry out periodic reviews of the Policy.

Schedule 1: The LCN Allocation Process

(a) Process for all channels except those in the IP-delivered range



(b) Process for channels in the IP-delivered range



Schedule 2: Digital UK's Genre Ranges

Genre	First LCN	Last LCN
General Entertainment	1	99
Freeview Information	100	100
HD	101	139
General Entertainment	140	199
Children's	200	229
News	230	249
Text	250	259
Streamed services	260	299
IP delivered services	300	599
Interactive services	600	609
SD simulcast area	610	669
Adult	670	699
Radio	700	750
Testing area	751	799
Reserved for manufacturer use	800	999

Schedule 2a: genre sections within the Freeview Play IP delivered range

Genre	First LCN	Last LCN
General Entertainment	301	449
Children's	451	499
News	501	599

LCNs 300, 450 and 500 will be reserved for genre markers.

Channels that are carried in a Freeview Play app, but are not under common control with the company that has a Freeview Play agreement for the app, will be allocated LCNs on a first come, first served basis in the following ranges:

General Entertainment: 401-449

Children's: 491-499

News: 581-599

Schedule 3: Digital UK's Genre Definitions

General Entertainment

Programming of an entertainment nature that targets a wide viewing audience.

The channel must contain a variety of entertainment programming and the channel must not be more appropriately listed in another existing genre.

HD

A channel is defined as HD where it meets the video parameters for high-definition services as defined in Table 6 of Ofcom's Reference parameters for DTT transmissions in the UK, version 6.11 dated 19/11/2009 (as amended from time to time). All channels meeting this definition will be allocated LCNs in the HD genre with the exception of adult and children's services, which for consumer protection purposes will be allocated an LCN within their relevant content genre.

Children's

Programming aimed at children aged 15 or under. There should be no material unsuitable for children aged 15 or under on any channel assigned to this genre.

News

Programming consisting predominantly of news and/or current affairs.

Adult

Digital UK will determine, in its reasonable opinion, whether it is appropriate to locate a channel in the Adult genre. Adult channels are channels which contain content of an adult nature, such that it features the depiction or description of, or behaviour of, a sexual or sexually suggestive nature, especially if this is of a lascivious nature. This includes the exhibition or depiction of sexual organs or sexual activity of any kind.

When considering if a channel should be listed in the Adult genre, Digital UK will consider the amount and nature of programming which is of an adult nature that is broadcast on to that channel.

For the avoidance of doubt, transactional sex chat channels (or 'Adult Chat' services) will be located in the Adult genre.

Text

The presentation of on-screen text services which are predominantly used by viewers to seek out specific information.

Streamed services

Channels where audio visual content is delivered over IP but access is enabled via an MHEG or HbbTV application which is broadcast over DTT. Services of this type will usually be allocated an LCN within the Streamed services genre, with the exception of adult and children's services, which for consumer protection purposes will be allocated an LCN within their relevant content genre.

IP-delivered

IP-delivered channels with no DTT element.

Interactive

Programming that can be accessed by the viewer as and when they demand, including push video-on-demand (VOD) services; or programming that enables the viewer to interact with the content or service in some way by utilising a button function on their TV remote control.

SD simulcast area

Reserved for possible future use. Digital UK may decide, following a consultation, that HD channels should appear to those viewers who can receive them in the LCN currently allocated to their SD equivalent, with the SD version moving to this area.

Radio

Audio-only programming that is licensed as a radio station rather than as a television channel.

Testing

Reserved for Digital UK testing purposes and/or for viewer and listener support in the event of platform changes.