



GIBRALTAR REGULATORY
AUTHORITY

APPLICATION FORM

Audiovisual Media Service Licence

BC 03/19

Contents

Notes on completing the form	1
Section 1 - The applicant	2
Section 2 - The proposed service	12
Section 3 - Checklist & Confidentiality Requests	17
Section 4 – Declaration.....	18

Notes on completing the form

1. Please read the accompanying guidance notes carefully before completing this form.
2. You are encouraged to download this form from the GRA website and fill it in on your computer. If completing by hand, please use block capitals and black ink.
3. You can contact the GRA's Broadcasting Division by email (broadcasting@gra.gi), phone (+350 20074636) or fax (+350 20072166). Please note, however, that application forms must be submitted in hard copy to:

Gibraltar Regulatory Authority
Broadcasting Division
2nd Floor Eurotowers 4, 1 Europort Road
Gibraltar

4. If you are completing the form as an agent, i.e. you are acting on some other individual's or company's behalf, please make this clear in an accompanying letter, and provide evidence of your authority to act on behalf of the applicant. The form should be filled in so as to include information about the applicant, not the agent.
5. Answer all the questions as fully as possible, use extra sheets if required and if necessary send copies of other documents to illustrate an answer. Sufficient information must be supplied about the applicant body and the proposed service to enable the GRA to consider the application in accordance with the statutory criteria for the granting of a broadcast licence. Please note that before a licence is granted, further details may be required.
6. Providing false or misleading information to the GRA during the application process may be grounds for revocation of a licence subsequently granted.
7. Please respond with N/A for any questions that are not applicable to you.
8. Please complete the question at the end of this form telling us which information provided by you, you consider to be confidential. If an applicant asks us to keep part or all of an application confidential, we will treat this request seriously and will try to respect this.
9. The GRA is a Data Controller under the Data Protection Act 2004 and is committed to protecting and processing any personal information shared with us.
10. When a licence is granted, the name of the service, contact details for the licensee and a brief description of the licensed service are published on the GRA website. These are the details supplied by the licensee in the application form. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the GRA's Broadcasting Division.
11. Additionally, the GRA considers issued licences to be public documents and the GRA Broadcasting Division will make copies of licences available on request.

Note: If some of the questions in this application form do not apply to the applicant, you must complete those sections clearly indicating that this is the case. Failure to do so will delay the application.

Section 1 - The applicant

General

- 1.1 What is the full name and address of the applicant body (the company, partnership or individual applying for the licence)?

Name (BLOCK CAPITALS)	
Address	

- 1.2 If a company, please provide:

- (a) Registered office address

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- (b) Company registration number

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- 1.3 All applicants, please provide:

- (a) Address and contact information for communication during the application process

Title			
Forename(s)		Surname	
Address			
Post code		Country	
Telephone		Fax	
Email			

- (b) Is the individual named in 1.3 (a) an employee of the applicant named in 1.1 or an agent acting on their behalf?

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- (c) Address and contact information for communication should a licence be granted.

Title			
Forename(s)		Surname	
Address			
Post code		Country	
Telephone		Fax	
Email			

- (d) Public contact for publication on the GRA website and/or in other relevant publications should a licence be granted.

Title			
Forename(s)		Surname	
Address			
Post code		Country	
Telephone		Fax	
Email			

Jurisdiction

The GRA must be satisfied that the applicant falls under Gibraltar jurisdiction, as defined in the Broadcasting Act 2012 (the "Act").

1.4 In order for us to assess whether the applicant falls under Gibraltar jurisdiction, please provide us with the following:

(a) The Head Office of the applicant body

(b) The address where editorial decisions regarding programming will be taken

1.5 Does the applicant have (or will it have) offices in more than one country?

(a) If so, please specify the countries. If the answer is no, please proceed to question 1.6.

(b) How many employees are based in each location?

(c) What percentage of the workforce is based in each location?

(d) What functions in relation to broadcasting are performed in each location?

(e) Where are management meetings held?

(f) If a company, where are shareholder's meetings held?

Directors

1.6 If the applicant is a company, please provide the following details:

- (a) For each director of the applicant company, the director's full name, address, nationality, country of residence, and details of any other directorships, offices or employments held by that director.

Director's Name	Address	Nationality	Country of Residence	Other offices, employments, directorships

- (b) Where the applicant is controlled (as defined in Schedule 2 of the Act) by one or more other bodies corporate, for each director of any such body that controls the applicant, the director's full name, address, nationality, country of residence, and details of any other directorships, offices or employments held by that director.

Director's Name	Address	Nationality	Country of Residence	Other offices, employments, directorships

- (c) In relation to any body that is a participant (as defined in Schedule 2 of the Act) with more than a 5% in the applicant, for each director of the participant body, the director's full name, address, nationality, country of residence, and details of any other directorships, offices or employments held by that director.

Director's Name	Address	Nationality	Country of Residence	Other offices, employments, directorships

1.7 Please indicate whether any directors have ever been declared bankrupt. If your answer is yes to this question please provide details of the bankruptcy in the table below

Date of action	Description of bankruptcy incident	Date of discharge	Comments (if any)

1.8 Please indicate whether any directors have ever been directors of a company which has become insolvent in the table below.

Date of action	Description of bankruptcy incident	Date of discharge	Comments (if any)

1.9 Please list names of directors, in the table provided overleaf, who have any past or present connection with another Broadcasting Act licensee in Gibraltar. This includes any connection via a controlling company or a company that is a participant with more than 5% interest. Please state the name and licence number of the licensee in the table overleaf.

Name of licensee	Licence type	Licence number	Details of involvement

Note: If the applicant is not a company, similar information should be provided about those responsible for management and policy-making.

Shareholders / Control

Note: "Participant" and "person" refer to a body corporate or an individual. Where interests are held in the name of trustees or nominees, this should be stated and the above details should be given in relation to the beneficial owner.

1.10 If the applicant is a company, please attach an organisational chart showing the ownership structure of the applicant company, including percentages for shares held in it and for shares held by it in other companies to which it is connected.

1.11 Please complete the following table to include all existing or proposed shareholders who have or are proposed to have an interest of more than 5% in the applicant:

Name and address of shareholders (existing and/or proposed)	Class of shares	No of shares issues	Total Investment (£)	Total Investment (%)
		Total	Total (£)	100%

1.12 In addition, the names and addresses of the following (together with the number and class of shares held, or to be held and showing percentage of all shares) should be provided:

(a) participants with an interest of more than 5% in any body which controls the applicant;

Name	Address	Number and class of shares held

(b) participants with an interest of more than 5% in any body which is itself a participant in the applicant (i.e. has an interest of 5% or more in the applicant);

Name	Address	Number and class of shares held

(c) participants with a controlling interest in a body which has an interest of 5% or more in the applicant; and

Name	Address	Number and class of shares held

- (d) any body in which the applicant has an interest of more than 5%.

Name	Address	Number and class of shares held

Fitness Criteria

The GRA must ensure that the applicant is fit to act as a broadcaster in accordance with Schedule 1 of the Act. The GRA is entitled to refuse the application to any person unless it is satisfied that they are fit.

We will use the information provided throughout the application in order to assess whether an applicant is fit to hold a licence. If there are any matters which might influence the GRA's judgement as to whether the directors and substantial shareholders involved in this application are fit persons to participate in a broadcast licence you should make these matters known to the GRA.

Criminal Convictions

Note: A director or shareholder who has a criminal record will not necessarily be refused a licence. This will depend on all the circumstances of the applicant as a whole. You do not need to provide details of spent convictions.

1.13 Have any of the directors or shareholders of the applicant ever been convicted of a criminal offence in any jurisdiction or received a civil penalty (excluding driving offences)? If yes, please provide details below.

Name	Position	Date of conviction	Details of conviction and penalty incurred	Country

General disqualification

1.14 In relation to the details given in answer to 1.2 (a) - (b), 1.6 (a) - (c), 1.9, 1.10, 1.11 and 1.12 (a) - (d) applicants should state whether any body or individual is (and if so identify that body or individual):

(a) a government or local authority;

(b) a body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body;

(c) a body whose objects are wholly or mainly of a religious nature;

(d) an individual who is an officer of a body falling with (b) or (c);

(e) a body corporate which is an associate of a body falling within (b) or (c);

(f) an advertising agency or an associate of an advertising agency;

1.15 The applicant should give details of any other participant in the applicant body whose interest is or could be incompatible with the requirements imposed by or under Schedule 2 to the Act.

Note: Even if none of the categories in this section apply to the applicant, applicants must complete this section by clearly so indicating. Failure to do so will delay the application.

Details of applications, licences and sanctions

1.16 Please respond to the following questions in respect of the applicant (as stated in response to 1.1)

(a) Is the applicant a current licensee of the GRA?

YES

NO

If yes, please provide the following: Licence reference(s)

Name(s) of the services(s)

(b) Does the applicant control an existing licensee of the GRA? If yes, please provide the licence reference number(s) and the name(s) of the service(s).

(c) Is the applicant controlled by an existing licensee or by any person who is connected (within the meaning of Schedule 2 of the Act) with an existing licensee (i.e. as a "participant")? If yes, please provide the licence reference number(s) and the name(s) of the service(s).

- (d) Has the applicant made any other application to the GRA for any licence which has since been surrendered by the licensee or revoked by the GRA? If yes, please provide the licence reference number(s) and the name(s) of the service(s).

- (e) Is the applicant subject to any current or pending investigation by any statutory regulatory or government body in Gibraltar or abroad in respect of any broadcast-related matter? If yes, please provide the licence reference number(s), the name(s) of the service(s) and details of the investigation.

- (f) Has the applicant ever been subject to a statutory sanction for contravening a condition of a broadcasting licence in Gibraltar or any other jurisdiction? If yes, please provide the following details in relation to each sanction: the service which the sanction related to and the number of the licence, the nature of the breach, the type of sanction imposed and the date on which the sanction decision was published.

Section 2 - The proposed service

General

Note: If the licence is intended to cover more than one service, please submit responses to the following questions in this section separately for each service.

- 2.1 What is the name of the proposed service (the name that will appear on the EPG)?

- 2.2 What will be the hours of transmission (hours per day and days of the week)?

Nature of the service

- 2.3 Applicants should provide a brief description of the service content (in the box provided overleaf) which will be used to describe the service in the Annex to the licence.

- 2.4 What type of service do you intend to provide? Please choose one.
Editorial / Teleshopping / Self-promotional

- 2.5 Please describe the nature of the content (e.g. general entertainment, news, music etc).

2.6 Please indicate which genres will be included in your service in the table below.

Genre	Please tick all that apply
Adult	<input type="checkbox"/>
Arts	<input type="checkbox"/>
Chat	<input type="checkbox"/>
Children's	<input type="checkbox"/>
Content aimed at a particular ethnic group	<input type="checkbox"/>
Education	<input type="checkbox"/>
Factual	<input type="checkbox"/>
Films	<input type="checkbox"/>
Gaming	<input type="checkbox"/>
General entertainment	<input type="checkbox"/>
Leisure	<input type="checkbox"/>
Local	<input type="checkbox"/>
Music	<input type="checkbox"/>
News	<input type="checkbox"/>
Other (please indicate)	<input type="checkbox"/>
Quiz	<input type="checkbox"/>
Religious	<input type="checkbox"/>
Self-promotional	<input type="checkbox"/>
Sport	<input type="checkbox"/>
Teleshopping	<input type="checkbox"/>
User generated content	<input type="checkbox"/>

2.7 Please provide an indicative programme schedule either below or attached to the application form.

Note: Any changes to the nature of the service subsequent to the licence being granted must be agreed with the GRA in writing before the changes are implemented.

2.8 Please describe in detail any interactive elements of the service (e.g. the technology used, the purpose of the interactive element, and any charges to viewers or listeners for interacting).

2.9 Do you intend to incorporate any gambling in the service? If the answer is yes, please submit a copy of your licence from the Gambling Commissioner.

2.10 In what languages(s) will the service be transmitted?

2.11 Will the service be offered free, subscription-based or pay per view?

Advertising and sponsorship

2.12 Do you intend to offer advertising (including teleshopping)?

2.13 What form will these take (spot advertising, teleshopping windows)?

2.14 What amount of spot advertising do you intend to include (average number of minutes per hour each day)?

2.15 What amount of teleshopping do you intend to include?

2.16 Do you plan to include sponsored programmes?

Usage rights

2.17 Please state how you will ensure that any content available on your service does not infringe the rights holders' copyright, as per the requirements of Regulation 7.

Compliance

This section of the form is concerned with the arrangements to be made for compliance with the Act, relevant codes and also with the Directions given by the GRA.

2.18 Please provide the details of the person who will act as compliance officer.

(a)

Title			
Forename(s)		Surname	
Address			
Post code		Country	
Telephone		Fax	
Email			

(b) Have any of the compliance team been involved in the clearance of content which was subsequently subject to a sanctions process for a breach of the GRA's broadcasting codes or the codes of any other country? If the answer is yes, please provide full details.

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2.19 Please provide a full address of where the compliance team will be based.

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Other information

2.20 Is there any other information which the applicant believes the GRA would reasonably expect notice of or you would like the GRA to take into account when considering this application?

Section 3 - Checklist & Confidentiality Requests

Checklist

3.1 I have enclosed:

- (a) a copy of the Memorandum and Articles of Association (or, if a body corporate without such, the nearest equivalent along with a translation, if it is not in English), together with copies of any resolution amending or updating them;
- (b) a copy of the last Annual Return (or if the entity is recently established such that it has not yet been required to make that return, a copy of all filings made to Companies House since incorporation);
- (c) most recent accounts of the applicant (not applicable to recently established entities);
- (d) an organisational chart showing the ownership structure of the applicant company, including percentages for shares held in it and for shares held by it in other companies to which it is connected;
- (e) a diagram detailing the applicant's compliance structure;
- (f) a cheque for £100 payable for the application fee; and
- (g) if you are an agent, a letter authorising you to act on the applicants behalf.

Failure to supply these documents and the appropriate fee may delay your application.

Information requested to be confidential

3.2 If you consider the information you have provided in your answer to a question to be confidential, please list the question numbers:

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Note: If an applicant asks us to keep part or all of an application confidential, we will treat this request seriously and will try to respect this.

Section 4 – Declaration

- 4.1 I hereby apply to the Gibraltar Regulatory Authority (GRA) for the grant of an audiovisual media service licence described above and declare that the information given in this application form is, to the best of my knowledge and belief, correct.
- 4.2 I further declare and warrant that I am not a disqualified person within the meaning of that expression as defined in Schedule 2 to the Broadcasting Act 2012, and that having made all reasonable enquiries neither I nor any person by which I am controlled will, as result of the grant to me of the licence, be in breach of any other requirement of Schedule 2 to the Act as amended.
- 4.3 I further certify that, to the best of my knowledge, any matters which might influence the GRA's judgement as to whether the directors and substantial shareholders involved in this application are fit and proper persons to participate in a broadcasting licence have been made known to the GRA.

Signature:

Name (BLOCK CAPITALS): _____.

Position: _____.

Date: _____.

CONTACT US

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2nd floor, Eurotowers 4, 1 Europort Road, Gibraltar

 (+350) 20074636

 broadcasting@gra.gi

 www.gra.gi

