

Guidance notes for an application for a Radio Broadcasting Licence

(Digital Audio Broadcasting (DAB+), FM & MW)

(Audio media service)

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Gibraltar Regulatory Authority

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Guidance Notes

Note: These notes are for the general guidance of applicants for a radio broadcasting licence. The guidance notes provide an overview of the licensing process, the licensing requirements and the conditions that licensees are subject to, but do not purport to explain all the relevant provisions of the legislation, or give an exhaustive account of the licensing requirements or licence conditions. Applicants should seek their own legal advice for this purpose. The guidance notes cannot be taken as modifying the effect of the Act or the conditions of the licence.

Submitting a valid application

1. The application form for a broadcast licence can be found on the GRA's website. The application form also serves as the form of notification to the GRA of a service provider's agreement with the multiplex operator (applicable only for DAB+). Applicants should ensure that they always refer to the most recent editions of the guidance notes and application form when submitting their application.
2. We encourage applicants to download the editable version of the application form from our website and fill it in on their computer. The GRA will accept handwritten application forms, but they must be filled in using **block capitals** and **black ink**. We will not accept illegible application forms.
3. You should fill in all sections of the application form. If a section is not applicable to your application, you should indicate that. The declaration in section 4 of the application form must be signed and dated, and the form submitted in hard copy to:

Gibraltar Regulatory Authority
Broadcasting Division
2nd Floor, Eurotowers 4
1 Europort Road
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4. The application form must be accompanied by 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 and 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) and Accounts of the applicant; along with the relevant fee.
5. We will normally acknowledge your application within two working days from receiving it. If an application cannot be considered (for example, because it is illegible, the appropriate fee has not been submitted, the applicant has used the wrong form etc.) we will normally return the application form to the applicant.

Notification of agreement with the multiplex operator (applicable only for DAB+)

6. In submitting your broadcast licence application, you are formally notifying the GRA of an agreement with the multiplex operator that will carry your service. In addition, in support of your application, you must supply a letter from the multiplex operator, confirming what you have stated in your application in respect of the notification (see section 2 of the application form).
7. If you are notifying the GRA of a new agreement with the multiplex operator (for example, for carriage of another service), or a variation or a cessation to such agreement, and therefore need to request a variation to an existing broadcast licence, you should also fill in section 2 of the application form. The notification must be made as soon as the agreement has been made.

Timescales

8. Licence applications are considered as and when they are received. As a guideline, our aim is to issue a licence within 20 working days of receipt of the application. This assumes that full and accurate information has been provided by the applicant in the application form and accompanying documentation.
9. The GRA may refuse to issue a licence if the applicant is not fit to act as a broadcaster, if the applicant is a disqualified person or if the proposed service would be likely to involve contraventions of the standards for programmes and advertising.
10. In cases where the GRA has instigated sanctions procedures against a licensee, it will not generally consider any applications for new licences by the same licensee or by a person/body connected to that licensee until such time as the sanctions procedure against the existing connected licensee is concluded. This means any sanction imposed, must be satisfied (e.g. in the case of a fine, full payment of the fine must have been made) before any new application by that licensee or by a person/body connected to that licensee can be considered.
11. The GRA will normally only issue a licence, or vary a licence to add a new service, once the applicant has supplied a letter from the relevant multiplex operator confirming carriage of the service.
12. In order to be able to fully consider an application, we may need to request further information or clarification from the applicant. If we do not receive a response to a request for further information within 30 days, the application will be considered to have lapsed.

Fees

13. The application must be accompanied by the application fee. Application fees may be reviewed by the Minister and applicants should consult the GRA

website for the most up to date information on fees. The application fee is £500 per application.

14. The application fee is non-refundable.
15. If a licence is no longer required it may be surrendered. If an invoice for the annual licence fee has been issued, the licence must be surrendered within 30 days of the date of the invoice in order for the annual licence fee to be waived. If a licence is surrendered before the end of the annual licence period, no refund for the remaining period will be made.
16. Fees can be paid by cheque or by BACS transfer. Payment should include a reference to the application being made or in the case of payment of annual fees, a reference to the invoice number. Confirmation of payment should be emailed to broadcasting@gra.gj.