



Broadcast licensees' late and non-payment of licence fees

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	DM GOLD TV
Category	Non-payment of licence fees
Summary	DM GOLD Limited failed to pay its annual licence fees by the required payment date. Breaches of Conditions 4(1) and 4(2) of its licence (fees)

Introduction

Ofcom is partly funded by the broadcast licence fees it charges television and radio licensees. Ofcom has a statutory obligation to ensure that the fees paid by licensees meet the cost of Ofcom's regulation of broadcasting. The approach Ofcom takes to determining licensees' fees is set out in the [Statement of Charging Principles](http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf)

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Detail on the fees and charges payable by licensees is set out in [Ofcom's Tariff Tables](https://www.ofcom.org.uk/__data/assets/pdf_file/0015/256002/2023-24-tariff-tables.pdf)

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The payment of a licence fee and payment made on time is a requirement of a broadcasting licence. This is set out in Conditions 4(1) and 4(2) of DM GOLD Limited's licence, which state:

4(1): "The Licensee shall pay to Ofcom such fees as Ofcom may determine in accordance with the tariff fixed by it and for the time being in force under Section 87 (3) of the 1990 Act as Ofcom shall from time to time publish in such manner as it considers appropriate."

4(2): "Payment of the fees referred to...above shall be made in such manner and at such times as Ofcom shall specify".

Failure by a licensee to pay its licence fee when required represents a significant and fundamental breach of a broadcast licence, as it means that Ofcom may be unable properly to carry out its regulatory duties.

Decision

In Breach – non-payment

DM GOLD Limited failed to pay its annual licence fee(s) due on 2 August 2023. This Licensee has therefore been found in breach of Conditions 4(1) and 4(2) of its licence(s).

Licensee	Service Name	Licence Number
DM GOLD Limited	DM GOLD TV	TLCS104477BA

As Ofcom considers these to be serious and continuing licence breaches, **Ofcom is putting DM GOLD Limited on notice that this contravention of its licence(s) will be considered for the imposition of a statutory sanction, which may include a financial penalty and/or licence revocation.**

Breaches of Licence Conditions 4(1) and 4(2)