

## SCHEDULES

### SCHEDULE 1

#### QUOTAS: THE BBC AND S4C

##### PART 2

##### QUOTAS: S4C

- 2 (1) Paragraph 7 of Schedule 12 to the Communications Act 2003 (S4C: quotas for independent productions) is amended as follows.
- (2) For sub-paragraph (1) substitute—
  - “(1) It shall be the duty of S4C to secure that, in each year—
    - (a) it makes available qualifying audiovisual content that includes a range and diversity of independent productions commissioned in accordance with the code drawn up under paragraph 10, and
    - (b) the duration (in total) of those independent productions is at least the number of hours specified by order of the Secretary of State.”
- (3) In sub-paragraph (2), omit paragraph (a).
- (4) Omit sub-paragraph (3).
- (5) In sub-paragraph (5), for the words from “, in each year” to the end of the sub-paragraph substitute “—
  - (a) in each year, it makes available qualifying audiovisual content that includes a range and diversity of independent productions commissioned in accordance with the code drawn up under paragraph 10, and
  - (b) the cost (in total) of the acquisition of those independent productions is at least the amount specified in the order.”
- (6) In sub-paragraph (8), in paragraph (b), for “the percentage” substitute “the number of hours or (as the case may be) the amount”.
- (7) Omit sub-paragraph (9).
- (8) Omit sub-paragraph (12).
- (9) In sub-paragraph (13), omit the definition of “programming budget” and the word “and” before it.
- (10) After sub-paragraph (13) insert—
  - “(14) See also sections [278B](#) and [278C](#) (which make further provision for the interpretation of this paragraph etc).”

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*Status: This is the original version (as it was originally enacted).*

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- 3 (1) Paragraph 8 of Schedule 12 to that Act (programme quotas for original productions) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) It shall be the duty of S4C to secure that, in each year—
- (a) it makes available qualifying audiovisual content that includes a range of original productions,
- (b) the duration (in total) of those original productions is at least the number of hours determined in accordance with sub-paragraph (1B), and
- (c) if OFCOM so provide in a direction given to S4C, the additional peak viewing time objective described in sub-paragraph (1A) is met.
- (1A) The additional peak viewing time objective is that (out of the number of hours determined for the purposes of sub-paragraph (1)(b)) at least the number of hours determined in accordance with sub-paragraph (1B) is allocated to the broadcasting of original productions included in S4C Digital at peak viewing times.
- (1B) A determination for the purposes of sub-paragraph (1)(b) or (1A) is to be—
- (a) by agreement between S4C and OFCOM, or
- (b) in default of agreement, by a direction given by OFCOM to S4C specifying the number of hours.
- (1C) Before giving a direction under sub-paragraph (1)(c), OFCOM must consult S4C.”
- (3) Omit sub-paragraphs (2) to (5).
- (4) In sub-paragraph (6), omit the words from “, in relation to” to “the Welsh Authority,”.
- (5) After sub-paragraph (7) insert—
- “(7A) An order under sub-paragraph (6) may—
- (a) authorise OFCOM to give a direction to S4C that original productions of a description specified in the direction may not be counted towards meeting S4C’s duty under sub-paragraph (1);
- (b) require OFCOM to consult S4C before giving such a direction;
- (c) require OFCOM to prepare and publish guidance about the determination of whether an original production falls within a description specified in a direction given by virtue of paragraph (a);
- (d) require S4C to have regard to that guidance.”
- (6) Omit sub-paragraph (10).
- (7) In sub-paragraph (11), in the definition of “peak viewing time”—
- (a) omit the words from “, in relation to” to “the Welsh Authority,”;
- (b) for “one or more of those services” substitute “S4C Digital”.
- (8) After sub-paragraph (12) insert—

“(13) See also sections [278B](#) and [278C](#) (which make further provision for the interpretation of this paragraph etc).”

4 In paragraph 10 of Schedule 12 to that Act (code relating to programme commissioning)—

- (a) in sub-paragraph (1), after “to be applied” insert “—  
(a)”;
- (b) at the end of that sub-paragraph insert “, or  
(b) when they are agreeing terms for the commissioning of independent productions that will be included in a qualifying audiovisual service other than one to which paragraph (a) relates but which they wish to count towards meeting a duty imposed by virtue of paragraph 7(1) or (4).”;
- (c) in sub-paragraph (4), after paragraph (g) insert—  
“(h) that such information about the application of the code as OFCOM consider appropriate is given to persons who make independent productions that are to be commissioned in accordance with the code.”;
- (d) after sub-paragraph (11) insert—  
“(12) See also sections [278B](#) and [278C](#) (which make further provision for the interpretation of this paragraph etc).”