

SCHEDULE

Article 3

OFCOM FUNCTIONS RELATING TO ADVERTISING WHICH MAY BE CONTRACTED OUT

PART 1

1. Functions conferred by or under the following provisions of the 2003 Act relating to programme standards for television and radio:

- (a) section 319(1) (setting, reviewing and revising content standards);
- (b) section 325(2) (handling and resolution of complaints about the observance of standards set under section 319);
- (c) section 325(4) in so far as it provides for a direction to be given to a licence holder with respect to any of the matters mentioned in paragraphs (a) and (b) of section 325(5);
- (d) paragraph 14(1) of Part 2 of Schedule 12 in so far as it provides for a direction to be given to the Welsh Authority with respect to any of the matters mentioned in subparagraphs (a) and (b) of paragraph 14(2) of that Schedule.

PART 2

2. Functions conferred by or under the following provisions relating to directions to broadcast a correction or statement of findings:

- (a) section 40(1) of the 1990 Act⁽¹⁾ (power to direct licensee to broadcast correction or statement of findings);
- (b) section 109(3) of the 1990 Act⁽²⁾ (power to require broadcasting of correction or statement of findings);
- (c) section 236(2) of the 2003 Act (direction to the holder of a licence to provide a television licensable content service to take remedial action);
- (d) paragraph 15(2) of Part 2 of Schedule 12 to the 2003 Act (inclusion of a correction or statement of findings in a public television service of the Welsh Authority).

PART 3

3.—(1) In the 1990 Act, functions conferred by or under—

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- (1) In addition to Channels 3 and 5, section 40(1) (as amended by section 344 of the 2003 Act and paragraph 18 of Part 1 of Schedule 15 to that Act) applies to Channel 4 by virtue of section 40(5) of the 1990 Act; a restricted service by virtue of section 42B(2) of the 1990 Act (as amended by paragraph 4(1) of Schedule 13 to the 2003 Act read with paragraph 4(4) of that Schedule); to a digital programme licence by virtue of section 23(8) of the 1996 Act (as amended by paragraph 92(6) of Part 2 of Schedule 15 to the 2003 Act); to a digital additional services licence by virtue of section 27(8) of the 1996 Act; and to the public teletext service by virtue of paragraph 8 of Part 2 of Schedule 10 to the 2003 Act, with the modifications specified in that paragraph of that Schedule.
 - (2) Section 109(3) (as amended by section 344 of the 2003 Act and paragraph 50 of Part 1 of Schedule 15 to that Act) applies to a national, local or restricted service (within the meaning given in section 245(4) of the 2003 Act); to a digital sound programme licence by virtue of section 62(10) of the 1996 Act (as amended by paragraph 121(6) of Part 2 of Schedule 15 to the 2003 Act); to a digital additional services licence by virtue of section 66(10) of the 1996 Act (as amended by paragraph 124(7) of Part 2 of Schedule 15 to the 2003 Act); and to a radio licensable content service by virtue of section 250(3) of the 2003 Act.

- (a) section 41(1) (power to impose financial penalty or shorten licence period)(3);
- (b) section 42(1) (power to revoke a licence)(4);
- (c) section 55(1) (power to impose penalty on holder of additional services licence)(5);
- (d) section 110(1) (power to impose financial penalty or shorten licence period)(6);
- (e) section 111(1) (power to revoke licence)(7);
- (f) section 120(1) (enforcement of additional services licences)(8).

4.—(1) In the 1996 Act, functions conferred by or under—

- (a) section 17(1) (power to impose financial penalty on the holder of a multiplex licence)(9);
- (b) section 23(1) (power to impose financial penalty on the holder of a digital programme licence)(10);
- (c) section 27(1) (power to impose financial penalty on the holder of a digital additional services licence)(11);
- (d) section 59(1) (power to impose financial penalty on the holder of a radio multiplex licence)(12);
- (e) section 62(1) (power to impose financial penalty on the holder of a digital sound programme licence)(13);
- (f) section 66(1) (power to impose financial penalty on the holder of a digital additional services licence)(14);

5. In the 2003 Act, functions conferred by section 341(2).

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- (3) Section 41 (as amended by paragraph 18 of Part 1 of Schedule 15 to the 2003 Act and paragraph 3 of Part 1 of Schedule 13 to that Act) applies to a restricted service by virtue of section 42B(2) of the 1990 Act, with the modifications specified in subsections (3) and (4) of section 42B.
 - (4) Section 42 (as amended by paragraph 18 of Part 1 of Schedule 15 to the 2003 Act) applies to a restricted service by virtue of section 42B(2) of the 1990 Act; to an additional service by virtue of section 55(4) of that Act, with the modifications specified in that section; to a multiplex licence by virtue of section 17(6) of the 1996 Act, with the modifications specified in that section; to a digital programme licence by virtue of section 23(8) of the 1996 Act, with the modifications set out in section 23(9) of that Act; to a digital additional services licence by virtue of section 27(8) of the 1996 Act, with the modifications set out in section 27(9) of that Act.
 - (5) Section 55(1) was amended by paragraph 27 of Part 1 of Schedule 15 to the 2003 Act.
 - (6) Section 110(1) was amended by paragraph 50 of Part 1 of Schedule 15 to the 2003 Act.
 - (7) Section 111 (as amended by paragraph 50 of Part 1 of Schedule 15 to the 2003 Act) applies to a radio multiplex licence by virtue of section 59(8) of the 1996 Act, with the modifications specified in section 59(9) of that Act; to a digital sound programme licence by virtue of section 62(10) of the 1996 Act, with the modifications specified in section 62(12) of that Act; and to a digital additional services licence by virtue of section 66(10) of the 1996 Act, with the modifications specified in section 66(12) of that Act.
 - (8) Section 120(1) was amended by paragraph 58 of Part 1 of Schedule 15 to the 2003 Act.
 - (9) Section 17(1) was amended by paragraph 89 of Part 2 of Schedule 15 to the 2003 Act.
 - (10) Section 23(1) was amended by paragraph 92 of Part 2 of Schedule 15 to the 2003 Act.
 - (11) Section 27(1) was amended by paragraph 96 of Part 2 of Schedule 15 to the 2003 Act.
 - (12) Section 59(1) was amended by paragraph 118 of Part 2 of Schedule 15 to the 2003 Act.
 - (13) Section 62(1) was amended by paragraph 121 of Part 2 of Schedule 15 to the 2003 Act.
 - (14) Section 66(1) was amended by paragraph 124 of Part 2 of Schedule 15 to the 2003 Act.