



Communications Act 2003

2003 CHAPTER 21

[^{F1}PART 4A U.K.]

ON-DEMAND PROGRAMME SERVICES

[^{F1}Information

Textual Amendments

- F1** Pt. 4A inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), 2

368O Power to demand information U.K.

- (1) The appropriate regulatory authority may require a person who appears to them to be or to have been a provider of an on-demand programme service and to have information that they require for a purpose within subsection (2) to provide them with all such information as they consider necessary for that purpose.
- (2) The following are within this subsection—
- (a) the purposes of an investigation which the appropriate regulatory authority are carrying out in order for it to be determined whether a contravention of section [^{F2}368BA][^{F3}, 368CB or 368D][^{F4}], or of regulations under section [^{F5}368BC],] has occurred or is occurring, where—
- (i) the investigation relates to a matter about which they have received a complaint, or
- (ii) they otherwise have reason to suspect that there has been [^{F6}such a contravention];
- [^{F7}(aa) the purposes of an investigation which the appropriate regulatory authority are carrying out in order to determine whether a person who appears to them to be or to have been a provider of an on-demand programme service has failed to take an appropriate measure in relation to that service for the purpose

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mentioned in section 368E(4), or has failed to implement such a measure effectively, where—

- (i) the investigation relates to a matter about which they have received a complaint, or
 - (ii) they otherwise have reason to suspect that there has been such a failure;]
- (b) the purpose of ascertaining or calculating applicable qualifying revenue under section 368J.

^{F8}(3)

- (4) The appropriate regulatory authority may not require the provision of information under this section unless they have given the person from whom it is required an opportunity of making representations to them about the matters appearing to them to provide grounds for making the request.
- (5) The appropriate regulatory authority must not require the provision of information under this section except by a demand for the information contained in a notice served on the person from whom the information is required that describes the required information and sets out the appropriate regulatory authority’s reasons for requiring it.
- (6) A person who is required to provide information under this section must provide it in such manner and within such reasonable period as may be specified by the appropriate regulatory authority in the demand for information.
- (7) Sections 368I and 368K apply in relation to a failure to comply with a demand for information imposed under this section as if that failure were a contravention of a requirement of section 368D.
- (8) In this section “information” includes copies of programmes.]

Textual Amendments

- F2** Words in s. 368O(2)(a) inserted (18.3.2010) by [The Audiovisual Media Services Regulations 2010 \(S.I. 2010/419\)](#), regs. 1(1), **10**
- F3** Words in s. 368O(2)(a) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **41(a)(i)** (with Pt. 7)
- F4** Words in s. 368O(2)(a) inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. **93(7)**, 118(6); [S.I. 2017/765](#), reg. 2(y)
- F5** Word in s. 368O(2)(a) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **41(a)(ii)** (with Pt. 7)
- F6** Words in s. 368O(2)(a)(ii) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **41(a)(iii)** (with Pt. 7)
- F7** S. 368O(2)(aa) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **41(b)** (with Pt. 7)
- F8** S. 368O(3) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 30** (with reg. 6) (as amended by [S.I. 2020/1536](#), regs. 2, **5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

^{F9}**368O** Co-operation with member States and the European Commission **U.K.**

- (1) OFCOM must take all necessary steps to provide such information and assistance to member States and to the European Commission as is required in order to comply with

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the Audiovisual Media Services Directive as it applies in relation to providers of on-demand programme services, in particular Articles 2, 3, 4 and 30a of the Directive.

(2) Where OFCOM—

- (a) receive a request from a member State under Article 4 of the Audiovisual Media Services Directive relating to a provider of an on-demand programme service, and
 - (b) consider that the request is substantiated under that Article,
- they must ask the provider to comply with the rule identified in that request.]

Textual Amendments

F9 S. 368OA inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **42** (with Pt. 7)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3B inserted by [2024 c. 15 s. 48\(1\)](#)
- Pt 4A Ch. 1 heading inserted by [2024 c. 15 s. 37\(2\)](#)
- Pt. 4A Ch. 2 and cross-heading inserted by [2024 c. 15 s. 37\(5\)](#)
- Pt. 4A Ch. 3 inserted by [2024 c. 15 Sch. 5](#)
- Pt. 4A Ch. 4 heading inserted by [2024 c. 15 Sch. 6 para. 2](#)
- Pt. 4A Ch. 5 heading inserted by [2024 c. 15 Sch. 6 para. 9](#)
- s. 362AZ12(6) applied by 1990 c. 42, s. 18A(5) (as inserted) by [2024 c. 15 s. 19\(3\)](#)
- s. 362AZ12(6) applied by 1996 c. 55, s. 98(2D) (as substituted) by [2024 c. 15 s. 20\(2\)](#)
- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 198B(1A) inserted by [2024 c. 15 s. 30\(3\)\(b\)](#)
- s. 198B(3A) inserted by [2024 c. 15 s. 30\(3\)\(d\)](#)
- s. 198AA inserted by [2024 c. 15 s. 30\(2\)](#)
- s. 204A-204C substituted for s. 204-206 by [2024 c. 15 s. 32\(2\)](#)
- s. 245(1)(c) inserted by [2024 c. 15 s. 46\(2\)](#)
- s. 245(3A)-(3C) inserted by [2024 c. 15 s. 46\(3\)](#)
- s. 264(3)-(8F) substituted for s. 264(3)-(8) by [2024 c. 15 s. 1\(2\)](#)
- s. 264(10A)(10B) inserted by [2024 c. 15 s. 1\(3\)](#)
- s. 264(11)-(11B) substituted for s. 264(11) by [2024 c. 15 s. 1\(4\)](#)
- s. 264(13)-(16) substituted for s. 264(13) by [2024 c. 15 s. 1\(5\)](#)
- s. 265(6)(7) inserted by [2024 c. 15 s. 3\(4\)](#)
- s. 266(2A) inserted by [2024 c. 15 s. 4\(2\)](#)
- s. 270(3)(ca) inserted by [2024 c. 15 s. 6\(3\)](#)
- s. 270(4A) inserted by [2024 c. 15 s. 6\(4\)](#)
- s. 270(7A) inserted by [2024 c. 15 s. 6\(7\)](#)
- s. 277(12A) inserted by [2024 c. 15 s. 8\(9\)](#)
- s. 277(14) inserted by [2024 c. 15 s. 8\(11\)](#)
- s. 278(1)(1A) substituted for s. 278(1) by [2024 c. 15 s. 9\(2\)](#)
- s. 278(7A) inserted by [2024 c. 15 s. 9\(4\)](#)
- s. 278(12) inserted by [2024 c. 15 s. 9\(5\)](#)
- s. 278A inserted by [2024 c. 15 s. 10](#)
- s. 278B inserted by [2024 c. 15 s. 11](#)
- s. 278C inserted by [2024 c. 15 s. 12](#)
- s. 285(3)(h) inserted by [2024 c. 15 s. 13\(3\)](#)

- s. 285(10) inserted by 2024 c. 15 s. 13(4)
- s. 286(1)(a)(aa) substituted for s. 286(1)(a) by 2024 c. 15 s. 14(2)(b)
- s. 286(3)(a)(aa) substituted for s. 286(3)(a) by 2024 c. 15 s. 14(3)(b)
- s. 286(8) inserted by 2024 c. 15 s. 14(6)
- s. 288(1)(a)(aa) substituted for s. 288(1)(a) by 2024 c. 15 s. 14(8)(b)
- s. 288(6) inserted by 2024 c. 15 s. 14(10)
- s. 290(5) inserted by 2024 c. 15 s. 15(3)
- s. 290(6) inserted by 2024 c. 15 s. 15(4)
- s. 315(6)(c) omitted by 2024 c. 15 s. 47(9)
- s. 315A inserted by 2024 c. 15 s. 44(9)
- s. 335B(1A) inserted by 2024 c. 15 Sch. 12 para. 4(3)
- s. 338A338B and cross-heading inserted by 2024 c. 15 s. 18
- s. 351(4)(aa) inserted by 2024 c. 15 Sch. 2 para. 58(2)(b)
- s. 351(5)(aa) substituted for s. 351(5)(a) by 2024 c. 15 Sch. 2 para. 58(3)(a)
- s. 353(4)(aa) inserted by 2024 c. 15 Sch. 2 para. 59(2)(b)
- s. 359A and cross-heading inserted by 2024 c. 15 s. 45
- s. 368B(A2) inserted by 2024 c. 15 s. 37(4)
- s. 368E(3)(zza) inserted by 2024 c. 15 Sch. 12 para. 9(2)
- s. 368E(5)(d)(e) inserted by 2017 c. 30 s. 94(3)
- s. 368I(1A) inserted by 2024 c. 15 Sch. 6 para. 3(4)
- s. 368I(8A) inserted by 2024 c. 15 Sch. 8 para. 8
- s. 368K(1A) inserted by 2024 c. 15 Sch. 6 para. 5(3)
- s. 368M(2A) inserted by 2024 c. 15 Sch. 6 para. 7(3)
- s. 368O368OZA substituted for s. 368O by 2024 c. 15 Sch. 6 para. 11(1)
- s. 368AA368AB inserted by 2024 c. 15 s. 37(3)
- s. 368BB(7) inserted by 2024 c. 15 Sch. 8 para. 3
- s. 368IA(8A) inserted by 2024 c. 15 Sch. 8 para. 9
- s. 368NA(8A)(8B) inserted by 2024 c. 15 Sch. 6 para. 10(3)
- s. 368OB and cross-heading inserted by 2024 c. 15 s. 38(1)
- s. 368QA inserted by 2024 c. 15 Sch. 8 para. 12(1)
- s. 392A and cross-heading inserted by 2024 c. 15 s. 49(2)
- s. 392B inserted by 2024 c. 15 s. 49(4)
- s. 393(6)(ab) inserted by 2024 c. 15 s. 38(2)
- s. 400(1)(ha) words inserted by 2024 c. 15 Sch. 9 para. 4
- s. 402(2A)(zza) inserted by 2024 c. 15 s. 46(4)
- s. 402(2A)(zzb) inserted by 2024 c. 15 s. 44(10)
- s. 402(2A)(za)(zb) inserted by 2022 c. 46 Sch. para. 2
- Sch. 3A para. 21(6) inserted by 2022 c. 46 Sch. para. 3(5)(b)
- Sch. 3A para. 37(3)(aza) inserted by 2022 c. 46 Sch. para. 3(9)
- Sch. 3A para. 84(1)(aza) inserted by 2022 c. 46 Sch. para. 3(10)
- Sch. 3A para. 103(1)(ca) inserted by 2022 c. 46 s. 70
- Sch. 3A para. 119A inserted by 2022 c. 46 s. 72
- Sch. 3A Pt. 4ZA inserted by 2022 c. 46 s. 67(1)
- Sch. 9 para. 1(1)(ab) inserted by 2024 c. 15 Sch. 2 para. 62
- Sch. 12 para. 1(15) inserted by 2024 c. 15 Sch. 1 para. 1(10)
- Sch. 12 para. 7(14) inserted by 2024 c. 15 Sch. 1 para. 2(10)
- Sch. 12 para. 8(7A) inserted by 2024 c. 15 Sch. 1 para. 3(5)
- Sch. 12 para. 8(13) inserted by 2024 c. 15 Sch. 1 para. 3(8)
- Sch. 12 para. 10(1)(b) and word inserted by 2024 c. 15 Sch. 1 para. 4(b)
- Sch. 12 para. 10(4)(h) inserted by 2024 c. 15 Sch. 1 para. 4(c)
- Sch. 12 para. 10(12) inserted by 2024 c. 15 Sch. 1 para. 4(d)
- Sch. 12 para. 4(2A) inserted by 2024 c. 15 Sch. 4 para. 52(4)
- Sch. 12 para. 3(6)-(7B) substituted for Sch. 12 para. 3(6)(7) by 2024 c. 15 Sch. 4 para. 51(4)
- Sch. 12 para. 8(1)-(1C) substituted for Sch. 12 para. 8(1) by 2024 c. 15 Sch. 1 para. 3(2)
- Sch. 16A inserted by 2024 c. 15 Sch. 10

– Sch. 16B inserted by [2024 c. 15 Sch. 11](#)