



Communications Act 2003

2003 CHAPTER 21

[^{F1}PART 4A

ON-DEMAND PROGRAMME SERVICES

Application and interpretation of Part 4A

[^{F1}368R Interpretation of Part 4A

- (1) In this Part—
- “appropriate regulatory authority” is to be construed in accordance with 368B;
 - “children’s programme” means a programme which is intended for viewing primarily by persons under the age of sixteen;
 - “prescription-only medicine” means a medicinal product of a description or falling within a class specified in an order made under section 58 of the Medicines Act 1968;
 - “product placement” has the meaning given by section 368H(1);
 - “sponsorship” is to be construed in accordance with section 368G;
 - “tobacco product” has the meaning given in section 1 of the Tobacco Advertising and Promotion Act 2002.
- (2) For the purposes of this Part, a programme is included in an on-demand programme service if it is included in the range of programmes the service offers to users.
- (3) For the purposes of this Part, advertising is included in an on-demand programme service if it can be viewed by a user of the service as a result of the user selecting a programme to view.
- (4) The services that are to be taken for the purposes of this Part to be available for use by members of the public include any service which—
- (a) is made available for use only to persons who subscribe to the service (whether for a period or in relation to a particular occasion) or who otherwise request its provision; but

Status: Point in time view as at 19/12/2009. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 368R is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) is a service the facility of subscribing to which, or of otherwise requesting its provision, is offered or made available to members of the public.
- (5) The person, and the only person, who is to be treated for the purposes of this Part as providing an on-demand programme service is the person who has editorial responsibility for the service (see section 368A(4)).
- (6) For the purposes of this Part—
- (a) the provision of a service by the BBC does not include its provision by a BBC company;
 - (b) the provision of a service by the Welsh Authority does not include its provision by an S4C company;

and, accordingly, control that is or is capable of being exercised by the BBC or the Welsh Authority over decisions by a BBC company or an S4C company about what is to be comprised in a service is to be disregarded for the purposes of determining who has editorial responsibility for the service.]

Textual Amendments

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

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