



Media Act 2024

2024 CHAPTER 15

PART 1

PUBLIC SERVICE TELEVISION

PROSPECTIVE

Amount of financial penalties

19 Amount of financial penalties: qualifying revenue

- (1) The Broadcasting Act 1990 is amended as set out in subsections (2) to (5).
- (2) In section 18 (failure to begin providing licensed Channel 3 service and financial penalties on revocation of Channel 3 licence), in subsection (3D), for “Section 19(2) to (6)” substitute “Section 18A”.
- (3) After section 18 insert—

“18A Section 18: supplementary provision

- (1) For the purposes of section 18(3B) or (3C), the qualifying revenue for an accounting period of a holder of a Channel 3 licence is the aggregate of—
 - (a) the qualifying revenue for that accounting period of the licence holder which derives from that licensed service, and
 - (b) the qualifying revenue for that accounting period of the licence holder which derives from any on-demand programme service, non-UK on-demand programme service or television programme service that is—
 - (i) provided by the licence holder or a person associated with the licence holder, and
 - (ii) included in an internet programme service that is designated under [section 362AA\(2\)](#) of the Communications Act 2003

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as a service provided by the licence holder or as a service provided by a person associated with the licence holder.

- (2) Section 19(2) to (6) applies for determining the qualifying revenue referred to in [subsection \(1\)\(a\)](#).
- (3) Section 368J(4), (5) and (7) of the Communications Act 2003 applies for determining the qualifying revenue referred to in [subsection \(1\)\(b\)](#) which derives from an on-demand programme service or a non-UK on-demand programme service.
- (4) Section 19(2) and (4) to (6) applies for determining the qualifying revenue referred to in [subsection \(1\)\(b\)](#) which derives from a television programme service as if—
 - (a) in section 19(2) and (6), references to a Channel 3 service were references to the television programme service,
 - (b) in section 19(2), (4) and (6), references to the holder of a Channel 3 licence were references to the provider of the television programme service, and
 - (c) in section 19(2) and (6), the words “of the licence holder” were omitted.
- (5) Section [362AZ12\(6\)](#) of the Communications Act 2003 (meaning of references to a person associated with a public service broadcaster) applies for the purposes of this section as it applies for the purposes of Part 3A of that Act.
- (6) For the purposes of this section—
 - (a) the person who provides an internet programme service is the person treated for the purposes of Part 3A of the Communications Act 2003 as providing that service (see [section 362AZ12](#) of that Act), and
 - (b) the person who provides an on-demand programme service or a non-UK on-demand programme service is the person treated for the purposes of Part 4A of that Act as providing that service (see [section 368R](#) of that Act).
- (7) In this section—

“designated internet programme service” has the same meaning as in Part 3A of the Communications Act 2003 (see [section 362AZ12\(1\)](#));

“on-demand programme service” and “non-UK on-demand programme service” have the same meaning as in Part 4A of that Act (see [section 368A](#)).”
- (4) In section 41 (power to impose financial penalty or shorten licence period of a Channel 3 service, Channel 4 and Channel 5), for subsection (1C) substitute—

“(1C) Section [18A](#) applies for determining or estimating qualifying revenue for the purposes of subsection (1A) or (1B), with any necessary modifications in relation to the holder of the Channel 5 licence.”
- (5) In Schedule 7 (qualifying revenue: supplementary provisions), in Part 1 (qualifying revenue for the purposes of Part 1 or 2 of this Act), in paragraph 1, after subparagraph (4) insert—

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“(5) This paragraph does not apply in relation to such part of a person’s qualifying revenue as falls to be ascertained in accordance with section 368J of the Communications Act 2003 (see [section 18A\(1\)\(b\)](#) and [\(3\)](#) of this Act).”

(6) In Schedule 9 to the Communications Act 2003 (arrangements about the carrying on of C4C’s activities), in paragraph 8 (penalty for contravention of the arrangements), for sub-paragraph (7) substitute—

“(7) Section [18A](#) of the 1990 Act, with any necessary modifications, has effect in relation to C4C for the purposes of this paragraph as it has effect in relation to the holder of a Channel 3 licence for the purposes of Part 1 of the 1990 Act; and Part 1 of Schedule 7 to the 1990 Act has effect as if C4C’s qualifying revenue for an accounting period were being ascertained for the purposes of a provision of Part 1 of the 1990 Act.”

Commencement Information

II S. 19 not in force at Royal Assent, see [s. 55\(3\)\(a\)](#)

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