



# Media Act 2024

## 2024 CHAPTER 15

### PART 1

#### PUBLIC SERVICE TELEVISION

##### *The public service remit for television*

### **1 Reports on the fulfilment of the public service remit**

- (1) Section 264 of the Communications Act 2003 (OFCOM reports on the fulfilment of the public service remit) is amended as follows.
- (2) For subsections (3) to (8) (OFCOM's review and reporting obligations and the purposes of public service television broadcasting in the United Kingdom) substitute—
  - “(3) The review and reporting obligations for a period are—
    - (a) an obligation to carry out a review of the extent to which the public service remit for television in the United Kingdom has, during that period, been fulfilled by the public service broadcasters (taking them all together over the period as a whole); and
    - (b) an obligation, with a view to maintaining and strengthening the quality of the audiovisual content made available in order to fulfil the public service remit for television in the United Kingdom, to prepare a report on the matters found in the review.
- (4) The public service remit for television in the United Kingdom is fulfilled where the public service broadcasters (taken together) make available a broad range of audiovisual content—
  - (a) in a manner which, taking into account when and how their relevant audiovisual services are received or accessed, is likely to meet the needs and satisfy the interests of as many different audiences as practicable, and

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- (b) which meets the needs and satisfies the interests of as many different available audiences as practicable as regards the nature of the audiovisual content made available and the subject-matters covered by it,

and that range of audiovisual content includes material satisfying the requirements in [subsection \(5\)](#) and itself satisfies the requirement in [subsection \(6\)](#).

- (5) The requirements in this subsection are—

- (a) that the audiovisual content made available by the public service broadcasters (taken together) provides, to the extent that is appropriate for facilitating civic understanding and fair and well-informed debate on news and current affairs, a comprehensive and authoritative coverage of news and current affairs—

- (i) in, and in the different parts of, the United Kingdom, and
- (ii) from around the world;

- (b) that the audiovisual content made available by the public service broadcasters (taken together) comprises a public service for the dissemination of information and for the provision of education and entertainment, which includes what appears to OFCOM to be—

- (i) a sufficient quantity of audiovisual content that reflects the lives and concerns of different communities and cultural interests and traditions within the United Kingdom, and locally in different parts of the United Kingdom, and
- (ii) a sufficient quantity of audiovisual content that is in, or mainly in, a recognised regional or minority language;

- (c) that the audiovisual content made available by the public service broadcasters (taken together) includes an appropriate range and quantity of audiovisual content, contained in original productions, that—

- (i) reflects the lives and concerns of children and young people in the United Kingdom,
- (ii) is of an educational nature, and
- (iii) helps them to understand the world around them; and

- (d) that the audiovisual content made available by the public service broadcasters (taken together) includes—

- (i) an appropriate range of independent productions with an appropriate combined duration,
- (ii) an appropriate range of original productions with an appropriate combined duration, and
- (iii) so far as the audiovisual content consists of programmes made in the United Kingdom, an appropriate range of programmes made outside the M25 area with an appropriate combined duration.

- (6) The requirement in this subsection is that the range of genres of audiovisual content made available by the public service broadcasters (taken together) constitutes an appropriate range of genres.

- (7) Particular audiovisual content made available by a public service broadcaster is not to be taken into account for the purpose of determining the extent to

which the public service remit for television in the United Kingdom is fulfilled unless the broadcaster has taken steps to ensure that the audiovisual content in question may be received or accessed in accordance with [subsection \(8\)](#) by so much of the broadcaster’s intended audience as is reasonably practicable.

- (8) Audiovisual content may be received or accessed in accordance with this subsection if—
- (a) the audiovisual content, and
  - (b) the relevant audiovisual service by means of which the audiovisual content is provided,
- may be received or accessed in intelligible form and free of charge.
- (8A) Any requirement to pay sums in accordance with regulations under section 365 is to be disregarded for the purpose of determining whether audiovisual content may be received or accessed in accordance with [subsection \(8\)](#).
- (8B) Particular audiovisual content made available by a public service broadcaster by means of an on-demand programme service or a non-UK on-demand programme service is not to be taken into account for the purpose of determining the extent to which the public service remit for television in the United Kingdom is fulfilled unless the audiovisual content in question is available for a period of not less than 30 days beginning with the day on which that content is first made available for viewing.
- (8C) Subsection [\(8B\)](#) does not apply to news programmes or programmes containing coverage of sporting events that are made available by a public service broadcaster by means of an on-demand programme service or a non-UK on-demand programme service.
- (8D) The Secretary of State may by regulations amend [subsection \(8B\)](#) so as to substitute a different period for the period for the time being specified there.
- (8E) In carrying out a review under this section OFCOM must consider—
- (a) the costs to public service broadcasters of fulfilling the public service remit for television in the United Kingdom;
  - (b) the sources of income available to them for meeting those costs.
- (8F) Every report under this section must—
- (a) specify, and comment on, whatever changes appear to OFCOM to have occurred, during the period to which the report relates, in the extent to which the public service remit for television in the United Kingdom has been fulfilled;
  - (b) specify, and comment on, whatever changes appear to OFCOM to have occurred, during that period, in the manner in which that remit is fulfilled;
  - (c) set out the findings of OFCOM on their consideration of the matters mentioned in [subsection \(8E\)](#) and any conclusions they have arrived at in relation to those findings; and
  - (d) set out OFCOM’s conclusions on the current state of the audiovisual content made available by public service broadcasters in order to fulfil the public service remit for television in the United Kingdom.”

- (3) After subsection (10) insert—

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“(10A) Before making regulations under this section the Secretary of State must consult OFCOM.

(10B) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

(4) For subsection (11) substitute—

“(11) The following are relevant audiovisual services for the purposes of this section—

- (a) a television broadcasting service;
- (b) a television licensable content service;
- (c) a digital television programme service;
- (d) an on-demand programme service;
- (e) a non-UK on-demand programme service;
- (f) a service, other than a service referred to in any of paragraphs (a) to (e), which falls within [subsection \(11A\)](#).

(11A) A service falls within this subsection if it is a service, or a dissociable section of a service, which has the following characteristics—

- (a) its principal purpose is the provision of programmes,
- (b) the programmes which it provides are accessed by viewers by means of the internet,
- (c) there is a person who has general control over which programmes are comprised in the service or the dissociable section of the service (whether or not the person has control of the content of individual programmes or the distribution of the service), and
- (d) the service or the dissociable section of the service is available for use by members of the public in all or part of the United Kingdom.

(11B) The services that are to be taken for the purposes of [subsection \(11A\)\(d\)](#) 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
- (b) is a service the facility of subscribing to which, or otherwise requesting its provision, is offered or made available to members of the public.”

(5) For subsection (13) substitute—

“(13) For the purposes of this section, audiovisual content is made available by a public service broadcaster if—

- (a) it is provided by means of a relevant audiovisual service provided by the broadcaster, or
- (b) it is provided by means of a relevant audiovisual service provided by another person, under arrangements made between the broadcaster and that other person.

(14) In the case of a service falling within [subsection \(11\)\(f\)](#), the person, and the only person, who is to be treated for the purposes of this section as providing

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the service is the person described in [subsection \(11A\)\(c\)](#); and section 362(3) applies in relation to such a service as it applies in relation to a service referred to in section 362(2).

(15) In this section, a reference to the provision of an on-demand programme service or a non-UK on-demand programme service is to be read in accordance with section 368R(5) and (6).

(16) In this section—

“audiovisual content” means the programmes, other than advertisements, included in a relevant audiovisual service;

“children” means persons under the age of 18;

“independent production”—

(a) in relation to the provider of a licensed public service channel, has the same meaning as in section 277;

(b) in relation to the BBC, has the same meaning as in paragraph 1 of Schedule 12;

(c) in relation to S4C, has the same meaning as in paragraph 7 of Schedule 12;

“intended audience” means—

(a) in relation to the provider of a Channel 3 service provided for an area of the United Kingdom, members of the public in that area;

(b) in relation to any other public service broadcaster, members of the public in the United Kingdom;

“original production”—

(a) in relation to the provider of a licensed public service channel, has the same meaning as in section 278;

(b) in relation to the BBC, has the meaning given by the BBC Charter and Agreement;

(c) in relation to S4C, has the same meaning as in paragraph 8 of Schedule 12;

“programme” means any programme (with or without sounds) which consists of moving or still images or of legible text or of a combination of those things;

“recognised regional or minority language” means Welsh, the Gaelic language as spoken in Scotland, Irish, Scots, Ulster Scots or Cornish.”

## **2 OFCOM reports: wider review and reporting obligations**

(1) Section 264A of the Communications Act 2003 (OFCEM reports: wider review and reporting obligations) is amended as follows.

(2) In subsection (1), for “public service objectives” substitute “public service requirements”.

(3) In subsection (2)(b) and (c), for “objectives” substitute “requirements”.

(4) For subsections (3) and (4) substitute—

“(3) “The public service requirements” are the requirements set out in paragraphs (a) to (d) of section 264(5), as modified by subsection (4).

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(4) Section 264(5) has effect for the purposes of subsection (3) as if references to audiovisual content made available by the public service broadcasters, or to programmes included in that content, were references to material included in media services.”

(5) In subsection (5), in the definition of “media services”, after paragraph (b) (and before the “and” following it) insert—

“(ba) non-UK on-demand programme services.”.

### 3 Public service remits of licensed providers

(1) Section 265 of the Communications Act 2003 (licence conditions for a licensed public service channel to include fulfilling public service remits) is amended as follows.

(2) For subsection (2) (public service remit for Channel 3 services and Channel 5) substitute—

“(2) The public service remit for every Channel 3 service and for Channel 5 is to make available a range of high quality and diverse audiovisual content—

- (a) which is all capable of being taken into account for the purpose of determining the extent to which the public service remit for television in the United Kingdom is fulfilled (see section 264(7) to (8C)), and
- (b) which, considered as a whole, constitutes an adequate contribution to the fulfilment of that remit.”

(3) For subsection (3) (public service remit for Channel 4) substitute—

“(3) The public service remit for Channel 4 is to make available a broad range of high quality and diverse audiovisual content—

- (a) which, in particular—
  - (i) demonstrates innovation, experiment and creativity in the form and content of programmes,
  - (ii) appeals to the tastes and interests of a culturally diverse society,
  - (iii) includes a significant quantity and range of programmes of an educational nature and other programmes of educative value, and
  - (iv) exhibits a distinctive character,
- (b) which is all capable of being taken into account for the purpose of determining the extent to which the public service remit for television in the United Kingdom is fulfilled, and
- (c) which, considered as a whole, constitutes an adequate contribution to the fulfilment of that remit.”

(4) After subsection (5) insert—

“(6) In this section, a reference to making available audiovisual content, in relation to a licensed public service channel, is a reference to the provider of that channel making available audiovisual content.

(7) Section 264(13) applies for the purposes of this section as it applies for the purposes of section 264.”

#### **4 Statements of programme policy**

- (1) Section 266 of the Communications Act 2003 (statements of programme policy for Channel 3 services, Channel 4 and Channel 5) is amended as follows.
- (2) After subsection (2) insert—
  - “(2A) The condition must require such proposals—
    - (a) to state whether two or more relevant audiovisual services (including the channel) are proposed to be used to fulfil the public service remit for the channel, and
    - (b) if so, to identify, in relation to each of the relevant audiovisual services, its proposed contribution to the fulfilment of the remit.”
- (3) In subsection (5), for “section 264(4) and (6)” substitute “section 264(4) to (6)”.

#### **5 Changes of programme policy**

In section 267 of the Communications Act 2003 (changes of programme policy for Channel 3 services, Channel 4 and Channel 5), in subsection (4), for “which the channel would” substitute “which—

- (a) the channel, or
- (b) any other relevant audiovisual service which is being used to fulfil the public service remit for the channel,

would”.

#### **6 Enforcement of public service remits**

- (1) Section 270 of the Communications Act 2003 (enforcement of public service remits) is amended as follows.
- (2) In subsection (1)—
  - (a) in paragraph (a), after “failed” insert “, in any respect,”;
  - (b) omit paragraph (b) and the “or” before it.
- (3) In subsection (3), after paragraph (c) insert—
  - “(ca) the record of the provider as regards compliance with duties under Part 4A (on-demand programme services);”.
- (4) After subsection (4) insert—
  - “(4A) Where the provider’s latest statement of programme policy states that one or more relevant audiovisual services other than the provider’s channel will be used to fulfil the public service remit for the channel, a direction given under this section may make provision with respect to that service or any of those services.”
- (5) In subsection (6)(b), omit the words from “or adequately” to “Kingdom”.
- (6) In subsection (7)(b), omit sub-paragraph (ii) and the “and” before it.
- (7) After subsection (7) insert—

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“(7A) Where the provider’s latest statement of programme policy states that one or more relevant audiovisual services other than the provider’s channel will be used to fulfil the public service remit for the channel, specific conditions inserted into the provider’s licence under subsection (7) may make provision with respect to that service or any of those services.”

**7 Power to amend public service remit for television in the United Kingdom**

In section 271 of the Communications Act 2003 (power to amend the public service remits), in subsection (1)—

(a) for paragraph (b) substitute—

“(b) the public service remit for television in the United Kingdom (see section 264(4) to (8C)).”;

(b) omit paragraph (c).