



# Media Act 2024

## 2024 CHAPTER 15

### PART 3

#### PUBLIC SERVICE BROADCASTERS

### CHAPTER 1

#### C4C

#### **29 Sustainability duty of C4C**

- (1) The Broadcasting Act 1990 is amended as follows.
- (2) After section 23 insert—

#### **“23A Sustainability duty of Corporation**

- (1) The Corporation must carry on their activities in the way that they have reasonable grounds to consider would be most likely to enable the Corporation, over the long term—
  - (a) to maintain or increase the amount of activity that is done in pursuance of their primary functions, and
  - (b) to be securely in a position to meet costs incurred in the carrying out of their primary functions.
- (2) In this section, “primary functions” has the same meaning as in section 199(1) of the Communications Act 2003.”
- (3) In Schedule 3 (the Channel Four Television Corporation: supplementary provisions), in paragraph 13 (annual reports), after sub-paragraph (1) insert—
  - “(1A) The report must include a report on the discharge by the Corporation of their duty under [section 23A](#) (sustainability duty of Corporation).”

### 30 C4C’s duties in relation to commissioning programmes

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 198A insert—

#### **“198AA C4C’s duties in relation to commissioning programmes**

- (1) C4C must take steps to enable competition for commissions from C4C to make programmes, other than advertisements, for inclusion in services provided by C4C that fall within [subsection \(2\)](#).
  - (2) A service falls within this subsection if it is—
    - (a) a television broadcasting service,
    - (b) a television licensable content service,
    - (c) a digital television programme service,
    - (d) an on-demand programme service that is or forms part of a designated internet programme service, or
    - (e) a non-UK on-demand programme service that is or forms part of a designated internet programme service.
  - (3) C4C must put in place and adhere to procedures that facilitate fair competition for such commissions, including procedures for referring disputes with C4C to mediation.
  - (4) In this section, “designated internet programme service” has the same meaning as in Part 3A (see [section 362AZ12](#)).”
- (3) In section 198B (statement of media content policy)—
- (a) in the heading—
    - (i) for “Statement” substitute “Statements”;
    - (ii) at the end insert “and commissioning policy”;
  - (b) after subsection (1) insert—
 

“(1A) C4C must prepare a statement of commissioning policy at the same time as they prepare a statement of media content policy.”;
  - (c) in subsection (2), after “policy” insert “or commissioning policy”;
  - (d) after subsection (3) insert—
 

“(3A) A statement of commissioning policy must—

    - (a) set out C4C’s proposals for securing that, during the following year, they will discharge their duties under [section 198AA](#), and
    - (b) include a report on their performance in carrying out the proposals contained in the previous statement.”;
  - (e) in subsection (4), for “the statement” substitute “a statement of media content policy or commissioning policy”;
  - (f) in subsection (5), after “policy” insert “or commissioning policy”.
- (4) In section 198C (OfCOM reports on C4C’s media content duties)—
- (a) in the heading, at the end insert “and commissioning duties”;
  - (b) in subsection (1), in paragraph (a), for “section 198A” substitute “sections 198A and [198AA](#)”.

- (5) In section 198D (directions in relation to C4C’s media content duties)—
  - (a) in the heading, at the end insert “and commissioning duties”;
  - (b) in subsection (1), in paragraph (a)—
    - (i) after “198A” insert “, 198AA”;
    - (ii) for “198B(1), (3)” substitute “198B(1), (1A), (3), (3A)”;
  - (c) in subsection (2)(a), after “policy” insert “or (as the case may be) commissioning policy”;
  - (d) in subsection (3)(a), after “policy” insert “or (as the case may be) commissioning policy”.
- (6) In section 271A (remedying failure by C4C to perform media content duties)—
  - (a) in subsection (1)(a), after “198A” insert “or 198AA”;
  - (b) in subsection (2), after “198A” insert “or 198AA”.

### **31 Involvement of C4C in programme-making**

- (1) In the Communications Act 2003, omit section 295 (which restricts C4C’s involvement in programme-making).
- (2) Subsections (3) and (4) apply if, after the coming into force of subsection (1), C4C or a body corporate controlled by C4C engage in the making of one or more programmes with a view to their being broadcast on Channel 4.
- (3) In carrying out a review under section 264 of the Communications Act 2003 in relation to the relevant report period, OFCOM must consider whether and to what extent the making of programmes by C4C or a body corporate controlled by C4C with a view to their being broadcast on Channel 4 has affected the fulfilment of the public service remit for television in the United Kingdom.
- (4) The report on that review must set out the findings of OFCOM on their consideration of the matter mentioned in subsection (3) and any conclusions that they have arrived at in relation to those findings.
- (5) For the purposes of this section—
  - (a) the relevant report period is the first report period to end on or after the relevant day, and
  - (b) the relevant day is the third anniversary of the first day on which, following the coming into force of subsection (1), C4C or a body corporate controlled by C4C engages in the making of a programme with a view to its being broadcast on Channel 4.
- (6) In this section—
  - “broadcast” has the same meaning as in the Communications Act 2003;
  - “C4C” means the Channel Four Television Corporation;
  - “Channel 4” has the same meaning as in Part 1 of the Broadcasting Act 1990;
  - “controlled” has the same meaning as in Part 1 of the Broadcasting Act 1990;
  - “OFCOM” means the Office of Communications;
  - “programme” means a television programme (within the meaning of the Communications Act 2003) other than an advertisement;

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*Status: This is the original version (as it was originally enacted).*

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“the public service remit for television in the United Kingdom” has the meaning given by section 264 of the Communications Act 2003;

“report period” means a period selected by OFCOM for the purposes of section 264(1)(b) of the Communications Act 2003.