

SCHEDULES

SCHEDULE 12

Section 51

AMENDMENTS RELATED TO THE UK’S WITHDRAWAL FROM THE EU

PART 1

AMENDMENTS OF THE BROADCASTING ACTS

- 1 In section 202 of the Broadcasting Act 1990 (general interpretation), in subsection (1), omit the definition of “the Audiovisual Media Services Directive”.
- 2 In section 105 of the Broadcasting Act 1996 (interpretation of Part 4), in subsection (1), in the definition of “the Audiovisual Media Services Directive”, at the end insert “as it has effect in EU law from time to time”.

PART 2

AMENDMENTS OF THE COMMUNICATIONS ACT 2003

- 3 The Communications Act 2003 is amended as follows.
- 4 (1) Section 335B (maintenance of list of providers) is amended as follows.
 - (2) In subsection (1), for the words after paragraph (b) substitute “which are subject to regulation by OFCOM as a result of one of the provisions listed in [subsection \(1A\)](#)”.
 - (3) After subsection (1) insert—
 - “(1A) The provisions are—
 - (a) section 198 (regulation of the BBC by OFCOM);
 - (b) section 203 (regulation of S4C by OFCOM);
 - (c) section 211 (regulation of independent television services).”
 - (4) Omit subsection (2).
 - (5) For subsection (3) substitute—
 - “(3) OFCOM must publish the up to date list on a publicly accessible part of their website.”
 - (6) In subsection (4)—
 - (a) after “subsection (1)” insert “(other than any service provided by the BBC or S4C)”;
 - (b) for the words from “the determination of jurisdiction” to the end substitute “whether or not the service falls to be regulated by OFCOM under section 211.”
- 5 (1) Section 368BZA (maintenance of list of providers) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) Omit subsection (2).
- (3) For subsection (3) substitute—
 - “(3) OFCOM must publish the up to date list on a publicly accessible part of their website.”
- 6 In section 368BA (advance notification to appropriate regulatory authority), in subsection (4), for the words from “the determination” to the end substitute “whether or not paragraphs (e) and (f) of section 368A(1) are satisfied.”
- 7 In section 368CB (quota for European works)—
 - (a) in subsection (7), in the definition of “European works”, after “Services Directive” insert “as it has effect in EU law as amended from time to time”;
 - (b) in subsection (8), at the end insert “as amended from time to time”.
- 8 In section 368D (duties of service providers), in subsection (2)(ca), for the words from “under the jurisdiction” to the end substitute “subject to regulation by the appropriate regulatory authority as a result of section 368A(1)(e) and (f);”.
- 9 (1) Section 368E (harmful material) is amended as follows.
 - (2) Before subsection (3)(za) insert—
 - “(zza) material the inclusion of which in an on-demand programme service would be an offence under section 1 of the Terrorism Act 2006 (encouragement of terrorism),”.
 - (3) In subsection (3)(za)—
 - (a) for “would be conduct” substitute “is conduct of a kind that, immediately before IP completion day, would have been”;
 - (b) omit sub-paragraph (i).
- 10 For section 368OA (co-operation with member States and the European Commission) substitute—

“368OA Co-operation with EEA States

OFCCOM may co-operate with EEA States which are subject to the Audiovisual Media Services Directive, and with the national regulatory authorities of such EEA states, for the following purposes—

- (a) facilitating the carrying out by OFCCOM of any of their functions under this Part, or
- (b) facilitating the carrying out by the national regulatory authorities of the EEA states of any of their functions in relation to on-demand programme services under the Directive as it has effect in EU law as amended from time to time.”