

## SCHEDULES

### SCHEDULE 6

#### TIER 1 SERVICES: FURTHER AMENDMENTS OF PART 4A OF THE 2003 ACT

- 5 (1) Section 368K (suspension or restriction of service for contraventions or failures) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), after “an on-demand programme service” insert “or a non-UK on-demand programme service that is a Tier 1 service”.
- (3) After subsection (1) insert—
- “(1A) OFCOM (as the appropriate regulatory authority) must serve a notice under subsection (2) on a provider of a Tier 1 service if they are satisfied—
- (a) that the provider is in contravention of [section 368HC](#), [368HJ\(1\)](#), [368HK\(2\)](#) or [368HP](#),
  - (b) that the imposition of one or more financial penalties or enforcement notifications under section 368I has not resulted in the remedying of the contravention, and
  - (c) that the giving of a direction under this section would be appropriate and proportionate to the seriousness of the contravention.”
- (4) In subsection (2)—
- (a) in paragraph (a), after “subsection (1)” insert “or (1A)”;
  - (b) in paragraph (b), after “subsection (1)” insert “or (1A)”;
  - (c) in paragraph (c), after “subsection (1)(a)” insert “or (1A)(a)”.
- (5) In subsection (3)—
- (a) in the words before paragraph (a), after “subsection (1)(c)” insert “or (1A)(c)”;
  - (b) in paragraph (a), after “an on-demand programme service” insert “or a non-UK on-demand programme service that is a Tier 1 service”.