



Broadcasting Act 1996

1996 CHAPTER 55

PART IV

SPORTING AND OTHER EVENTS OF NATIONAL INTEREST

Modifications etc. (not altering text)

- C1** Pt. 4: functions transferred (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 13](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- C2** Pt. 4 modified (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 18 para. 51\(1\)\(2\)\(6\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

97 Listed events.

- (1) For the purposes of this Part, a listed event is a sporting or other event of national interest which is for the time being included in a list drawn up by the Secretary of State for the purposes of this Part.
- (2) The Secretary of State shall not at any time draw up, revise or cease to maintain such a list as is mentioned in subsection (1) unless he has first consulted—
- (a) the BBC,
 - (b) [^{F1}S4C],
 - (c) the Commission, and
 - (d) in relation to a relevant event, the person from whom the rights to televise that event may be acquired;
- and for the purposes of this subsection a relevant event is a sporting or other event of national interest which the Secretary of State proposes to include in, or omit from, the list.
- (3) As soon as he has drawn up or revised such a list as is mentioned in subsection (1), the Secretary of State shall publish the list in such manner as he considers appropriate for bringing it to the attention of—
- (a) the persons mentioned in subsection (2), [^{F2}and]

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- (b) every person who is the holder of a licence granted ^{F3}... under Part I of the 1990 Act or a digital programme licence granted ^{F3}... under Part I of this Act [^{F4}, and
 - (c) such other persons as the Secretary of State considers appropriate.]
- (4) In this section “national interest” includes interest within England, Scotland, Wales or Northern Ireland.
- (5) The addition of any relevant event to such a list as is mentioned in subsection (1) shall not affect—
- (a) the validity of any contract entered into before the date on which the Secretary of State consulted the persons mentioned in subsection (2) in relation to the proposed addition, or
 - (b) the exercise of any rights acquired under such a contract.
- (6) The list drawn up by the Secretary of State for the purposes of section 182 of the 1990 Act, as that list is in force immediately before the commencement of this section, shall be taken to have been drawn up for the purposes of this Part.

Textual Amendments

- F1** Word in s. 97(2) substituted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), s. 55(3)(c), **Sch. 4 para. 23(a)**; [S.I. 2024/858](#), reg. 2(1)(x)
- F2** Word in s. 97(3) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024 \(c. 15\)](#), s. 55(3)(a), **Sch. 2 para. 12(3)(a)** (with s. 25(1)); [S.I. 2024/858](#), reg. 3, Sch.
- F3** Words in s. 97(3)(b) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 299(2), 411(2), **Sch. 19(1)** (with **Sch. 18**); [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)
- F4** S. 97(3)(c) and word inserted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), s. 55(3)(a), **Sch. 2 para. 12(3)(b)** (with s. 25(1)); [S.I. 2024/858](#), reg. 3, Sch.

Modifications etc. (not altering text)

- C3** S. 97(2) excluded (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 18 para. 51(5)** (with **Sch. 18**); [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)
- C4** S. 97(2) excluded (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 25(3)**, 55(3)(a); [S.I. 2024/858](#), reg. 2(1)(e)
- C5** S. 97(2)(c) modified (temp.) (8.12.2003) by [The Office of Communications Act 2002 \(Commencement No. 3\)](#) and [Communications Act 2003 \(Commencement No. 2\) Order 2003 \(S.I. 2003/3142\)](#), **art. 10(2)** (with art. 11)

[^{F5}98 Categories of service.

- (1) [^{F6}For the purposes of this Part, relevant services are divided into two categories as follows—
- (a) those relevant services which for the time being fall within [subsection \(1A\)](#) or [\(2A\)](#), and
 - (b) all other relevant services.
- (1A) A television programme service falls within this subsection if it is—
- (a) a service provided by the BBC or a BBC company otherwise than with a view to generating a profit,
 - (b) a Channel 3 service, Channel 4 or Channel 5,
 - (c) S4C Digital, or

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- (d) a service, other than a Channel 3 service, Channel 4, Channel 5 or S4C Digital, which is provided by the provider of one of those services or by a Channel 4 company, S4C company or body corporate controlled by the provider of a Channel 3 service or Channel 5,

and it satisfies the conditions in [subsection \(2\)](#).]

- (2) [F6The conditions in this subsection are—

- (a) that the television programme service may be received free of charge;
- (b) that, in the case of a service described in [subsection \(1A\)\(d\)](#), the provider's latest statement of programme policy under—
 - (i) section 266 or 267 of the Communications Act 2003, or
 - (ii) paragraph 4 of Schedule 12 to that Act,states that the service will be used to fulfil the public service remit for the Channel 3 service, Channel 4 or Channel 5 or (as the case may be) S4C's public service remit.

- (2A) A relevant service falls within this subsection if—

- (a) it is or forms part of a designated internet programme service,
- (b) where it is a service that forms part of a designated internet programme service, it satisfies the conditions in [subsection \(2B\)](#), and
- (c) it and the programmes included in it may be accessed free of charge.

- (2B) The conditions are—

- (a) that the relevant service is provided by—
 - (i) the BBC or a person associated with the BBC otherwise than with a view to generating a profit,
 - (ii) the provider of a Channel 3 service, Channel 4 or Channel 5,
 - (iii) S4C, or
 - (iv) a person associated with a broadcaster mentioned in [sub-paragraph \(ii\)](#) or [\(iii\)](#);
- (b) that, where it is provided by the BBC or a person associated with the BBC, the service contributes to the promotion of one or more of the BBC's public purposes;
- (c) that, where it is provided by a broadcaster referred to in [paragraph \(a\)\(ii\)](#) or [\(iii\)](#) or a person associated with such a broadcaster, the broadcaster's latest statement of programme policy under—
 - (i) section 266 or 267 of the Communications Act 2003, or
 - (ii) paragraph 4 of Schedule 12 to that Act,states that the service will be used to fulfil the public service remit for the Channel 3 service, Channel 4 or Channel 5 or (as the case may be) S4C's public service remit.

- (2C) Where a relevant service would satisfy the conditions in [subsection \(2A\)](#) but for access to some of the programmes included in the service not being free of charge—

- (a) so much of the service as includes programmes that may be accessed free of charge, and
- (b) the remainder of the service,

are to be regarded as separate relevant services for the purposes of this Part.

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- (2D) [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 [subsection \(2B\)](#) as it applies for the purposes of Part 3A of that Act.]
- (3) There shall be disregarded for the purposes of subsection (2)(a) [^{F8}, [\(2A\)](#) or [\(2C\)](#)] any fee payable in respect of a [^{F9}licence for the purposes of section 363 of the Communications Act 2003].
- (4) [^{F10}The condition in subsection (2)(b)
- (a) is to be taken to be satisfied in relation to a regional Channel 3 service if it is satisfied in relation to Channel 3 as a whole, and
 - (b) is to be taken to be satisfied in relation to Channel 4 if it is satisfied in relation to Channel 4 and S4C taken together.]
- (5) [^{F11}OFCOM] shall from time to time publish a list of the [^{F12}television programme services ^{F13}... which appear to them to satisfy the qualifying conditions][^{F12}relevant services which appear to them to fall within [subsection \(1A\)](#) or [\(2A\)](#)].
- [^{F15}The Secretary of State may, by regulations made by statutory instrument, amend
- ^{F14}(5A) the percentage figure specified for the time being in subsection (2)(b).]
- (5B) [^{F15}An amendment made by regulations under this section does not affect—
- (a) the validity of any contract entered into before the regulations came into force, or
 - (b) the exercise of any rights acquired under such a contract.]
- (5C) [^{F15}Regulations under subsection (5A) may make transitional, transitory or saving provision.]
- (5D) [^{F15}A statutory instrument containing regulations under subsection (5A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]]
- ^{F16}(6)
- [In this Part, “relevant service” means—
- ^{F17}(7) (a) a television programme service;
- (b) an on-demand programme service;
 - (c) a non-UK on-demand programme service;
 - (d) a service, or a dissociable section of a service, which has the following characteristics—
- (i) its principal purpose is the provision of programmes;
 - (ii) the programmes it provides are accessed by means of the internet;
 - (iii) there is a person who has general control over what programmes are included in the service or the dissociable section of the service (see [subsection \(8\)](#));
 - (iv) it is made available by that person for use by members of the public;
 - (v) the members of the public who use the service, or the dissociable section of the service, are or include members of the public in the United Kingdom;
 - (vi) it is not a television programme service, on-demand programme service or non-UK on-demand programme service;

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- (vii) it is not a service of the kind described in [section 362AA\(10\)\(c\)](#) of the Communications Act 2003 (internet programme services which provide programmes by means of an on-demand programme service or non-UK on-demand programme service and at least one other service).
- (8) The person by reference to whom the requirement in [subsection \(7\)\(d\)\(iii\)](#) is satisfied need not have control of the contents of individual programmes or of the distribution of the service.
- (9) In this section, “programme” means such programme as is described in [section 368ZA](#) of the Communications Act 2003.]]

Textual Amendments

- F5** S. 98 substituted (19.1.2000) by [S.I. 2000/54](#), [reg. 3](#), [Sch. para. 1](#) (with [reg. 4\(2\)](#))
- F6** [S. 98\(1\)-\(2D\)](#) substituted for [s. 98\(1\)\(2\)](#) (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 20\(2\)](#), [55\(3\)\(a\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F7** Words in [s. 98\(1\)](#) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 9\(2\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536](#), [reg. 5\(2\)\(3\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F8** Words in [s. 98\(3\)](#) inserted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 20\(3\)](#), [55\(3\)\(a\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F9** Words in [s. 98\(3\)](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 15 para. 127\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F10** [S. 98\(4\)](#) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(a\)](#), [Sch. 2 para. 13\(2\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F11** Words in [s. 98\(5\)](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 15 para. 127\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- F12** Words in [s. 98\(5\)](#) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(a\)](#), [Sch. 2 para. 13\(3\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F13** Words in [s. 98\(5\)](#) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 9\(3\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536](#), [reg. 5\(2\)\(3\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F14** [S. 98\(5A\)-\(5D\)](#) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 97](#), [118\(2\)](#)
- F15** [S. 98\(5A\)-\(5D\)](#) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(a\)](#), [Sch. 2 para. 13\(4\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F16** [S. 98\(6\)](#) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 9\(4\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536](#), [reg. 5\(2\)\(3\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F17** [S. 98\(7\)-\(9\)](#) inserted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 20\(4\)](#), [55\(3\)\(a\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)

99 Contract for exclusive [^{F18}right to televise][^{F18}coverage of] listed event to be void.

- (1) [^{F19}Any contract entered into on or after the day on which [section 21](#) of the Media Act 2024 comes into force which grants rights to include in a relevant service live coverage of the whole or any part of a Group A event for reception in, or in order to be accessed by members of the public in, the United Kingdom or any area of the United Kingdom is void so far as it purports—
- (a) in relation to the whole or any part of the event, or

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- (b) in relation to reception, or access by means of the internet, in the United Kingdom or any part of the United Kingdom,
to grant those rights exclusively.]
- (2) ^{F20}In this Part “television programme provider” means the BBC, ^{F21}S4C] or any person who is the holder of any licence under Part I of the 1990 Act or a digital programme licence under Part I of this Act.]
- (3) ^{F22}For the purposes of this section, rights for a relevant service (“the first service”) to include live coverage of all or part of a Group A event in that service for reception in, or in order to be accessed by members of the public in, the United Kingdom or any area of the United Kingdom are granted exclusively if the person granting them—
- (a) has not granted such rights to include live coverage of the whole or, as the case may be, that part of the event in one or more other relevant services as are sufficient to authorise, in accordance with [section 101\(2\)](#) or [\(3\)](#) or, as the case may be, [section 101\(4\)](#), the inclusion in the first service of the live coverage in question, and
- (b) is precluded by the terms of the contract from doing so.]
- ^{F25}(4) ^{F26}In subsection (3)—
- “CTT broadcaster” means a person who for the purposes of the European Convention on Transfrontier Television is within the jurisdiction of a State, other than the United Kingdom, which is for the time being a party to the Convention”;
- “exempt Irish service” means a service specified in [section 211B\(1\)\(b\)](#) of the Communications Act 2003.]]

Textual Amendments

- F18** Words in [s. 99](#) heading substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(a\)](#), [Sch. 2 para. 14\(2\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F19** [S. 99\(1\)](#) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 21\(2\)](#), [55\(3\)\(a\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F20** [S. 99\(2\)](#) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(a\)](#), [Sch. 2 para. 14\(3\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F21** Word in [s. 99\(2\)](#) substituted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(c\)](#), [Sch. 4 para. 24](#); [S.I. 2024/858](#), [reg. 2\(1\)\(x\)](#)
- F22** [S. 99\(3\)](#) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 21\(3\)](#), [55\(3\)\(a\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F23** [S. 99\(3\)\(a\)](#) substituted (19.1.2000) by [S.I. 2000/54](#), [reg. 3](#), [Sch. para. 2](#)
- F24** Words in [s. 99\(3\)\(a\)](#) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 10\(2\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536](#), [reg. 5\(2\)\(3\)](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F25** [S. 99\(4\)](#) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 10\(3\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536](#), [reg. 5\(2\)\(3\)](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F26** [S. 99\(4\)](#) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024 \(c. 15\)](#), [s. 55\(3\)\(a\)](#), [Sch. 2 para. 14\(4\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)

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100 Contract for [^{F27}televising][^{F27}showing coverage of] listed event must specify category of service.

- ^{F28}(1) [^{F29}Any contract entered into on or after the day on which [section 21](#) of the Media Act 2024 comes into force is void so far as it purports to grant rights to include live coverage of the whole or any part of a listed event in a relevant service for reception in, or in order to be accessed by members of the public in, the United Kingdom, or any area of the United Kingdom, unless the contract complies with subsection (2).]
- (2) A contract complies with this subsection if the terms of the contract allow [^{F30}the television programme provider][^{F30}the provider of the relevant service] to include the live coverage of the listed event—
- (a) only in a [^{F31}television programme service][^{F31}relevant service] falling within paragraph (a) of subsection (1) of section 98, or
 - (b) only in a [^{F32}television programme service][^{F32}relevant service] falling within paragraph (b) of that subsection.

Textual Amendments

- F27** Words in s. 100 heading substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), s. 55(3)(a), [Sch. 2 para. 15](#) (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F28** S. 100(1) restricted (19.1.2000) by S.I. 2000/54, [reg. 4\(1\)](#)
- F29** S. 100(1) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 21\(5\)](#), 55(3)(a) (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F30** Words in s. 100(2) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 21\(6\)\(a\)](#), 55(3)(a) (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F31** Words in s. 100(2)(a) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 21\(6\)\(b\)](#), 55(3)(a) (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F32** Words in s. 100(2)(b) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 21\(6\)\(c\)](#), 55(3)(a) (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.

101 [^{F33}Restriction on televising of listed event][^{F33}Restriction on showing live coverage].

- ^{F33}(1) A provider of a relevant service who—
- (a) is providing a relevant service (“the first service”) falling within either category, and
 - (b) is providing it with a view to its being available to members of the public in the United Kingdom or in any area of the United Kingdom,
- must not include live coverage of a listed event in that service unless it is authorised by subsection [\(2\)](#), [\(3\)](#), [\(4\)](#), [\(5\)](#) or [\(6\)](#).
- (2) Live coverage of a listed event is authorised by this subsection if—
- (a) identical rights to include live coverage of the event in a relevant service other than the first service (“the second service”) have been acquired, and
 - (b) the second service—
 - (i) is provided by a person other than the provider of the first service,
 - (ii) falls into a different category from the first service,
 - (iii) is not a relevant service other than the first service only because [section 98\(2C\)](#) applies to it, and

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- (iv) is provided for an area that consists of or includes all or almost all of the area for which the first service is provided.
- (3) Live coverage of a listed event is authorised by this subsection if—
 - (a) rights to include live coverage of the event in two or more relevant services other than the first service (“the second and further services”) have been acquired,
 - (b) those rights, taken together, constitute identical rights to include live coverage of the event in the second and further services,
 - (c) each of the second and further services—
 - (i) is provided by a person other than the provider of the first service,
 - (ii) falls into a different category from the first service,
 - (iii) is not a relevant service other than the first service only because section 98(2C) applies to it, and
 - (iv) is provided for an area that consists of or includes all or almost all of the area for which the first service is provided.
- (4) Live coverage of a listed event is authorised by this subsection if—
 - (a) the event is a sporting event that involves different sports,
 - (b) rights to include live coverage of the event in two or more relevant services other than the first service (“the second and further services”) have been acquired,
 - (c) that additional coverage, taken as a whole, is adequate live coverage of the event,
 - (d) at least two of the second and further services are television programme services, and
 - (e) each of the second and further services—
 - (i) is provided by a person other than the provider of the first service,
 - (ii) falls into a different category from the first service,
 - (iii) is not a relevant service other than the first service only because section 98(2C) applies to it, and
 - (iv) is provided for an area that consists of or includes all or almost all of the area for which the first service is provided.
- (5) Live coverage of a listed event is authorised by this subsection if OFCOM have consented in advance to inclusion of that coverage in the first service.
- (6) Live coverage of a listed event is authorised by this subsection if—
 - (a) the listed event is a Group B event,
 - (b) rights to provide coverage of the event have been acquired by one or more persons in addition to the provider of the first service,
 - (c) that additional coverage constitutes adequate alternative coverage of the event, and
 - (d) the person or persons who have acquired rights to provide the additional coverage satisfy the requirements in relation to that coverage of any regulations made under section 104ZA for the purposes of this paragraph.
- (7) Subsections (1) to (6) apply in relation to the coverage of a part of a listed event as they apply in relation to the coverage of the whole of that event.
- (8) OFCOM may revoke any consent given by them for the purposes of subsection (5).

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- (9) Failure to comply with [subsection \(1\)](#) does not affect the validity of any contract.
- (10) [Subsection \(1\)](#) does not have effect where the person providing the first service is exercising rights acquired before the commencement of [section 22](#) of the Media Act 2024.
- (11) References in this section to a category of service are to a category of service set out in [section 98\(1\)](#).]

Textual Amendments

- F33** [S. 101](#) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\)](#), [ss. 22](#), [55\(3\)\(a\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858](#), [reg. 3](#), [Sch.](#)
- F34** Words in [s. 101\(1\)](#) substituted (19.1.2000) by [S.I. 2000/54](#), [reg. 3](#), [Sch. para. 3](#) (with [reg. 4\(2\)](#))
- F35** Words in [s. 101](#) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 15 para. 128](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

[^{F36}[101A](#) Designated events in relation to [^{F37}EEA States or other CTT States].

[For the purposes of this Part, a sporting or other event is a designated event, in relation ^{F38}(1)] to an EEA State ^{F39}..., if—

- (a) that State has designated the event in accordance with [^{F40}Article 14(1) of the Audiovisual Media Services Directive] as being of major importance to its society, and
- (b) the designation forms part of measures—
- (i) which have been notified by that State to the European Commission for the purposes of [^{F41}Article 14(2)] of that Directive, and
- (ii) notice of which has been published by the European Commission in the Official Journal of the Communities.

[For the purposes of this Part, a sporting or other event is a designated event, in relation ^{F42}(2) to a qualifying CTT State, if—

- (a) that State has designated the event in accordance with Article 9bis of the European Convention on Transfrontier Television as being of major importance for society,
- (b) the designation forms part of measures which have been notified by that State under that Article to the Standing Committee set up under Article 20 of the Convention, and
- (c) the event and measures are included in a consolidated list published by the Standing Committee under Article 9bis of the Convention.

- (3) In this Part “qualifying CTT State” means a State, other than the United Kingdom, which is for the time being a party to the European Convention on Transfrontier Television but is not an EEA State.]]

Textual Amendments

- F36** [Ss. 101A-101B](#) inserted (19.1.2000) by [S.I. 2000/54](#), [reg. 3](#), [Sch. para. 4](#)
- F37** Words in [s. 101A](#) heading substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 11\(4\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536](#), [reg. 5\(2\)\(3\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation: Broadcasting Act 1996, Part IV is up to date with all changes known to be in force on or before 11 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F38** Words in s. 101A(1) in s. 101A renumbered as s. 101A(1) (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 11(2)** (with reg. 6) (as amended by [S.I. 2020/1536](#), **reg. 5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F39** Words in s. 101A(1) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 11(2)** (with reg. 6) (as amended by [S.I. 2020/1536](#), **reg. 5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F40** Words in s. 101A substituted (1.10.2013) by [The Broadcasting and Communications \(Amendment\) Regulations 2013 \(S.I. 2013/2217\)](#), regs. 1, **4(6)(a)**
- F41** Words in s. 101A substituted (1.10.2013) by [The Broadcasting and Communications \(Amendment\) Regulations 2013 \(S.I. 2013/2217\)](#), regs. 1, **4(6)(b)**
- F42** S. 101A(2)(3) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 11(3)** (with reg. 6) (as amended by [S.I. 2020/1536](#), **reg. 5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

^{F44}101B Restriction on televising of an event designated by [^{F43}EEA State or other CTT State].

- (1) A television programme provider shall not, without the previous consent of [^{F45}OFCOM], exercise rights to televise the whole or part of an event which is a designated event, in relation to an EEA State ^{F46}..., for reception in that EEA State or any area of that EEA State, where a substantial proportion of the public in that EEA State is deprived of the possibility of following that event by live or deferred coverage on free television as determined by that State in accordance with [^{F47}Article 14(1) of the Audiovisual Media Services Directive].

[^{F48}(1A) A television programme provider must not, without the previous consent of OFCOM, exercise rights to televise the whole or part of an event which is a designated event, in relation to a qualifying CTT State, for reception in that State or any area of that State, where a substantial proportion of the public in that State is deprived of the possibility of following that event by live or deferred coverage on free television as determined by that State in accordance with Article 9bis of the European Convention on Transfrontier Television.]

- (2) [^{F45}OFCOM] may revoke any consent given by them under subsection (1) [^{F49}or (1A)].
- (3) Failure to comply with subsection (1) [^{F50}or (1A)] shall not affect the validity of any contract.

^{F51}(4)

Textual Amendments

- F43** Words in s. 101B heading substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 12(5)** (with reg. 6) (as amended by [S.I. 2020/1536](#), **reg. 5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F44** Ss. 101A-101B inserted (19.1.2000) by [S.I. 2000/54](#), reg. 3, **Sch. para. 4**
- F45** Words in s. 101B substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 15 para. 128** (with **Sch. 18**); [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)
- F46** Words in s. 101B(1) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 12(2)** (with reg. 6) (as amended by [S.I. 2020/1536](#), **reg. 5(2)(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F47** Words in s. 101B substituted (1.10.2013) by [The Broadcasting and Communications \(Amendment\) Regulations 2013 \(S.I. 2013/2217\)](#), regs. 1, **4(7)**

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- F48** S. 101B(1A) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 12(3)** (with [reg. 6](#)) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in s. 101B(2) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 12(4)** (with [reg. 6](#)) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in s. 101B(3) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 12(4)** (with [reg. 6](#)) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F51** S. 101B(4) omitted (31.5.2014) by virtue of [The Television Broadcasting Regulations 2014](#) (S.I. 2014/1184), regs. 1, 2

102 Power of ^{F52}[OFCOM] to impose penalty.

^{F53}(A1) If OFCOM—

- (a) are satisfied that a person other than the BBC or S4C who is the provider of a relevant service has failed to comply with section [101\(1\)](#), and
- (b) are not satisfied that in all the circumstances it would be unreasonable to have expected the person to have complied with that provision,

they may require the person to pay, within a specified period, a specified financial penalty to OFCOM.

(B1) If OFCOM are satisfied that, in connection with an application for consent for the purposes of section [101\(5\)](#), a person other than the BBC or S4C who is the provider of a relevant service has—

- (a) provided them with information which was false in a material particular, or
- (b) withheld any material information with the intention of causing OFCOM to be misled,

they may require the person to pay, within a specified period, a specified financial penalty to OFCOM.]

(1) If ^{F52}[OFCOM]—

- (a) are satisfied that the holder of a licence under Part I of the 1990 Act or a digital programme licence under Part I of this Act has failed to comply with ^{F54}[subsection (1) of section 101 ^{F55}or ^{F56}subsection (1) or (1A) of section 101B]], and
- (b) are not satisfied that in all the circumstances it would be unreasonable to expect him to have complied with that subsection,

they may require him to pay, within a specified period, a specified financial penalty to ^{F52}[OFCOM].

(2) If ^{F52}[OFCOM] are satisfied that, in connection with an application for consent ^{F57}[under subsection (1) of section 101 ^{F58}or ^{F57}for the purposes of] ^{F59}subsection (1) or (1A) of section 101B]], the holder of a licence under Part I of the 1990 Act or a digital programme licence under Part I of this Act has—

- (a) provided them with information which was false in a material particular, or
- (b) withheld any material information with the intention of causing ^{F52}[OFCOM] to be misled,

they may require him to pay, within a specified period, a specified financial penalty to ^{F52}[OFCOM].

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- [^{F60}(2A) Before requiring any person to pay a financial penalty under subsection (1) on the ground that he has failed to comply with [^{F61}subsection (1) or (1A) of section 101B], [^{F52}OFCOM] shall consult such persons (who may include competent authorities in [^{F62}EEA States or qualifying CTT States]) as appear to [^{F52}OFCOM] to be appropriate.]
- (3) The amount of any financial penalty imposed on any person under subsection [^{F63}(A1), (B1),] (1) or (2) shall not exceed the amount produced by multiplying the relevant consideration by the prescribed multiplier.
- (4) In subsection (3)—
- (a) “the relevant consideration” means [^{F64}—
 - (i) in relation to a financial penalty imposed under subsection (A1) or (B1), an amount determined by OFCOM to be the value of the rights to include coverage of the event in question in the relevant service at the time when the rights are acquired, and
 - (ii) in relation to a financial penalty imposed under subsection (1) or (2),] an amount determined by [^{F52}OFCOM] as representing so much of any consideration paid by the person on whom the penalty is being imposed as is attributable to the acquisition of the rights to televise the event in question, and
 - (b) “the prescribed multiplier” means such number as the Secretary of State may from time to time by order prescribe.
- (5) An order under subsection (4)(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where [^{F52}OFCOM] receive any amount payable to them by virtue of subsection [^{F65}(A1), (B1),] (1) or (2), that amount shall not form part of the revenues of [^{F52}OFCOM] but shall be paid into the Consolidated Fund.
- (7) Any amount payable by any person to [^{F52}OFCOM] by virtue of subsection [^{F66}(A1), (B1),] (1) or (2) shall be recoverable by them as a debt due to them from that person.

Textual Amendments

- F52** Words in s. 102 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 128](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F53** [S. 102\(A1\)\(B1\)](#) inserted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\), s. 55\(3\)\(a\), Sch. 2 para. 16\(2\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858, reg. 3, Sch.](#)
- F54** Words in s. 102(1)(a) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024 \(c. 15\), s. 55\(3\)\(a\), Sch. 2 para. 16\(3\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858, reg. 3, Sch.](#)
- F55** Words in s. 102(1)(a) inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 5\(2\)](#)
- F56** Words in s. 102(1) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\), reg. 1\(2\), Sch. 1 para. 13\(2\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536, reg. 5\(2\)\(3\)](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F57** Words in s. 102(2) substituted (23.8.2024 for specified purposes) by [Media Act 2024 \(c. 15\), s. 55\(3\)\(a\), Sch. 2 para. 16\(4\)](#) (with [s. 25\(1\)](#)); [S.I. 2024/858, reg. 3, Sch.](#)
- F58** Words in S. 102(2) inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 5\(3\)](#)
- F59** Words in s. 102(2) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\), reg. 1\(2\), Sch. 1 para. 13\(2\)](#) (with [reg. 6](#)) (as amended by [S.I. 2020/1536, reg. 5\(2\)\(3\)](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F60** [S. 102\(2A\)](#) inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 5\(4\)](#)

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- F61** Words in s. 102(2A) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 13(3)(a)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Words in s. 102(2A) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 13(3)(b)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in s. 102(3) inserted (23.8.2024 for specified purposes) by [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 16(5)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F64** Words in s. 102(4)(a) inserted (23.8.2024 for specified purposes) by [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 16(6)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F65** Words in s. 102(6) inserted (23.8.2024 for specified purposes) by [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 16(7)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F66** Words in s. 102(7) inserted (23.8.2024 for specified purposes) by [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 16(8)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.

103 Report to Secretary of State.

(1) If ^{F67}[OFCOM] —

- (a) are satisfied that a broadcasting body has failed to comply with subsection (1) of section 101 ^{F68}[or ^{F69}subsection (1) or (1A) of section 101B]], and
- (b) are not satisfied that in all the circumstances it would be unreasonable to expect the body to have complied with that subsection,

they shall make a report on the matter to the Secretary of State.

(2) If ^{F67}[OFCOM] are satisfied that, in connection with an application for consent under subsection (1) of section 101 ^{F70}[or ^{F71}subsection (1) or (1A) of section 101B]], a broadcasting body has—

- (a) provided them with information which was false in a material particular, or
- (b) withheld any material information with the intention of causing ^{F67}[OFCOM] to be misled,

they shall make a report on the matter to the Secretary of State.

^{F72}(2A) Before reporting to the Secretary of State that a broadcasting body has failed to comply with subsection (1) ^{F73}[or (1A)] of section 101B, ^{F67}[OFCOM] shall consult such persons (who may include competent authorities in ^{F74}[EEA States or qualifying CTT States]) as appear to ^{F67}[OFCOM] to be appropriate.]

(3) In this section “broadcasting body” means the BBC or ^{F75}[S4C].

Textual Amendments

- F67** Words in s. 103 substituted (29.12.2003) by [Communications Act 2003](#) (c. 21), s. 411(2), **Sch. 15 para. 128** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F68** Words in s. 103(1)(a) inserted (19.1.2000) by S.I. 2000/54, reg. 3, **Sch. para. 6(2)**
- F69** Words in s. 103(1) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 14(2)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in s. 103(2) inserted (19.1.2000) by S.I. 2000/54, reg. 3, **Sch. para. 6(3)**
- F71** Words in s. 103(2) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 14(2)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)

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- F72** S. 103(2A) inserted (19.1.2000) by S.I. 2000/54, reg. 3, **Sch. para. 6(4)**
- F73** Words in s. 103(2A) inserted (31.12.2020) by The Broadcasting (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 14(3)(a)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Words in s. 103(2A) substituted (31.12.2020) by The Broadcasting (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 14(3)(b)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F75** Word in s. 103(3) substituted (23.8.2024) by Media Act 2024 (c. 15), s. 55(3)(c), **Sch. 4 para. 24**; S.I. 2024/858, reg. 2(1)(x)

104 Code of guidance.

- [^{F76}(1) OFCOM shall draw up, and may from time to time revise, a code giving guidance—
- (a) as to the matters which they will take into account in determining whether to give or to revoke their consent for the purposes of [^{F77}section 101(5)] or section 101B(1) [^{F78}or (1A)]; and
 - (b) as to the matters which they will take into account in determining for the purposes of [^{F79}section 102(A1) or (1)] or 103(1), whether in all the circumstances it is unreasonable to expect a [^{F80}person] to comply with section 101(1) or section 101B(1) [^{F81}or (1A)].]
- (2) In exercising their powers under this Part, [^{F82}OFCOM] shall have regard to the provisions of the code.
- (3) Before drawing up or revising the code [^{F82}OFCOM] shall consult such persons as appear to [^{F82}OFCOM] to be appropriate.
- (4) As soon as [^{F82}OFCOM] have drawn up or revised such a code, [^{F82}OFCOM] shall publish the code in such manner as they consider appropriate for bringing it to the attention of—
- (a) the BBC,
 - (b) [^{F83}S4C],
 - (c) every person from whom the rights to [^{F84}show] a listed event may be acquired, and
- [^{F85}(d) such other persons as OFCOM consider appropriate.]

Textual Amendments

- F76** S. 104(1) substituted (29.12.2003) by Communications Act 2003 (c. 21), **ss. 301(1), 411(2)** (with Sch. 18 para. 51(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F77** Words in s. 104(1)(a) substituted (23.8.2024) by Media Act 2024 (c. 15), s. 55(3)(a), **Sch. 2 para. 18(2)(a)** (with s. 25(1)); S.I. 2024/858, reg. 2(1)(v)
- F78** Words in s. 104(1)(a) inserted (31.12.2020) by The Broadcasting (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 15** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in s. 104(1)(b) substituted (23.8.2024) by Media Act 2024 (c. 15), s. 55(3)(a), **Sch. 2 para. 18(2)(b)(i)** (with s. 25(1)); S.I. 2024/858, reg. 2(1)(v)
- F80** Word in s. 104(1)(b) substituted (23.8.2024) by Media Act 2024 (c. 15), s. 55(3)(a), **Sch. 2 para. 18(2)(b)(ii)** (with s. 25(1)); S.I. 2024/858, reg. 2(1)(v)
- F81** Words in s. 104(1)(b) inserted (31.12.2020) by The Broadcasting (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 15** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)

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- F82** Words in s. 104 substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 15 para. 129\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with art. 11)
- F83** Word in s. 104(4)(b) substituted (23.8.2024) by [Media Act 2024 \(c. 15\), s. 55\(3\)\(c\), Sch. 4 para. 24; S.I. 2024/858, reg. 2\(1\)\(x\)](#)
- F84** Word in s. 104(4)(c) substituted (23.8.2024) by [Media Act 2024 \(c. 15\), s. 55\(3\)\(a\), Sch. 2 para. 18\(3\)\(a\)](#) (with s. 25(1)); [S.I. 2024/858, reg. 2\(1\)\(v\)](#)
- F85** S. 104(4)(d) substituted (23.8.2024) by [Media Act 2024 \(c. 15\), s. 55\(3\)\(a\), Sch. 2 para. 18\(3\)\(b\)](#) (with s. 25(1)); [S.I. 2024/858, reg. 2\(1\)\(v\)](#)

[^{F86}104Z] Regulations about coverage of listed events

- (1) OFCOM may make regulations for determining for the purposes of this Part—
- (a) the circumstances in which the [^{F87}coverage] of listed events generally, or of a particular listed event, is or is not to be treated as live [^{F88}coverage];
 - [^{F89}(aa) what (whether generally or in relation to particular circumstances) is to be taken to represent the provision of adequate live coverage for the purposes of section 101(4)(c);]
 - (b) what (whether generally or in relation to particular circumstances) is to be taken to represent the provision of adequate alternative coverage [^{F90}for the purposes of [section 101\(6\)\(c\)](#)]; and
 - (c) the requirements that must be satisfied for the purposes of [^{F91}section 101(6)(d)] by persons who have acquired rights to provide adequate alternative coverage.
- (2) The power conferred by subsection (1)(a) does not include power to define [^{F92}“live coverage”] for the purposes of section 101B.
- [Regulations made by virtue of subsection (1)(aa) may, in particular—
- ^{F93}(2A) (a) describe what represents the provision of adequate live coverage by reference to—
- (i) the duration of the live coverage (whether expressed as a percentage of the duration of the proceedings or otherwise),
 - (ii) the numbers of relevant services of particular descriptions in which the live coverage is included (subject to [section 101\(4\)\(d\)](#)), or
 - (iii) a combination of those matters;
- (b) provide for live coverage not to be taken into account if the provider of the service is unable to select what parts of the proceedings are covered.
- (2B) When making regulations by virtue of subsection (1)(aa), OFCOM must have regard to—
- (a) the forms of live coverage that OFCOM consider are likely to satisfy the interest of members of the public in the United Kingdom or an area of the United Kingdom in listed events of the sort to which section 101(4)(c) relates;
 - (b) the desirability of facilitating the making of arrangements under which rights to include live coverage of sporting events that involve different sports are acquired by providers of relevant services in both of the categories of relevant service set out in section 98(1).]

(3) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to the power of OFCOM to make regulations under this section.]

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Textual Amendments

- F86** S. 104ZA inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 302(1)**, 411(2) (with [Sch. 18 para. 51\(3\)](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F87** Word in [s. 104ZA\(1\)\(a\)](#) substituted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(2)(a)(i)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)
- F88** Word in [s. 104ZA\(1\)\(a\)](#) inserted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(2)(a)(ii)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)
- F89** [S. 104ZA\(1\)\(aa\)](#) inserted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(2)(b)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)
- F90** Words in [s. 104ZA\(1\)\(b\)](#) inserted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(2)(c)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)
- F91** Words in [s. 104ZA\(1\)\(c\)](#) substituted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(2)(d)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)
- F92** Words in [s. 104ZA\(2\)](#) substituted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(3)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)
- F93** [S. 104ZA\(2A\)\(2B\)](#) inserted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 23(4)**, 55(3)(a) (with [s. 25\(1\)](#)); S.I. 2024/858, reg. 2(1)(c)

[^{F94}104A] Provision of information.

- (1) A television programme provider shall, at the request of [^{F95}OFCOM], provide them with such information as [^{F95}OFCOM] consider appropriate regarding any contract which he has entered into which relates to an event which, in relation to an EEA State [^{F96}or a qualifying CTT State], is a designated event.
- [^{F97}OFCOM may by notice (an “information notice”) require a person within
- (2) [subsection \(5\)](#) to provide them with any information that they require for the purpose of carrying out their functions under this Part relating to listed events.
- (3) The power conferred by [subsection \(2\)](#) includes power to require a person within [subsection \(5\)](#) to obtain or generate information.
- (4) The power conferred by [subsection \(2\)](#) must be exercised in a way that is proportionate to the use to which the information is to be put by OFCOM.
- (5) The persons within this subsection are—
 - (a) a provider of a relevant service;
 - (b) a person who was a provider of a relevant service at a time to which the required information relates;
 - (c) a person who is not within [paragraph \(a\)](#) or [\(b\)](#) but who appears to OFCOM to have, or to be able to obtain or generate, information required by them as mentioned in [subsection \(2\)](#).
- (6) An information notice must—
 - (a) specify or describe the information to be provided,
 - (b) specify why OFCOM require the information,
 - (c) specify the form and manner in which the information must be provided, and
 - (d) contain information about the consequences of not complying with the notice.
- (7) An information notice must specify when the information must be provided which may be—

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- (a) on or by a specified date, or
 - (b) within a specified period.
- (8) The power conferred by [subsection \(2\)](#) to require the provision of information includes power to require the provision of information held outside the United Kingdom.
- (9) The power conferred by [subsection \(2\)](#) does not include power to require the provision of information in respect of which a claim to legal professional privilege, or (in Scotland) to confidentiality of communications, could be maintained in legal proceedings.
- (10) A person to whom an information notice is given must provide the information in accordance with any requirements included in the notice (subject to [subsection \(11\)](#)).
- (11) The duty under [subsection \(10\)](#) does not require a disclosure of information if that disclosure would contravene the data protection legislation (but, in determining whether a disclosure would do so, that duty is to be taken into account).]
- [^{F98}(12)] If so requested by a competent authority in an EEA State [^{F99}or a qualifying CTT State], [^{F95}OFCOM] shall provide the authority with such information relating to rights to televise listed events or designated events as [^{F95}OFCOM] consider it appropriate to provide.
- [In this section, “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

Textual Amendments

- F94** S. 104A inserted (19.1.2000) by [S.I. 2000/54](#), reg. 3, **Sch. para. 8**
- F95** Words in s. 104A substituted (29.12.2003) by [Communications Act 2003](#) (c. 21), s. 411(2), **Sch. 15 para. 130** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F96** Words in s. 104A(1) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 16** (with reg. 6) (as amended by [S.I. 2020/1536](#), reg. 5(2)(3)); 2020 c. 1, [Sch. 5](#) para. 1(1)
- F97** S. 104A(2)-(11) inserted (23.8.2024) by [Media Act 2024](#) (c. 15), **ss. 24(3)**, 55(3)(a); [S.I. 2024/858](#), reg. 2(1)(d)
- F98** S. 104A(2) renumbered as s. 104A(12) (23.8.2024) by [Media Act 2024](#) (c. 15), **ss. 24(2)**, 55(3)(a); [S.I. 2024/858](#), reg. 2(1)(d)
- F99** Words in s. 104A(2) substituted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 16** (with reg. 6) (as amended by [S.I. 2020/1536](#), reg. 5(2)(3)); 2020 c. 1, [Sch. 5](#) para. 1(1)
- F100** S. 104A(13) inserted (23.8.2024) by [Media Act 2024](#) (c. 15), **ss. 24(4)**, 55(3)(a); [S.I. 2024/858](#), reg. 2(1)(d)

[^{F101}104B Penalties for failure to provide information

- (1) This section applies if—
- (a) OFCOM have given an information notice under section 104A(2) to a person within section 104A(5), and
 - (b) OFCOM have determined, after giving the person an opportunity to make representations, that there are reasonable grounds for believing that there was, or is, a failure by the person to comply with the information notice.

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- (2) OFCOM may give the person a notice (a “penalty notice”) requiring the person to pay OFCOM a penalty of an amount specified in the notice.
- (3) The penalty may include an amount for each day on which the person fails to comply with the information notice.
- (4) The amount of the penalty under [subsection \(2\)](#) is to be such amount, not exceeding £250,000, as OFCOM determine to be—
 - (a) appropriate; and
 - (b) proportionate to the failure to comply in respect of which it is imposed.
- (5) If the penalty notice is given in relation to a continuing failure to comply with the information notice, the penalty notice may also require the person to pay OFCOM a penalty of an amount specified in the penalty notice in respect of each day after the giving of the penalty notice on which the failure continues.
- (6) The amount of a penalty under [subsection \(5\)](#) is to be such amount, not exceeding £500 per day, as OFCOM determine to be—
 - (a) appropriate; and
 - (b) proportionate to the failure to comply in respect of which it is imposed.
- (7) A penalty notice must—
 - (a) fix a reasonable period after it is given as the period within which a penalty under [subsection \(2\)](#) is to be paid;
 - (b) where penalties under [subsection \(5\)](#) are imposed, fix a reasonable period as the period within which such a penalty is to be paid.
- (8) A financial penalty imposed under this section must be paid to OFCOM within the period fixed by them.
- (9) Where OFCOM receive an amount payable to them by virtue of [subsection \(8\)](#), that amount is to be paid into the Consolidated Fund.
- (10) An amount payable by a person to OFCOM by virtue of [subsection \(8\)](#) is recoverable by OFCOM as a debt due to OFCOM from that person.]

Textual Amendments

F101 [S. 104B](#) inserted (23.8.2024) by [Media Act 2024 \(c. 15\)](#), **ss. 24(5)**, 55(3)(a); S.I. 2024/858, reg. 2(1)(d)

105 Interpretation of Part IV and supplementary provisions.

- (1) In this Part (unless the context otherwise requires)—

[^{F102}[^{F103}“adequate alternative coverage” and “live”” are to be construed in accordance with any regulations under section 104ZA;]]

[^{F102}“adequate alternative coverage”, “adequate live coverage” and “live coverage” are to be construed in accordance with regulations under section 104ZA (subject to section 104ZA(2));]

[^{F104}“the Audiovisual Media Services Directive” means [Directive 2010/13/EU](#) of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member

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States concerning the provision of audiovisual media services [^{F105}as it has effect in EU law from time to time];]

[^{F106}“Channel 3 service” means a regional or national Channel 3 service;]

“Channel 4” [^{F107}has][^{F107}and “Channel 5” have] the same meaning as in Part I of the 1990 Act;

^{F108} ...

[^{F109}“designated event”—

- (a) in relation to an EEA State, has the meaning given by section 101A(1), and
- (b) in relation to a qualifying CTT State, has the meaning given by section 101A(2);]

[^{F106}“designated internet programme service” has the same meaning as in Part 3A of the Communications Act 2003 (see [section 362AA\(1\)](#) of that Act);]

[^{F110}“EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;]

[^{F111}“the European Convention on Transfrontier Television” means the Council of Europe Convention on Transfrontier Television which was opened for signature at Strasbourg on 5th May 1989, as amended by the Protocol which was opened for signature at Strasbourg on 1st October 1998;]

[^{F106}“internet programme service” has the same meaning as in Part 3A of the Communications Act 2003 (see [section 362AA\(10\)](#) of that Act);]

“listed event” has the meaning given by section 97(1);

^{F108} ...

[^{F112}“national Channel 3 service” and “regional Channel 3 service” have the same meaning as in Part I of the 1990 Act;]

[^{F106}“on-demand programme service” and “non-UK on-demand programme service” have the same meaning as in the Communications Act 2003 (see sections 368A and [368AA\(1\)](#) of that Act);]

[^{F113}“qualifying CTT State” has the meaning given by section 101A(3);]

[^{F106}“relevant service” has the meaning given by section 98(7);]

^{F114} ...

[^{F106}“S4C Digital” has the same meaning as in Part 1 of the 1990 Act (see section 71(1) of that Act);]

[^{F112}“television broadcasting service” has the same meaning as in Part I of the 1990 Act;]

“television programme provider” [^{F115}has the meaning given by section 99(2)][^{F115}means the BBC, S4C or any person who is the holder of any licence under Part 1 of the 1990 Act or a digital programme licence under Part 1 of this Act];

“television programme service” has the same meaning as in Part I of the 1990 Act.

[^{F116}(1A) The services that are to be taken for the purposes of this Part to be available to members of the public include any service which—

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- (a) is available for reception by members of the public (within the meaning of section 361 of the Communications Act 2003), or
- (b) is available for use by members of the public (within the meaning of section 368R(4) of the Communications Act 2003).

(1B) In this Part—

- (a) a reference to the provision of a television programme service is to be read in accordance with section 362(2) and (3) of the Communications Act 2003;
- (b) 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) of the Communications Act 2003.

(1C) In this Part, the person, and the only person, who is to be treated for the purposes of this Part as providing a relevant service of the kind described in section 98(7)(d) is the person who has such control of the service as is described in section 98(7)(d)(iii).

(1D) For the purposes of this Part as it relates to relevant services of the kind described in section 98(7)(d)—

- (a) the provision of a service by the BBC does not include its provision by a BBC company;
- (b) the provision of a service by S4C does not include its provision by an S4C company;

and, accordingly, control that is capable of being exercised by the BBC or S4C over decisions by a BBC company or an S4C company about what is to be included in a service is to be disregarded for the purposes of determining who has such control of the service as is described in section 98(7)(d)(iii).]

(2) Section 182 of the 1990 Act (certain events not to be shown on pay-per-view terms) shall cease to have effect.

Textual Amendments

- F102** Words in s. 105(1) substituted (23.8.2024 for specified purposes) by Media Act 2024 (c. 15), s. 55(3) (a), **Sch. 2 para. 19(2)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F103** Words in s. 105(1) inserted (29.12.2003) by Communications Act 2003 (c. 21), **ss. 302(2)**, 411(2) (with Sch. 18 para. 51(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F104** Words in s. 105(1) substituted (1.11.2020) by The Audiovisual Media Services Regulations 2020 (S.I. 2020/1062), regs. 1(2), **3(d)**
- F105** Words in s. 105(1) inserted (23.8.2024) by Media Act 2024 (c. 15), s. 55(3)(h), **Sch. 12 para. 2**; S.I. 2024/858, reg. 2(1)(z6)
- F106** Words in s. 105(1) inserted (23.8.2024 for specified purposes) by Media Act 2024 (c. 15), s. 55(3)(a), **Sch. 2 para. 19(6)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F107** Words in s. 105(1) substituted (23.8.2024 for specified purposes) by Media Act 2024 (c. 15), s. 55(3) (a), **Sch. 2 para. 19(3)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F108** Words in s. 105(1) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 15 para. 131, **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F109** Words in s. 105(1) substituted (31.12.2020) by The Broadcasting (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 17(a)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in s. 105(1) inserted (1.10.2013) by The Broadcasting and Communications (Amendment) Regulations 2013 (S.I. 2013/2217), regs. 1, **4(8)(b)**

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- F111** Words in s. 105(1) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 17(b)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in s. 105(1) omitted (23.8.2024 for specified purposes) by virtue of [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 19(5)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F113** Words in s. 105(1) inserted (31.12.2020) by [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/224), reg. 1(2), **Sch. 1 para. 17(c)** (with reg. 6) (as amended by S.I. 2020/1536, reg. 5(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F114** Words in s. 105(1) omitted (23.8.2024) by virtue of [Media Act 2024](#) (c. 15), s. 55(3)(c), **Sch. 4 para. 25**; S.I. 2024/858, reg. 2(1)(x)
- F115** Words in s. 105(1) substituted (23.8.2024 for specified purposes) by [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 19(4)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.
- F116** S. 105(1A)-(1D) inserted (23.8.2024 for specified purposes) by [Media Act 2024](#) (c. 15), s. 55(3)(a), **Sch. 2 para. 19(7)** (with s. 25(1)); S.I. 2024/858, reg. 3, Sch.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(1)(i)(j) inserted by [2024 c. 15 s. 47\(6\)\(a\)\(iii\)](#)
- s. 97(1)-(2A) substituted for s. 97(1)(2) by [2003 c. 21 s. 299\(1\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 97(5A)(5B) inserted by [2003 c. 21 s. 299\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(1)-(1D) substituted for s. 101(1) by [2003 c. 21 s. 300\(2\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(5) inserted by [2003 c. 21 s. 300\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)