



Communications Act 2003

2003 CHAPTER 21

PART 1

FUNCTIONS OF OFCOM

PROSPECTIVE

Ofcom's Content Board

12 Duty to establish and maintain Content Board

- (1) It shall be the duty of OFCOM, in accordance with the following provisions of this section, to exercise their powers under paragraph 14 of the Schedule to the Office of Communications Act 2002 (c. 11) (committees of OFCOM) to establish and maintain a committee to be known as “the Content Board”.
- (2) The Content Board shall consist of—
 - (a) a chairman appointed by OFCOM; and
 - (b) such number of other members appointed by OFCOM as OFCOM think fit.
- (3) The chairman of the Content Board must be a non-executive member of OFCOM but is not to be the chairman of OFCOM.
- (4) At least one of the other members of the Content Board must also be a non-executive member of OFCOM other than the chairman of OFCOM.
- (5) In appointing persons to be members of the Content Board, OFCOM must secure that, for each of the following parts of the United Kingdom—
 - (a) England,
 - (b) Scotland,
 - (c) Wales, and
 - (d) Northern Ireland,

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there is a different member of the Board capable of representing the interests and opinions of persons living in that part of the United Kingdom.

- (6) In appointing a person for the purposes of subsection (5)(a), OFCOM must have regard to the desirability of ensuring that the person appointed is able to represent the interests and opinions of persons living in all the different regions of England.
- (7) The validity of any proceedings of the Content Board shall not be affected by any failure by OFCOM to comply with subsection (5) or (6).
- (8) It shall be the duty of OFCOM when appointing members of the Content Board to secure, so far as practicable, that a majority of the members of the Board (counting the chairman) consists of persons who are neither members nor employees of OFCOM.
- (9) The following shall be disqualified from being the chairman or another member of the Content Board—
 - (a) governors and employees of the BBC;
 - (b) members and employees of the Welsh Authority; and
 - (c) members and employees of C4C.
- (10) Before appointing a person to be the chairman or another member of the Content Board, OFCOM must satisfy themselves that he will not have any financial or other interest which would be likely prejudicially to affect the carrying out by him of any of his functions as chairman or member of the Content Board.
- (11) A person is not to be taken to have such an interest by reason only that he is or will be a member or employee of OFCOM.
- (12) Every person whom OFCOM propose to appoint to be the chairman or another member of the Content Board, shall, whenever requested to do so by OFCOM, furnish OFCOM with any information they consider necessary for the performance of their duty under subsection (10).
- (13) In addition to paying remuneration and expenses under paragraph 14(4) of the Schedule to the Office of Communications Act 2002 (c. 11), OFCOM may—
 - (a) pay to, or in respect of, any member of the Content Board who is not a member or employee of OFCOM, such sums by way of pensions, allowances or gratuities as OFCOM may determine; and
 - (b) provide for the making of such payments to or in respect of any such member of the Content Board.
- (14) In subsection (13)—
 - (a) the reference to pensions, allowances and gratuities includes a reference to similar benefits payable on death or retirement; and
 - (b) the reference to providing for the payment of a pension, allowance or gratuity to, or in respect of, a person includes a reference to the making of payments towards the provision or payment of a pension, allowance or gratuity, or of any such similar benefits, to or in respect of that person.

13 Functions of the Content Board

- (1) The Content Board shall have such functions as OFCOM, in exercise of their powers under the Schedule to the Office of Communications Act 2002 (c. 11), may confer on the Board.

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- (2) The functions conferred on the Board must include, to such extent and subject to such restrictions and approvals as OFCOM may determine, the carrying out on OFCOM's behalf of—
 - (a) functions in relation to matters that concern the contents of anything which is or may be broadcast or otherwise transmitted by means of electronic communications networks; and
 - (b) functions in relation to the promotion of public understanding or awareness of matters relating to the publication of matter by means of the electronic media.
- (3) In determining what functions to confer on the Content Board, OFCOM must have particular regard to the desirability of securing that the Board have at least a significant influence on decisions which—
 - (a) relate to the matters mentioned in subsection (2); and
 - (b) involve the consideration of different interests and other factors as respects different parts of the United Kingdom.
- (4) It shall be the duty of the Content Board to ensure, in relation to—
 - (a) the carrying out of OFCOM's functions under Part 3 of this Act, Parts 1 and 3 of the 1990 Act and Parts 1 and 2 of the 1996 Act,
 - (b) the matters with respect to which functions are conferred on the Board, and
 - (c) such other matters mentioned in subsection (2) as OFCOM may determine,that OFCOM are aware of the different interests and other factors which, in the Board's opinion, need to be taken into account as respects the different parts of the United Kingdom in relation to the carrying out of OFCOM's functions.
- (5) The power of OFCOM to determine the Content Board's functions includes power to authorise the Board to establish committees and panels to advise the Board on the carrying out of some or all of the Board's functions.
- (6) The power of OFCOM to authorise the establishment of a committee or panel by the Content Board includes power to authorise the establishment of a committee or panel that includes persons who are not members of the Board.
- (7) In this section references to the publication of anything by means of the electronic media are references to its being—
 - (a) broadcast so as to be available for reception by members of the public or of a section of the public; or
 - (b) distributed by means of an electronic communications network to members of the public or of a section of the public.

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Changes to legislation:

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

- Act amendment to earlier affecting provision SI 2003/3195 by [S.I. 2004/715 art. 3 Sch.](#)
- Act amendment to earlier affecting provision SI 2003/3195 art. 6 Sch. 2 by [S.I. 2004/1116 art. 2](#)
- Act amendment to earlier affecting provision SI 2003/3197 by [S.I. 2004/308 art. 6\(3\) Sch. 2](#)
- Act amendment to earlier affecting provision SI 2003/3197 by [S.I. 2004/716 art. 3](#)
- Act amendment to earlier affecting provision SI 2003/3197 art. 6 Sch. 2 by [S.I. 2004/1114 art. 2](#)
- Act amendment to earlier affecting provision SI 2003/3198 by [S.I. 2004/309 art. 2\(2\) Sch. Pt. 2](#)
- Act amendment to earlier affecting provision SI 2003/3198 by [S.I. 2004/718 art. 2](#)
- Act amendment to earlier affecting provision SI 2003/3198 art. 6 Sch. 2 by [S.I. 2007/278 art. 3 Sch. 2 Pt. 1](#)
- Act amendment to earlier affecting provision SI 2003/3198 art. 6(1) by [S.I. 2004/1115 art. 2](#)
- Act applied (with modifications) by [S.I. 2004/1944 art. 4 Sch.](#)
- Act modified by [S.I. 2007/1118 art. 7](#)
- Act specified provisions extended (Guernsey) (with modifications) by [S.I. 2003/3195 art. 6 Sch. 2](#) (This SI is amended by SI 2004/307, 2004/715, 2004/1116, 2005/856)
- Act specified provisions extended (Guernsey) (with modifications) by [S.I. 2004/307 art. 4 Sch.](#)
- Act specified provisions extended (Isle of Man) (with modifications) by [S.I. 2003/3198 art. 6 Sch. 2](#) (This SI is amended by SI 2004/309, 2004/718, 2004/1115, 2007/278)
- Act specified provisions extended (Jersey) (with modifications) by [S.I. 2003/3197 art. 6 Sch. 2](#) (This SI is amended by SI 2004/308, 2004/716, 2004/1114, 2005/855)
- Act specified provisions extended (Jersey) (with modifications) by [S.I. 2004/308 art. 4 Sch. 1](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

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

- Pt. 4A inserted by [S.I. 2009/2979 reg. 2](#)
- s. 4A inserted by [S.I. 2011/1210 Sch. 1 para. 6](#)
- s. 35A inserted by [S.I. 2011/1210 Sch. 1 para. 11](#)
- s. 48A-48C inserted by [S.I. 2011/1210 Sch. 1 para. 23](#)
- s. 49A-49C inserted by [S.I. 2011/1210 Sch. 1 para. 25](#)
- s. 56A inserted by [S.I. 2011/1210 Sch. 1 para. 31](#)
- s. 76A inserted by [S.I. 2011/1210 Sch. 1 para. 41](#)
- s. 80A 80B inserted by [S.I. 2011/1210 Sch. 1 para. 43](#)
- s. 84A inserted by [S.I. 2011/1210 Sch. 1 para. 47](#)
- s. 89A 89B 89C inserted by [S.I. 2011/1210 Sch. 1 para. 50](#)
- s. 96A-96C inserted by [S.I. 2011/1210 Sch. 1 para. 55](#)

- s. 100A inserted by S.I. 2011/1210 Sch. 1 para. 60
- s. 105A-105D inserted by S.I. 2011/1210 Sch. 1 para. 65
- s. 110A inserted by S.I. 2011/1210 Sch. 1 para. 69
- s. 111A 111B inserted by S.I. 2011/1210 Sch. 1 para. 71
- s. 120A inserted by S.I. 2011/1210 Sch. 1 para. 77
- s. 124A inserted by 2010 c. 24 s. 3
- s. 124B inserted by 2010 c. 24 s. 4
- s. 124C inserted by 2010 c. 24 s. 5
- s. 124D inserted by 2010 c. 24 s. 6
- s. 124E inserted by 2010 c. 24 s. 7
- s. 124F inserted by 2010 c. 24 s. 8
- s. 124G inserted by 2010 c. 24 s. 9
- s. 124H inserted by 2010 c. 24 s. 10
- s. 124I inserted by 2010 c. 24 s. 11
- s. 124J inserted by 2010 c. 24 s. 12
- s. 124K inserted by 2010 c. 24 s. 13
- s. 124L inserted by 2010 c. 24 s. 14
- s. 124M inserted by 2010 c. 24 s. 15
- s. 124N inserted by 2010 c. 24 s. 16(1)
- s. 124O inserted by 2010 c. 24 s. 19
- s. 124P 124Q inserted by 2010 c. 24 s. 20(1)
- s. 124R inserted by 2010 c. 24 s. 21
- s. 134A-134C inserted by 2010 c. 24 s. 1(1)
- s. 139A-139C inserted by S.I. 2011/1210 Sch. 1 para. 83
- s. 146A inserted by S.I. 2011/1210 Sch. 1 para. 88
- s. 150A inserted by S.I. 2011/1210 Sch. 1 para. 89
- s. 185A inserted by S.I. 2011/1210 Sch. 1 para. 92
- s. 198A inserted by 2010 c. 24 s. 22(1)
- s. 198B-198D inserted by 2010 c. 24 s. 23(1)
- s. 216A inserted by 2010 c. 24 s. 24(7)
- s. 218A inserted by 2010 c. 24 s. 27
- s. 264A inserted by 2010 c. 24 s. 2
- s. 271A inserted by 2010 c. 24 s. 23(2)
- s. 335A inserted by S.I. 2009/2979 reg. 7
- s. 335A(1)(a) text amended by S.I. 2010/1883 reg. 4
- s. 368B(1) text amended by S.I. 2010/419 reg. 3(1)
- s. 368B(6) text amended by S.I. 2010/419 reg. 3(2)
- s. 368D(3)(za)(zb) inserted by S.I. 2010/419 reg. 5(1)
- s. 368D(3A) inserted by S.I. 2010/419 reg. 5(2)
- s. 368G(2) text amended by S.I. 2010/419 reg. 6
- s. 368H(16) text amended by S.I. 2010/831 reg. 7
- s. 368J(1) text amended by S.I. 2010/419 reg. 7
- s. 368K(1)(a) text amended by S.I. 2010/419 reg. 8(2)
- s. 368K(1)(b) text amended by S.I. 2010/419 reg. 8(3)
- s. 368O(2)(a) text amended by S.I. 2010/419 reg. 10
- s. 368P(A1) inserted by S.I. 2010/419 reg. 11(a)
- s. 368P(1) substituted by S.I. 2010/419 reg. 11(b)
- s. 368P(2)(b)(c) omitted by S.I. 2010/419 reg. 11(c)
- s. 368Q(A1) inserted by S.I. 2010/419 reg. 12(1)
- s. 368Q(4) text amended by S.I. 2010/419 reg. 12(2)
- s. 368Q(5) text amended by S.I. 2010/419 reg. 12(3)
- s. 368R(1) text amended by S.I. 2010/831 reg. 8
- s. 368BA 368BB inserted by S.I. 2010/419 reg. 4
- s. 368NA inserted by S.I. 2010/419 reg. 9
- Sch. 11A inserted by S.I. 2010/831 reg. 9
- specified provision(s) amendment to earlier commencing SI 2003/3142 by S.I. 2004/545 art. 2

- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 by [S.I. 2004/1492 art. 2](#)

Commencement Orders yet to be applied to the Communications Act 2003:

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/1900 art. 2](#) commences (2003 c. 21)
- [S.I. 2004/3309 art. 2 3](#) commences (2003 c. 21)
- [S.I. 2009/2130 art. 2](#) commences (2003 c. 21)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/3142 art. 2-4](#) commences (2002 c. 11 and 2003 c. 21)
- [S.I. 2004/2575 art. 2 Sch. 1 2](#) commences (2004 c. 20)
- [S.I. 2005/3495 art. 2](#) commences (2005 c. 15)
- [S.I. 2007/2584 art. 2](#) commences (2006 c. 26)
- [S.I. 2007/3546 art. 3 Sch.](#) commences (2007 c. 17)
- [S.I. 2008/3068 art. 2-5](#) commences (2008 c. 17)
- [S.I. 2009/812 art. 3](#) commences (2006 c. 52)
- [S.I. 2009/1059](#) Order transitional provisions for effects of commencing SI 2009/812
- [S.I. 2009/1167 art. 3 4](#) commences (2006 c. 52)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)
- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)