

SCHEDULE 1

Amendments of primary legislation

PART 3

Amendments of Communications Act 2003

21. After section 211 insert—

“Regulated electronic programme guides

211A.—(1) This section has effect for the interpretation of section 211.

(2) “Regulated electronic programme guide” means an electronic programme guide which—

- (a) is provided, under a licence to provide television licensable content services or digital additional television services, by a person who was providing an electronic programme guide under that licence immediately before exit day,
- (b) is provided by a person designated by the Secretary of State by regulations or by a person having a prescribed connection with a person so designated, or
- (c) falls within a prescribed description.

(3) In subsection (2) “prescribed” means prescribed by the regulations.

(4) Regulations under subsection (2)(b) may only designate a person who, at the time when the regulations are made—

- (a) is providing an electronic programme guide that is used by members of the public in the United Kingdom as a facility for obtaining access to television programme services, or
- (b) is providing, or has informed OFCOM of an intention to provide, an electronic programme guide with a view to its use by members of the public in the United Kingdom as such a facility.

(5) The electronic programme guides that are to be taken for the purposes of this section to be used by members of the public include any electronic programme guide that—

- (a) is used, or available for use, only by persons who subscribe to the service (whether for a period or in relation to a particular occasion) or who otherwise request its provision, but
- (b) is a service the facility of subscribing to which, or of otherwise requesting its provision, is offered or made available to members of the public.

(6) Before making regulations under subsection (2), the Secretary of State must consult OFCOM.

(7) In this section “electronic programme guide” has the meaning given by section 310(8).

Exempt foreign services

211B.—(1) In section 211 “exempt foreign service” means—

- (a) a service provided by a person who is for the purposes of the European Convention on Transfrontier Television within the jurisdiction of a CTT State other than the United Kingdom, or

Status: This is the original version (as it was originally made).

- (b) any of the following services—
 - (i) the services known as RTÉ1 and RTÉ2 provided by Raidió Teilifís Éireann, and
 - (ii) the service known as TG4 provided by Teilifís na Gaeilge.
- (2) The Secretary of State may by regulations amend subsection (1)(b)—
 - (a) by adding a reference to a service appearing to the Secretary of State to be a public service channel established in Ireland,
 - (b) by amending the description of a service for the time being specified in that provision, or
 - (c) by omitting the reference to a service for the time being specified in that provision.
- (3) In this section “CTT State” means a State which is for the time being a party to the European Convention on Transfrontier Television.”.