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STATUTORY INSTRUMENTS

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**2020 No. 1062**

**The Audiovisual Media Services Regulations 2020**

**PART 3**

**On-demand programme services**

**38.** In section 368J (financial penalties)(1)—

(a) in subsection (1)—

(i) for “368BD or 368I” substitute “368BD, 368I or 368IA”;

(ii) after “contravention” insert “or failure”;

(b) after subsection (1) insert—

“(1A) Where the provider in question is the BBC, the amount of the penalty is to be such amount not exceeding the amount for the time being specified in an order under section 198(6) or, if no such order is in force, £250,000, as OFCOM determine to be—

(a) appropriate; and

(b) proportionate to the contravention or failure in respect of which it is imposed.”;

(c) in subsection (2), after “subsection (1)” insert “or (1A)”;

(d) in subsection (3)(a), after “contravention” insert “or failure”;

(e) in subsection (4), after “contravention” insert “or failure”.

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(1) Section 368J was inserted by [S.I. 2009/2979](#) and amended by [S.I. 2010/419](#) and section 93 of the Digital Economy Act 2017 (c. 30).