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STATUTORY INSTRUMENTS

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**2020 No. 1062**

**The Audiovisual Media Services Regulations 2020**

**PART 4**

**Video-sharing platform services**

**48.** After Schedule 15 insert—

“SCHEDULE 15A

Section 368Z1(1)

Video-sharing platform services: appropriate measures for the purposes of section 368Z1(1)

*Appropriate measures*

**1.** Paragraphs 2 to 9 set out the measures which it may be appropriate for a person who provides a video-sharing platform service to take in relation to that service for the purposes mentioned in section 368Z1(1).

**2.** Include terms and conditions to the effect that if a person uploads to the service a video that contains any restricted material, that person must bring it to the attention of the person who is providing the service.

**3.** Include terms and conditions to the effect that a person must not upload to the service a video containing relevant harmful material.

**4.** Include terms and conditions to the effect that—

- (a) a person must not upload to the service a video containing an audiovisual commercial communication for a product mentioned in section 368Z(2),
- (b) a person must not upload to the service a video containing an audiovisual commercial communication for an alcoholic drink unless that communication meets the requirements in section 368Z(3), (4) and (5), and
- (c) a person must not upload to the service a video containing an audiovisual commercial communication for anything else unless that communication meets the requirements in section 368Z(4) and (5).

**5.** Provide functionality for a person uploading a video to the service to declare whether, as far as they know or can reasonably be expected to know, the video contains an audiovisual commercial communication, and include terms and conditions to the effect that a person uploading a video must use the functionality to make such a declaration.

**6.** Establish and operate—

- (a) transparent and user-friendly mechanisms for viewers to report or flag harmful material which is available on the service to the person providing the service;
- (b) systems through which the person providing the service explains to persons using the service what effect has been given to the reporting and flagging referred to in subparagraph (a);

- (c) systems for obtaining assurance as to the age of potential viewers;
  - (d) easy to use systems allowing viewers to rate harmful material.
7. Provide for parental control systems in relation to restricted material.
8. In relation to the implementation of the measures set out in paragraphs 6 and 7, establish and operate a complaints procedure which must be transparent, easy to use and effective, and must not affect the ability of a person to bring a claim in civil proceedings.
9. Provide information and tools for individuals using the service with the aim of improving their media literacy, and raise awareness of the availability of such information and tools.

#### *Interpretation*

**10.** In this Schedule—

“audiovisual commercial communication” has the meaning given by section 368Z13;

“harmful material” means—

- (a) relevant harmful material, or
- (b) restricted material;

“parental control systems” means systems designed to be used by an adult responsible for a person under the age of 18, to control whether or how such persons are able to access videos or audiovisual commercial communications included in a video-sharing platform service;

“relevant harmful material” means—

- (a) material referred to in section 368E(1), or
- (b) material referred to in section 368E(3)(za) (read as if the reference to an on-demand programme service were to a video-sharing platform service);

“restricted material” means—

- (a) material which is prohibited material within the meaning of section 368E by virtue of falling within paragraph (a) or (b) of subsection (3) of that section, or
- (b) specially restricted material within the meaning of section 368E (see subsection (5) of that section);

“video” has the meaning given by section 368Z13;

“video-sharing platform service” has the meaning given by section 368S.”.