



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) the Welsh Authority,
 - (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), and

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- (b) every person who is the holder of a licence granted ^{F1}... under Part I of the 1990 Act or a digital programme licence granted ^{F1}... under Part I of this Act.
- (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** 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)

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)(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)

[^{F2}98 Categories of service.

- (1) For the purposes of this Part, television programme services ^{F3}... shall be divided into two categories as follows—
 - (a) those television programme services and ^{F3}... which for the time being satisfy the qualifying conditions, and
 - (b) all other television programme services ^{F3}....
- (2) In this section “the qualifying conditions”, in relation to a service, means the conditions—
 - (a) that the service is provided without any consideration being required for reception of the service, and
 - (b) that the service is received by at least 95 per cent. of the population of the United Kingdom.
- (3) There shall be disregarded for the purposes of subsection (2)(a) any fee payable in respect of a [^{F4}licence for the purposes of section 363 of the Communications Act 2003] .
- (4) 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

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- (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) ^{F5}[OFCOM] shall from time to time publish a list of the television programme services ^{F6}... which appear to them to satisfy the qualifying conditions.
- [The Secretary of State may, by regulations made by statutory instrument, amend the ^{F7}(5A) percentage figure specified for the time being in subsection (2)(b).
- (5B) 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) Regulations under subsection (5A) may make transitional, transitory or saving provision.
- (5D) 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.]
- ^{F8}(6)]

Textual Amendments

- F2** S. 98 substituted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 1](#) (with [reg. 4\(2\)](#))
- F3** 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\(1\)](#))
- F4** 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](#))
- F5** 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](#))
- F6** 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\(1\)](#))
- F7** S. 98(5A)-(5D) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 97, 118\(2\)](#)
- F8** 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\(1\)](#))

99 Contract for exclusive right to televise listed event to be void.

- (1) Any contract entered into after the commencement of this section under which a television programme provider acquires rights to televise the whole or any part of a listed event live for reception in the United Kingdom, or in any area of the United Kingdom, shall be void so far as it purports, in relation to the whole or any part of the event or in relation to reception in the United Kingdom or any area of the United Kingdom, to grant those rights exclusively to any one television programme provider.
- (2) In this Part “television programme provider” means the BBC, the Welsh Authority 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.

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(3) For the purposes of this section rights to televise the whole or any part of an event live for reception in any area granted to a television programme provider are granted exclusively if the person granting them—

[^{F9}(a) has not granted any right to televise the whole or, as the case may be, that part of the event live for reception in that area to any other television programme provider [^{F10}, to any CTT broadcaster or on an exempt Irish service], and]

(b) is precluded by the terms of the contract from doing so.

[^{F11}(4) 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

F9 S. 99(3)(a) substituted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 2](#)

F10 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\(1\)](#))

F11 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\(1\)](#))

100 Contract for televising listed event must specify category of service.

^{F12}(1) Any contract entered into after the commencement of this section shall be void so far as it purports to grant to a television programme provider rights to televise the whole or any part of a listed event live for reception 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 the television programme provider to include the live coverage of the listed event—

- (a) only in a television programme service falling within paragraph (a) of subsection (1) of section 98, or
- (b) only in a television programme service falling within paragraph (b) of that subsection.

Textual Amendments

F12 S. 100(1) restricted (19.1.2000) by [S.I. 2000/54, reg. 4\(1\)](#)

101 Restriction on televising of listed event.

(1) A [^{F13}television programme provider] providing a service falling within either of the categories set out in subsection (1) of section 98 (“the first service”) for reception in the United Kingdom or in any area of the United Kingdom shall not, without the

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previous consent of [F¹⁴OFCOM] , include in that service live coverage of the whole or any part of a listed event unless—

- (a) another person, who is providing a service falling within the other category set out in that subsection (“the second service”), has acquired the right to include in the second service live coverage of the whole of the event or of that part of the event, and
 - (b) the area for which the second service is provided consists of or includes the whole, or substantially the whole, of the area for which the first service is provided.
- (2) [F¹⁴OFCOM] may revoke any consent given by them under subsection (1).
- (3) Failure to comply with subsection (1) shall not affect the validity of any contract.
- (4) Subsection (1) shall not have effect where the television programme provider providing the first service is exercising rights acquired before the commencement of this section.

Textual Amendments

- F13** Words in s. 101(1) substituted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 3](#) (with [reg. 4\(2\)](#))
- F14** 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](#))

[F¹⁵101A Designated events in relation to [F¹⁶EEA States or other CTT States].

[For the purposes of this Part, a sporting or other event is a designated event, in relation
F¹⁷(1) to an EEA State F¹⁸..., if—

- (a) that State has designated the event in accordance with [F¹⁹Article 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 [F²⁰Article 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
F²¹(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.]]

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Textual Amendments

- F15** Ss. 101A-101B inserted (19.1.2000) by S.I. 2000/54, reg. 3, **Sch. para. 4**
- F16** 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)
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**
- F21** 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)

^{F23} 101B Restriction on televising of an event designated by [^{F22}EEA State or other CTT State].

- (1) A television programme provider shall not, without the previous consent of [^{F24}OFCOM], exercise rights to televise the whole or part of an event which is a designated event, in relation to an EEA State ^{F25}..., 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 [^{F26}Article 14(1) of the Audiovisual Media Services Directive].
- [^{F27}(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) [^{F24}OFCOM] may revoke any consent given by them under subsection (1) [^{F28}or (1A)].
- (3) Failure to comply with subsection (1) [^{F29}or (1A)] shall not affect the validity of any contract.
- ^{F30}(4)

Textual Amendments

- F22** 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)
- F23** Ss. 101A-101B inserted (19.1.2000) by S.I. 2000/54, reg. 3, **Sch. para. 4**

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- F24** 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)
- F25** 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)
- F26** Words in s. 101B substituted (1.10.2013) by [The Broadcasting and Communications \(Amendment\) Regulations 2013 \(S.I. 2013/2217\), regs. 1, 4\(7\)](#)
- F27** 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)
- F28** 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)
- F29** 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)
- F30** 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 ^{F31}OFCOM] to impose penalty.

(1) If ^{F31}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 subsection (1) of section 101 ^{F32}or ^{F33}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 ^{F31}OFCOM] .

(2) If ^{F31}OFCOM] are satisfied that, in connection with an application for consent under subsection (1) of section 101 ^{F34}or ^{F35}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 ^{F31}OFCOM] to be misled,

they may require him to pay, within a specified period, a specified financial penalty to ^{F31}OFCOM] .

^{F36}(2A) Before requiring any person to pay a financial penalty under subsection (1) on the ground that he has failed to comply with ^{F37}subsection (1) or (1A) of section 101B], ^{F31}OFCOM] shall consult such persons (who may include competent authorities in ^{F38}EEA States or qualifying CTT States)] as appear to ^{F31}OFCOM] to be appropriate.]

(3) The amount of any financial penalty imposed on any person under subsection (1) or (2) shall not exceed the amount produced by multiplying the relevant consideration by the prescribed multiplier.

(4) In subsection (3)—

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- (a) “the relevant consideration” means an amount determined by [F31OFCOM] 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 [F31OFCOM] receive any amount payable to them by virtue of subsection (1) or (2), that amount shall not form part of the revenues of [F31OFCOM] but shall be paid into the Consolidated Fund.
- (7) Any amount payable by any person to [F31OFCOM] by virtue of subsection (1) or (2) shall be recoverable by them as a debt due to them from that person.

Textual Amendments

- F31** 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)
- F32** Words in s. 102(1)(a) inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 5\(2\)](#)
- F33** 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)
- F34** Words in S. 102(2) inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 5\(3\)](#)
- F35** 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)
- F36** S. 102(2A) inserted (19.1.2000) by [S.I. 2000/54, reg. 3, Sch. para. 5\(4\)](#)
- F37** 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)
- F38** 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)

103 Report to Secretary of State.

- (1) If [F39OFCOM] —
- (a) are satisfied that a broadcasting body has failed to comply with subsection (1) of section 101 [F40or [F41subsection (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 [F39OFCOM] are satisfied that, in connection with an application for consent under subsection (1) of section 101 [F42or [F43subsection (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 [F39OFCOM] to be misled,

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

[^{F44}(2A) Before reporting to the Secretary of State that a broadcasting body has failed to comply with subsection (1) [^{F45}or (1A)] of section 101B, [^{F39}OFCOM] shall consult such persons (who may include competent authorities in [^{F46}EEA States or qualifying CTT States]) as appear to [^{F39}OFCOM] to be appropriate.]

(3) In this section “broadcasting body” means the BBC or the Welsh Authority.

Textual Amendments

- F39** 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)
- F40** Words in s. 103(1)(a) inserted (19.1.2000) by S.I. 2000/54, reg. 3, [Sch. para. 6\(2\)](#)
- F41** 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\(1\)](#)
- F42** Words in s. 103(2) inserted (19.1.2000) by S.I. 2000/54, reg. 3, [Sch. para. 6\(3\)](#)
- F43** 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\(1\)](#)
- F44** S. 103(2A) inserted (19.1.2000) by S.I. 2000/54, reg. 3, [Sch. para. 6\(4\)](#)
- F45** 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\(1\)](#)
- F46** 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\(1\)](#)

104 Code of guidance.

- [^{F47}(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 section 101(1B) or section 101B(1) [^{F48}or (1A)]; and
 - (b) as to the matters which they will take into account in determining for the purposes of section 102(1) or 103(1), whether in all the circumstances it is unreasonable to expect a television programme provider to comply with section 101(1) or section 101B(1) [^{F49}or (1A)].]

(2) In exercising their powers under this Part, [^{F50}OFCOM] shall have regard to the provisions of the code.

(3) Before drawing up or revising the code [^{F50}OFCOM] shall consult such persons as appear to [^{F50}OFCOM] to be appropriate.

(4) As soon as [^{F50}OFCOM] have drawn up or revised such a code, [^{F50}OFCOM] shall publish the code in such manner as they consider appropriate for bringing it to the attention of—

 - (a) the BBC,
 - (b) the Welsh Authority,

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- (c) every person from whom the rights to televise a listed event may be acquired, and
- (d) every person who is the holder of a licence granted ^{F51}... under Part I of the 1990 Act or a digital programme licence granted ^{F51}... under Part I of this Act.

Textual Amendments

- F47** 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)
- F48** 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\(1\)](#)
- F49** 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\(1\)](#)
- F50** 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)
- F51** Words in s. 104(4)(d) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 129\(3\)](#), **Sch. 19(1)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

[^{F52}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 televising of listed events generally, or of a particular listed event, is or is not to be treated as live;
 - (b) what (whether generally or in relation to particular circumstances) is to be taken to represent the provision of adequate alternative coverage; and
 - (c) the requirements that must be satisfied for the purposes of section 101(1C)(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 “live” for the purposes of section 101B.
- (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.]

Textual Amendments

- F52** 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)

[^{F53}104A] Provision of information.

- (1) A television programme provider shall, at the request of [^{F54}OFCOM], provide them with such information as [^{F54}OFCOM] consider appropriate regarding any contract which he has entered into which relates to an event which, in relation to an EEA State [^{F55}or a qualifying CTT State], is a designated event.
- (2) If so requested by a competent authority in an EEA State [^{F56}or a qualifying CTT State], [^{F54}OFCOM] shall provide the authority with such information relating to rights

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to televise listed events or designated events as [^{F54}OFCOM] consider it appropriate to provide.]

Textual Amendments

- F53** S. 104A inserted (19.1.2000) by S.I. 2000/54, reg. 3, **Sch. para. 8**
- F54** 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)
- F55** 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)
- F56** 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)

105 Interpretation of Part IV and supplementary provisions.

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

[^{F57}“adequate alternative coverage” and “live” ” are to be construed in accordance with any regulations under section 104ZA;]

[^{F58}“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 States concerning the provision of audiovisual media services;]

“Channel 4” has the same meaning as in Part I of the 1990 Act;

^{F59} ...

[^{F60}“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);]

[^{F61}“EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;]

[^{F62}“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;]

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

^{F59} ...

“national Channel 3 service” and “regional Channel 3 service” have the same meaning as in Part I of the 1990 Act;

[^{F63}“qualifying CTT State” has the meaning given by section 101A(3);]

[^{F64}“S4C” has the same meaning as in Part I of the 1990 Act;]

“television broadcasting service” has the same meaning as in Part I of the 1990 Act;

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“television programme provider” has the meaning given by section 99(2);

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

- (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

- F57** 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)
- F58** 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)**
- F59** 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)
- F60** 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\(1\)](#)
- F61** 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)**
- F62** 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\(1\)](#)
- F63** 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\(1\)](#)
- F64** S. 105(1) definition of “S4C” inserted (19.1.2000) by [S.I. 2000/54](#), reg. 3, **Sch. para. 9(c)**

Changes to legislation:

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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. 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)