



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [^{F1}ETC]

CHAPTER 1

THE BBC, C4C THE WELSH AUTHORITY AND THE GAELIC MEDIA SERVICE

C4C

[^{F1}198A C4C's functions in relation to media content

- (1) C4C must participate in—
 - (a) the making of a broad range of relevant media content of high quality that, taken as a whole, appeals to the tastes and interests of a culturally diverse society,
 - (b) the making of high quality films intended to be shown to the general public at the cinema in the United Kingdom, and
 - (c) the broadcasting and distribution of such content and films.
- (2) C4C must, in particular, participate in—
 - (a) the making of relevant media content that consists of news and current affairs,
 - (b) the making of relevant media content that appeals to the tastes and interests of older children and young adults,
 - (c) the broadcasting or distribution by means of electronic communications networks of feature films that reflect cultural activity in the United Kingdom (including third party films), and
 - (d) the broadcasting or distribution of relevant media content by means of a range of different types of electronic communications networks.
- (3) In performing their duties under subsections (1) and (2) C4C must—

Changes to legislation: *Communications Act 2003, Cross Heading: C4C is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) promote measures intended to secure that people are well-informed and motivated to participate in society in a variety of ways, and
 - (b) contribute towards the fulfilment of the public service objectives (as defined in section 264A).
- (4) In performing their duties under subsections (1) to (3) C4C must—
- (a) support the development of people with creative talent, in particular—
 - (i) people at the beginning of their careers in relevant media content or films, and
 - (ii) people involved in the making of innovative content and films,
 - (b) support and stimulate well-informed debate on a wide range of issues, including by providing access to information and views from around the world and by challenging established views,
 - (c) promote alternative views and new perspectives, and
 - (d) provide access to material that is intended to inspire people to make changes in their lives.
- (5) In performing those duties C4C must have regard to the desirability of—
- (a) working with cultural organisations,
 - (b) encouraging innovation in the means by which relevant media content is broadcast or distributed, and
 - (c) promoting access to and awareness of services provided in digital form.
- (6) In this section—
- “participate in” includes invest in or otherwise procure;
 - “relevant media content” means material, other than advertisements, which is included in any of the following services that are available to members of the public in all or part of the United Kingdom—
 - (a) television programme services, additional television services or digital additional television services,
 - (b) on-demand programme services, or
 - (c) other services provided by means of the internet where there is a person who exercises editorial control over the material included in the service;
 and a film is a “third party film” if C4C did not participate in making it.
- (7) The services that are to be taken for the purposes of this section to be available to members of the public include any service which—
- (a) is available for reception by members of the public (within the meaning of section 361); or
 - (b) is available for use by members of the public (within the meaning of section 368R(4)).]

Textual Amendments

F1 S. 198A inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 22(1), 47(1)**

[^{F2}198B Statement of media content policy

- (1) C4C must prepare a statement of media content policy—

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- (a) at the same time as they prepare the first statement of programme policy that is prepared under section 266 after this section comes into force, and
 - (b) subsequently at annual intervals.
- (2) C4C must monitor their performance in carrying out the proposals contained in their statements of media content policy.
- (3) A statement of media content policy must—
 - (a) set out C4C's proposals for securing that, during the following year, they will discharge their duties under section 198A, and
 - (b) include a report on their performance in carrying out the proposals contained in the previous statement.
- (4) In preparing the statement, C4C must—
 - (a) have regard to guidance given by OFCOM, and
 - (b) consult OFCOM.
- (5) C4C must publish each statement of media content policy—
 - (a) as soon as practicable after its preparation is complete, and
 - (b) in such manner as they consider appropriate, having regard to any guidance given by OFCOM.
- (6) OFCOM must—
 - (a) from time to time review the guidance for the time being in force for the purposes of this section, and
 - (b) revise that guidance as they think fit.

Textual Amendments

F2 Ss. 198B-198D inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 23(1)**, 47(1)

198C OFCOM reports on C4C's media content duties

- (1) For each relevant period, OFCOM must—
 - (a) carry out a review of the extent to which C4C have discharged their duties under section 198A, and
 - (b) prepare a report on the matters found on the review.
- (2) OFCOM must publish each report under this section—
 - (a) as soon as practicable after its preparation is complete, and
 - (b) in such manner as they consider appropriate.
- (3) “Relevant period” means each period selected by OFCOM for the purposes of section 264(1)(b) that ends after this section comes into force.

Textual Amendments

F2 Ss. 198B-198D inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 23(1)**, 47(1)

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198D Directions in relation to C4C's media content duties

- (1) This section applies if OFCOM—
 - (a) are of the opinion that C4C have failed to perform one or more of their duties under section 198A or section 198B(1), (3) or (5),
 - (b) are of the opinion that the failure is serious and is not excused by economic or market conditions, and
 - (c) determine that the situation requires the exercise of their functions under this section.
- (2) In making a determination under subsection (1)(c), OFCOM must have regard, in particular, to—
 - (a) C4C's statements of media content policy,
 - (b) C4C's effectiveness and efficiency in monitoring their own performance, and
 - (c) general economic and market conditions affecting the provision of relevant media content (as defined in section 198A).
- (3) OFCOM may give directions to C4C to do one or both of the following—
 - (a) to revise the latest statement of media content policy in accordance with the direction;
 - (b) to take such steps for remedying the failure as OFCOM specify in the direction.
- (4) A direction given under this section must set out—
 - (a) a reasonable timetable for complying with it, and
 - (b) the factors that OFCOM will take into account in determining whether or not a failure has been remedied.
- (5) OFCOM must consult C4C before giving a direction under this section.]

Textual Amendments

F2 Ss. 198B-198D inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), ss. **23(1)**, 47(1)

199 ^[F3]Other] Functions of C4C

- (1) The activities that C4C are able to carry on include any activities which appear to them—
 - (a) to be activities that it is appropriate for them to carry on in association with the carrying out of their primary functions; and
 - (b) to be connected, otherwise than merely in financial terms, with activities undertaken by them for the carrying out of those functions.
- (2) ^[F4]In subsection (1) “primary functions” means—
 - (za) the performance of C4C's duties under section 198A;]
 - (a) securing the continued provision of Channel 4; and
 - (b) the fulfilment of the public service remit for that Channel under section 265.
- (3) Section 24(5)(b) and (6) of the 1990 Act (power of C4C to establish, acquire an interest in or assist a qualifying company) shall cease to have effect.

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- (4) For sub-paragraphs (3) and (4) of paragraph 1 of Schedule 3 to the 1990 Act (power of C4C to do things incidental or conducive to the carrying out of their functions) there shall be substituted—
- “(3) The Corporation may do anything which appears to them to be incidental or conducive to the carrying out of their functions.
- (4) The powers of the Corporation under sub-paragraph (3) include power, to the extent that it appears to them incidental or conducive to the carrying out of their functions to do so—
- (a) to borrow money;
- (b) to carry on activities (other than those comprised in their duty to carry out their primary functions) through Channel 4 companies; and
- (c) to participate with others in the carrying on of any such activities.”
- (5) Schedule 9 (which makes provision for the approval by OFCOM, and for the enforcement, of arrangements made by C4C about the carrying on of their activities) shall have effect.

Textual Amendments

- F3** Word in s. 199 heading inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 22(2)**, 47(1)
- F4** Words in s. 199(2) substituted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 22(2)**, 47(1)

Modifications etc. (not altering text)

- C1** S. 199(2)(b) 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. 7** (with **art. 11**)

Commencement Information

- I1** S. 199 in force at 29.12.2003 by [S.I. 2003/3142](#), **art. 3(1)**, **Sch. 1** (with **art. 11**)

200 Removal of members of C4C

- (1) In paragraph 3 of Schedule 3 to the 1990 Act (term of office of members of C4C), after sub-paragraph (2) there shall be inserted—
- “(2A) OFCOM may at any time, by notice to a member of the Corporation, terminate the appointment of that member.
- (2B) Before terminating a person’s appointment under sub-paragraph (2A), OFCOM must consult the Secretary of State.”
- (2) This section applies only to a member whose appointment was made, or last renewed, after the coming into force of this section.

Commencement Information

- I2** S. 200 in force at 29.12.2003 by [S.I. 2003/3142](#), **art. 3(1)**, **Sch. 1** (with **art. 11**)

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201 Deficits and surpluses of C4C

- (1) Sections 26 and 27 of the 1990 Act (revenue deficits of C4C to be funded by providers of Channel 3 services and application of excess revenues of C4C) shall cease to have effect.
- (2) This section has effect in relation to a deficit or excess for a year ending after the commencement of this section.

Commencement Information

I3 S. 201 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

202 Borrowing limit for C4C

- (1) The Secretary of State may by order provide for a limit on the borrowing that C4C is allowed to undertake.
- (2) The order may fix the limit either—
 - (a) by specifying the sum which the outstanding borrowing of C4C must not at any time exceed; or
 - (b) by providing a method of determining the sum which that borrowing must not exceed.
- (3) C4C are not to borrow money if the effect of the borrowing would be to cause the amount of their outstanding borrowing to be, or to remain, in excess of the limit (if any) that is for the time being in force.
- (4) For the purposes of this section the amount of C4C's outstanding borrowing at any time is the aggregate amount outstanding at that time in respect of the principal of sums borrowed by them, but after allowing sums borrowed to repay existing loans to be applied for that purpose.
- (5) Before making an order under this section, the Secretary of State must consult C4C.
- (6) The consent of the Treasury is required for the making of an order under this section.

Commencement Information

I4 S. 202 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 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 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. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)