



# Communications Act 2003

## 2003 CHAPTER 21

### PART 3

#### TELEVISION AND RADIO SERVICES

### CHAPTER 4

#### REGULATORY PROVISIONS

#### *News provision etc. on public service television*

#### **279 News and current affairs programmes**

- (1) The regulatory regime for every licensed public service channel includes the conditions that OFCOM consider appropriate for securing—
  - (a) that the programmes included in the channel include news programmes and current affairs programmes;
  - (b) that the news programmes and current affairs programmes included in the service are of high quality and deal with both national and international matters; and
  - (c) that the news programmes so included are broadcast for viewing at intervals throughout the period for which the channel is provided.
- (2) That regime also includes the conditions that OFCOM consider appropriate for securing that, in each year—
  - (a) the time allocated to the broadcasting of news programmes included in the service, and
  - (b) the time allocated to the broadcasting of current affairs programmes so included,

each constitutes no less than what appears to OFCOM to be an appropriate proportion of the time allocated to the broadcasting of all the programmes included in the channel.

*Status: Point in time view as at 29/12/2003.*

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- (3) It further includes the conditions that OFCOM consider appropriate for securing that the time allocated—
  - (a) to the broadcasting of news programmes included in the service, and
  - (b) to the broadcasting of current affairs programmes so included,
 is, in each case, split in what appears to OFCOM to be an appropriate manner between peak viewing times and other times.
- (4) The proportion determined by OFCOM for the purposes of subsection (2) may, for the purposes of subsection (3), be expressed as the cumulative effect of two different minimum proportions, one applying to peak viewing times and the other to other times.
- (5) In this section “peak viewing time”, in relation to a licensed public service channel, means a time determined by OFCOM to be, or to be likely to be, a peak viewing time for that channel.
- (6) Before determining for the purposes of this section—
  - (a) the proportion of time to be allocated to the broadcasting of news programmes or current affairs programmes; or
  - (b) what constitutes a peak viewing time for a channel,
 OFCOM must consult the provider of the channel or (as the case may be) the person who is proposing to provide it.
- (7) The requirement to consult is satisfied, in the case of the imposition of a condition by way of a variation of a licence, by compliance with section 3(4)(b) of the 1990 Act (obligation to give opportunity to make representations about variation).

#### Commencement Information

**II** S. 279 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with [art. 11](#))

## 280 Appointed news providers for Channel 3

- (1) The regulatory regime for every regional Channel 3 service includes the conditions that OFCOM consider appropriate for securing the nationwide broadcasting, on the regional Channel 3 services (taken together), of news programmes that are able to compete effectively with other television news programmes broadcast nationwide in the United Kingdom.
- (2) The conditions imposed under this section must include a condition requiring the holder of a regional Channel 3 licence to do all that he can to ensure—
  - (a) that arrangements for the appointment of a single body corporate as the appointed news provider are maintained between all the holders of regional Channel 3 licences; and
  - (b) that, at all times while he is providing a regional Channel 3 service, there is in force an appointment made in accordance with those arrangements.
- (3) The arrangements that are required to be maintained by virtue of conditions imposed under subsection (2) must provide—
  - (a) for the terms on which a body is appointed as the appointed news provider to include the terms appearing to OFCOM to be appropriate for securing that

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- the body's finances are adequate, throughout the period of its appointment, to ensure that the Channel 3 news obligations are capable of being met; and
- (b) for the approval of OFCOM to be required for the purposes of paragraph (a) to the terms on which an appointment is made.
- (4) The conditions imposed under this section must include the conditions that OFCOM consider appropriate for securing that arrangements maintained between—
- (a) the holders of regional Channel 3 licences, and
- (b) the body which is the appointed news provider,
- ensure that that body is subject to an obligation, enforceable by OFCOM, to provide OFCOM with all such information as they may require for the purpose of carrying out their functions.
- (5) The conditions imposed under this section must include a condition requiring the news programmes included in a regional Channel 3 service—
- (a) to be programmes provided by the body which is for the time being the appointed news provider for the purposes of this section; and
- (b) to be so included in that service as to be broadcast simultaneously with the broadcasting of news programmes included, in accordance with conditions imposed under this subsection, in other regional Channel 3 services.
- (6) Those conditions must also require the news programmes provided by the appointed news provider which, in accordance with a condition imposed under subsection (5), are included in a regional Channel 3 service to be programmes that are presented live.
- (7) OFCOM—
- (a) may issue guidance as to the terms that will satisfy requirements imposed by virtue of subsection (3)(a); and
- (b) must have regard to guidance for the time being in force under this subsection when considering whether to give an approval for the purposes of provision made by virtue of subsection (3)(b).
- (8) For the purposes of this section the Channel 3 news obligations are—
- (a) the requirements of any conditions imposed in relation to regional Channel 3 services under section 279; and
- (b) the nationwide broadcasting on the regional Channel 3 services (taken together) of news programmes that are able to compete effectively with other television news programmes broadcast nationwide in the United Kingdom.
- (9) Conditions imposed under this section are not to require arrangements to make provision falling within subsection (3)(a) or (b) or (4) in relation to appointments made before the commencement of this section.
- (10) Section 32 of the 1990 Act (nomination of bodies eligible for appointment as news providers) shall cease to have effect.

#### **Commencement Information**

**I2** S. 280 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

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## 281 Disqualification from appointment as news provider

- (1) The regulatory regime for every regional Channel 3 service includes the conditions that OFCOM consider appropriate for securing—
- (a) that a body is not appointed as the appointed news provider if it falls within subsection (2); and
  - (b) that the appointment of a body as the appointed news provider ceases to have effect if it becomes a body falling within that subsection.
- (2) A body falls within this subsection if—
- (a) it is a disqualified person under Part 2 of Schedule 2 to the 1990 Act in relation to a Channel 3 licence; or
  - (b) there would be a contravention of Part 1 of Schedule 14 to this Act (whether by that body or by another person) if that body held a licence to provide a Channel 3 service, or held a licence to provide such a service for a particular area for which such a service is provided.
- [<sup>F1</sup>(3) The reference in subsection (2)(a) to a body which is a disqualified person under Part 2 of Schedule 2 to the 1990 Act in relation to a Channel 3 licence includes a reference to a person who is disqualified by virtue of a disqualification order under section 145 of the 1996 Act.]

### Textual Amendments

- F1** S. 281(3) added (29.12.2003) by [Media Ownership \(Local Radio and Appointed News Provider\) Order 2003 \(S.I. 2003/3299\)](#), arts. 1(2), **13(1)**

### Commencement Information

- I3** S. 281 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

## 282 Power to repeal or modify Channel 3 news provider provisions

- (1) If it appears to the Secretary of State appropriate to do so, he may by order repeal or otherwise modify any of the provisions of section 280 or 281.
- (2) Except in a case to which subsection (3) applies, the Secretary of State must consult OFCOM before making an order under this section.
- (3) Consultation with OFCOM is not required if the order is confined to giving effect to recommendations by OFCOM that are contained in a report of a review under section 391.
- (4) No order is to be made containing provision authorised by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

### Commencement Information

- I4** S. 282 in force at 12.12.2003 by [S.I. 2003/3142](#), **art. 2** (with art. 11)

*Status: Point in time view as at 29/12/2003.*

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## **283 News providers for Channel 5**

- (1) If it appears to the Secretary of State appropriate to do so, he may by order make provision requiring news programmes included in Channel 5 to be provided by a person appointed as a news provider in accordance with the order.
- (2) An order under this section may make provision in relation to Channel 5 that corresponds, with such modifications as the Secretary of State thinks fit, to any provision made in relation to regional Channel 3 services by section 280 or 281.
- (3) Subsection (2) applies irrespective of any repeal or other modification by an order under this Act of section 280 or 281.
- (4) An order under this section may include provision for section 194A of the 1990 Act (application of Competition Act 1998 to Channel 3 news provision) to have effect (with such modifications as may be specified in the order) in relation to the appointment of a person as a news provider for Channel 5 as it has effect in relation to the appointment of a body as a news provider for Channel 3.
- (5) The Secretary of State is not to make an order under this section for the imposition of obligations in relation to Channel 5 unless he is satisfied that Channel 5's share of the audience for television broadcasting services is broadly equivalent to that of the services comprising Channel 3.
- (6) An order under this section must require a licence holder to have a reasonable opportunity of making representations to OFCOM before his licence is varied in pursuance of the order.
- (7) Except in a case to which subsection (8) applies, the Secretary of State must consult OFCOM before making an order under this section.
- (8) Consultation with OFCOM is not required if the order is confined to giving effect to recommendations by OFCOM that are contained in a report of a review under section 391.
- (9) No order is to be made containing provision authorised by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

### **Commencement Information**

**I5** S. 283 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

## **284 News provision on the public teletext service**

- (1) The regulatory regime for the public teletext service includes the conditions that OFCOM consider appropriate for securing—
  - (a) that the service includes what appears to OFCOM to be a suitable quantity and variety of news items; and
  - (b) that the news items included in the service are up to date and regularly revised.
- (2) Conditions imposed under this section in relation to a time when the public teletext service comprises both—
  - (a) an analogue teletext service, and
  - (b) a teletext service provided in digital form,

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must apply to both services but may make different provision for each of them.

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**Commencement Information**

**I6** S. 284 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

**Status:**

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**Changes to legislation:**

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