



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [^{F1}ETC]

^{F1F1}CHAPTER 4

REGULATORY PROVISIONS

Regulation of electronic programme guides

310 Code of practice for electronic programme guides

- (1) It shall be the duty of OFCOM to draw up, and from time to time to review and revise, a code giving guidance as to the practices to be followed in the provision of electronic programme guides.
- (2) The practices required by the code must include the giving, in the manner provided for in the code, of such degree of prominence as OFCOM consider appropriate to—
 - (a) the listing or promotion, or both the listing and promotion, for members of its intended audience, of the programmes included in each public service channel; and
 - (b) the facilities, in the case of each such channel, for members of its intended audience to select or access the programmes included in it.
- (3) The practices required by the code must also include the incorporation of such features in electronic programme guides as OFCOM consider appropriate for securing that persons with disabilities [^{F1}, in particular those] affecting their sight or hearing or both—
 - (a) are able, so far as practicable, to make use of such guides for all the same purposes as persons without^{F2} ... disabilities; and
 - (b) are informed about, and are able to make use of, whatever assistance for disabled people is provided in relation to the programmes listed or promoted.

Changes to legislation: Communications Act 2003, Cross Heading: Regulation of electronic programme guides is up to date with all changes known to be in force on or before 19 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

- (4) Subject to subsection (5), in subsection (2) the reference to the public service channels is a reference to any of the following—
- (a) any service of television programmes provided by the BBC in digital form so as to be available for reception by members of the public;
 - (b) any Channel 3 service in digital form;
 - (c) Channel 4 in digital form;
 - (d) Channel 5 in digital form;
 - (e) S4C Digital;
 - (f) the digital public teletext service.
 - [^{F3}(g) a local digital television programme service;
 - (h) a simulcast local service.]
- (5) The Secretary of State may by order—
- (a) add any programme service to the services for the time being specified in subsection (4) as public service channels; or
 - (b) delete a service from that subsection.
- (6) Before making an order under subsection (5) the Secretary of State must consult OFCOM.
- (7) In this section “intended audience”, in relation to a service of any description, means—
- (a) if the service is provided only for a particular area or locality of the United Kingdom, members of the public in that area or locality;
 - (b) if it is provided for members of a particular community, members of that community; and
 - (c) in any other case, members of the public in the United Kingdom.
- (8) In this section “electronic programme guide” means a service which consists of—
- (a) the listing or promotion, or both the listing and the promotion, of some or all of the programmes included in any one or more programme services the providers of which are or include persons other than the provider of the guide; and
 - (b) a facility for obtaining access, in whole or in part, to the programme service or services listed or promoted in the guide.
- [^{F4}(9) In this section “local digital television programme service” means any service which falls within a description of service in relation to which provision is for the time being made under section 244 (local digital television services).
- (10) In this section “simulcast local service” means a service provided in digital form and corresponding to a local digital television programme service.
- (11) For the purposes of subsection (10), a service corresponds to a local digital television programme service (“the relevant service”) if all of the programmes included in the relevant service are provided at the same time on both services.]

Textual Amendments

- F1** Words in s. 310(3) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **11(a)** (with Pt. 7)
- F2** Word in s. 310(3)(a) omitted (1.11.2020) by virtue of [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **11(b)** (with Pt. 7)

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F3 S. 310(4)(g)(h) inserted (31.1.2012) by [The Code of Practice for Electronic Programme Guides \(Addition of Programme Services\) Order 2011 \(S.I. 2011/3003\)](#), arts. 1, **2(a)**

F4 S. 310(9)-(11) inserted (31.1.2012) by [The Code of Practice for Electronic Programme Guides \(Addition of Programme Services\) Order 2011 \(S.I. 2011/3003\)](#), arts. 1, **2(b)**

Commencement Information

I1 S. 310 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

311 Conditions to comply with code under s. 310

(1) The regulatory regime for every service consisting in or including an electronic programme guide includes whatever conditions (if any) OFCOM consider appropriate for securing that the code maintained by them under section 310 is observed in the provision of those services.

(2) In this section “electronic programme guide” has the same meaning as in section 310.

Commencement Information

I2 S. 311 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

[^{F5}311A Report on electronic programme guides and public service channels

(1) It is the duty of OFCOM from time to time to prepare and publish a report dealing with—

(a) the provision by electronic programme guides of information about programmes—

(i) included in public service channels, or

(ii) provided by means of on-demand programme services by persons who also provide public service channels, and

(b) the facilities provided by such guides for the selection of, and access to, such programmes.

(2) When preparing the report OFCOM must consult such persons as appear to them appropriate.

(3) In this section “electronic programme guide” and “public service channel” have the same meanings as in section 310.]

Textual Amendments

F5 S. 311A inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 95(1)**, 118(6); [S.I. 2017/765](#), reg. 2(z)

Changes to legislation:

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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\(1\)](#)