



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 4

REGULATORY PROVISIONS

Sporting and other events of national interest

299 **Categorisation of listed events**

(1) For subsections (1) and (2) of section 97 of the 1996 Act (listed events), there shall be substituted—

“(1) The Secretary of State may, for the purposes of this Part, maintain a list of sporting and other events of national interest, and an event for the time being included in the list is referred to in this Part as a “listed event”.

(1A) A list maintained under subsection (1) must be divided into two categories, and those categories are referred to in this Part as “Group A” and “Group B”.

(1B) Each listed event must be allocated either to Group A or to Group B.

(2) Before drawing up such a list, or revising or ceasing to maintain it, the Secretary of State must consult—

- (a) OFCOM,
- (b) the BBC,
- (c) the Welsh Authority, and
- (d) in relation to a relevant event, the person from whom the rights to televise that event may be acquired.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Communications Act 2003, Cross Heading: Sporting and other events of national interest 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

- (2A) For the purposes of subsection (2)(d), a relevant event is an event which the Secretary of State proposes—
- (a) to include in a list maintained under subsection (1),
 - (b) to omit from such a list, or
 - (c) to move from one category in such a list to the other.”
- (2) In subsection (3)(b) of that section, the words “by the Commission” and “by them” shall be omitted.
- (3) In subsection (5) of that section—
- (a) for the words “addition of any relevant event to” there shall be substituted “inclusion of any event in”; and
 - (b) in paragraph (a), for “addition” there shall be substituted “inclusion”.
- (4) After that subsection, there shall be inserted—
- “(5A) The allocation or transfer of an event to group A does not affect the validity of a contract entered into before the day on which the Secretary of State consulted the persons mentioned in subsection (2) in relation to the proposed allocation or transfer.
- (5B) The Secretary of State may direct that, for the transitional purposes set out in the direction, the transfer of a Group B event to Group A is not to affect the application to that event of provisions of this Part relating to a Group B event.”

Commencement Information

II S. 299(2) in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

PROSPECTIVE

300 Effects of categorisation of listed events

- (1) In section 99(1) of the 1996 Act (avoidance of contracts for exclusive rights to televise listed events), for “listed event” there shall be substituted “Group A listed event”.
- (2) In section 101 of that Act (restriction on televising of listed events), for subsection (1) there shall be substituted—
- “(1) A television programme provider who—
- (a) is providing a service (“the first service”) falling within either category, and
 - (b) is providing it with a view to its being available (within the meaning of Part 3 of the Communications Act 2003) for reception by members of the public in the United Kingdom, or in any area of the United Kingdom,
- must not include live coverage of a listed event in that service unless it is authorised by subsection (1A), (1B) or (1C).
- (1A) Live coverage of a listed event is authorised by this subsection if—

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- (a) a television programme provider (other than the provider of the first service) has acquired the right to include live coverage of the event in his service (“the second service”); and
 - (b) the second service—
 - (i) falls into a different category from the first service, and
 - (ii) is provided for an area that consists of or includes all or almost all of the area for which the first service is provided.
- (1B) Live coverage of a listed event is authorised by this subsection if OFCOM have consented in advance to inclusion of that coverage in the first service.
- (1C) Live coverage of a listed event is authorised by this subsection if—
- (a) the listed event is a Group B event,
 - (b) rights to provide coverage of the event have been acquired by one or more persons in addition to the provider of the first service,
 - (c) that additional coverage constitutes adequate alternative coverage of the event, and
 - (d) the person or persons who have acquired rights to provide the additional coverage satisfy the requirements in relation to that coverage of any regulations made under section 104ZA for the purposes of this paragraph.
- (1D) Subsections (1) to (1C) apply to the coverage of a part of a listed event as they apply to the coverage of the whole of that event.”
- (3) In subsection (2) of that section, for “under subsection (1)” there shall be substituted “for the purposes of subsection (1B).”
- (4) After subsection (4) of that section there shall be inserted—
- “(5) References in this section to a category of service are references to a category of service set out in section 98(1).”
- (5) In section 102(2) of that Act (penalties), for “under subsection (1) of section 101” there shall be substituted “for the purposes of section 101(1B) ”.
- (6) In section 103(2) of that Act (reports to the Secretary of State), for “under subsection (1) of section 101” there shall be substituted “for the purposes of section 101(1B) ”.

Commencement Information

I2 S. 300 in force at 30.6.2004 by [S.I. 2003/3142](#), [art. 4\(3\)](#) (with [art. 11](#))

301 Code relating to listed events

- (1) For subsection (1) of section 104 of the 1996 Act (code in relation to listed events) there shall be substituted—
- “(1) OFCOM shall draw up, and may from time to time revise, a code giving guidance—

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- (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); 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).”
- (2) Where OFCOM are required to draw up a code by virtue of this section—
- (a) they shall do so as soon as practicable after the commencement of this section; but
 - (b) the code shall have no effect in relation to any time before the commencement of section 300 of this Act.

Commencement Information

I3 S. 301 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

302 Regulations about coverage of listed events

- (1) After section 104 of the 1996 Act there shall be inserted—

“104ZA 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.”
- (2) In section 105(1) (interpretation of Part 4), before the definition of “Channel 4” there shall be inserted—

““adequate alternative coverage” and “live” are to be construed in accordance with any regulations under section 104ZA;”.

Commencement Information

I4 S. 302 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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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\(1\)](#)