



# Digital Economy Act 2010

## 2010 CHAPTER 24

### *Channel Four Television Corporation*

#### **23 Monitoring and enforcing C4C's media content duties**

(1) After section 198A of the Communications Act 2003 insert—

##### **“198B Statement of media content policy**

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

### **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.

### **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.”
- (2) After section 271 of that Act insert—

**“271A Remedying failure by C4C to perform media content duties**

- (1) This section applies if OFCOM are satisfied—
  - (a) that C4C have failed to comply with a direction under section 198D in respect of a failure to perform one or more of their duties under section 198A,
  - (b) that C4C are still failing to perform that duty or those duties, and
  - (c) that it would be both reasonable and proportionate to the seriousness of the failure to vary the licence under which Channel 4 is licensed (“the Channel 4 licence”) in accordance with this section.
- (2) OFCOM may, by notice to C4C, vary the Channel 4 licence by adding such conditions, or making such modifications of conditions, as OFCOM consider appropriate for remedying (entirely or partly) C4C’s failure to perform the duty or duties under section 198A.
- (3) If, at any time following such a variation, OFCOM consider that any of the additional conditions or modifications is no longer necessary, they may again vary the licence with effect from such time as they may determine.
- (4) OFCOM must consult C4C before exercising their power under this section to vary the Channel 4 licence.”