



Digital Economy Act 2017

2017 CHAPTER 30

PART 6

MISCELLANEOUS

Provision of children's programmes

90 Provision of children's programmes

After section 289 of the Communications Act 2003 insert—

“Provision of children's programmes

289A Provision of children's programmes

- (1) OFCOM may, if they think fit, publish criteria to be applied in accordance with this section to the provision of children's programmes.
- (2) Where criteria are published by OFCOM, the regulatory regime for every licensed public service channel includes the conditions that OFCOM consider appropriate for securing that the provision of children's programmes meets the criteria.
- (3) Any condition imposed by virtue of this section—
 - (a) must relate only to the provision of children's programmes on the licensed public service channel concerned;
 - (b) must take into account OFCOM's assessment of the provision of children's programmes on all related services.
- (4) “Related services” in relation to a Channel 3 service means—
 - (a) that service,
 - (b) all other Channel 3 services, and

Status: This is the original version (as it was originally enacted).

- (c) all services within subsection (6) that appear to OFCOM to have a sufficient connection with any Channel 3 service.
- (5) “Related services” in relation to any other licensed public service channel means—
 - (a) that channel, and
 - (b) all services within subsection (6) that appear to OFCOM to have a sufficient connection with that channel.
- (6) A service is within this subsection if—
 - (a) it is available for reception in the United Kingdom, and
 - (b) it is provided without any consideration being required for its reception, disregarding any requirement to pay sums in accordance with regulations under section 365.
- (7) For the purposes of an assessment under subsection (3)(b) no account is to be taken of whether a programme is provided on a licensed public service channel or on another service.
- (8) Any condition imposed by virtue of this section must be the same for all regional Channel 3 services.
- (9) Any criteria published under this section must be published by OFCOM in a statement setting out the criteria and how they propose to apply them.
- (10) OFCOM may from time to time review and revise or withdraw the criteria by publishing a further statement.
- (11) Where OFCOM revise or withdraw criteria, they must take any steps they consider necessary in consequence in relation to conditions imposed by virtue of this section.
- (12) OFCOM must—
 - (a) carry out a public consultation for the purposes of any review under subsection (10);
 - (b) where there are no published criteria for the time being, carry out a public consultation before publishing criteria under this section.
- (13) In this section “children’s programme” means a programme made—
 - (a) for a television programme service or for an on-demand programme service, and
 - (b) for viewing primarily by persons under the age of sixteen.”