
STATUTORY INSTRUMENTS

2020 No. 1062

The Audiovisual Media Services Regulations 2020

PART 2

Television services

CHAPTER 1

Amendments to the Broadcasting Acts 1990 and 1996

2. In the Broadcasting Act 1990(1)—

- (a) for section 42A (restricted services)(2) substitute—

“42A Restricted services

In this Part “restricted service” means a service (or a dissociable section of a service) which consists in the broadcasting of television programmes for a particular establishment or other defined location, or a particular event, in the United Kingdom.”;

- (b) in section 202(1) (general interpretation)(3), for the definition of “the Audiovisual Media Services Directive” substitute—

““the Audiovisual Media Services Directive” means [Directive 2010/13/EU](#) of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services(4);”.

3. In the Broadcasting Act 1996—

- (a) in section 1(4) (digital programme services)(5)—

(i) after “means a service” insert “(or a dissociable section of a service)”;;

(ii) in paragraph (za), after “a service” insert “(or a dissociable section of a service)”;;

- (b) in section 24(1) (digital additional service)(6), after “means any service” insert “(or dissociable section of a service)”;;

- (c) in section 39(1) (interpretation of Part 1)(7), for the definition of “the Audiovisual Media Services Directive” substitute—

(1) [1990 c. 42](#).

(2) Section 42A was inserted by section 85 of the Broadcasting Act [1996 \(c. 55\)](#) and amended by section 406(7) of, and Schedule 19 to, the Communications Act [2003 \(c. 21\)](#).

(3) The definition of the Audiovisual Media Services Directive was inserted by [S.I. 2010/1883](#); there are other amendments but none is relevant.

(4) OJ No. L 95, 15.4.2010, p. 1; amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 (OJ No. L 303, 28.11.2018, p. 69).

(5) Section 1(4) was amended by paragraph 74 of Schedule 15 to the Communications Act 2003 and [S.I. 2006/2131](#).

(6) Section 24(1) was amended by paragraph 93 of Schedule 15 to the Communications Act 2003.

(7) The definition of the Audiovisual Media Services Directive was inserted by [S.I. 2013/2217](#); there are other amendments but none is relevant.

“the Audiovisual Media Services Directive” means [Directive 2010/13/EU](#) of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;”;

- (d) in section 105(1) (interpretation of Part 4 and supplementary provisions)(**8**), for the definition of “the Audiovisual Media Services Directive” substitute—

“the Audiovisual Media Services Directive” means [Directive 2010/13/EU](#) of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;”.

CHAPTER 2

Amendments to the Communications Act 2003

4. Part 3 of the Communications Act 2003 is amended in accordance with this Chapter.
5. In section 232 (meaning of “television licensable content service”)(**9**)—
 - (a) in subsection (1)—
 - (i) after “any service” insert “, or dissociable section of a service;”;
 - (ii) in each of paragraphs (a), (aa) and (b), after “the service” insert “or dissociable section of the service”;
 - (b) in subsection (2), in the words before paragraph (a), after “A service” insert “, or dissociable section of a service;”;
 - (c) in subsection (3)(a), for “a service consisting of television programmes” substitute “a service, or dissociable section of a service, consisting of television programmes”.
6. In section 233 (services that are not television licensable content services)(**10**), in each of subsections (1), (2), (4), (5) and (7), after “A service” insert “, or dissociable section of a service;”.
7. In the italic heading before section 303, for “the deaf and visually impaired” substitute “people with disabilities”.
8. In section 303 (code relating to provision for the deaf and visually impaired)—
 - (a) in the heading, for “the deaf and visually impaired” substitute “people with disabilities”;
 - (b) in subsection (1)(a), after “enjoyment by” insert “people with disabilities, in particular”;
 - (c) after subsection (1) insert—

“(1A) The code must include provision—

 - (a) encouraging providers of services to which this section applies to develop accessibility action plans with a view to continuously and progressively making such services more accessible to people with disabilities;
 - (b) requiring such action plans to be notified to OFCOM;
 - (c) requiring providers of services to report annually to OFCOM about the accessibility of such services to people with disabilities.”.
9. In section 304 (procedure for issuing and revising code under section 303)—

(**8**) The definition of the Audiovisual Media Services Directive was inserted by [S.I. 2013/2217](#); there are other amendments but none is relevant.

(**9**) Section 232 was amended by [S.I. 2006/2131](#) and [2009/2979](#).

(**10**) Section 233 was amended by [S.I. 2006/2131](#); there is another amending instrument but it is not relevant.

- (a) in subsection (1)(a), for “persons falling within subsection (1)(a)(i), (ii) or (iii) of that section” substitute “people with disabilities”;
- (b) in subsection (2), after “revision accessible to” insert “people with disabilities, in particular”.

10. After section 307 insert—

“307A Disabled people: point of contact

OFCOM must provide a single, easily accessible (including by people with disabilities), online point of contact for providing information and receiving complaints regarding accessibility issues which relate to matters dealt with by sections 303 to 307 and the code drawn up by OFCOM under section 303.”

11. In section 310 (code of practice for electronic programme guides)(11), in subsection (3)—

- (a) after “persons with disabilities” insert “, in particular those”;
- (b) in paragraph (a), omit “such” before “disabilities”.

12. In section 319 (OFCOM’s standards code)(12)—

- (a) in subsection (9), for “subsection (10)” substitute “subsections (10) to (12)”;
- (b) after subsection (10) insert—

“(11) So far as relating to product placement falling within paragraph 4(bb) of Schedule 11A(13) (undertakings whose principal activity is the manufacture or sale of electronic cigarettes or electronic cigarette refill containers), subsection (2)(fa) applies only in relation to programmes the production of which begins after 31 October 2020.

(12) Subsection (2)(fa) applies in relation to a programme the production of which began before 1 November 2020 as if, in Schedule 11A (which contains the product placement requirements referred to in section 321(3A))—

- (a) paragraph 3(1)(b) to (d) were omitted,
- (b) in paragraph 6(1) there were inserted, as paragraph (a): “the programme is a religious, consumer affairs or current affairs programme;”, and
- (c) paragraph 7 included a condition that the programme in which the product, service or trademark, or the reference to it, is included is—
 - (i) a film made for cinema,
 - (ii) a film or series made for a television programme service or for an on-demand programme service,
 - (iii) a sports programme, or
 - (iv) a light entertainment programme.”.

13. In the italic heading before section 335A, after “States” insert “and the European Commission”.

14. In section 335A (co-operation with other Member States)(14)—

- (a) in the heading, after “States” insert “and the European Commission”;
- (b) before subsection (1) insert—

(11) There are amending instruments, but none is relevant.

(12) Section 319 was amended by S.I. 2010/831 and 2016/507; there are other amending instruments but none is relevant.

(13) Schedule 11A was inserted by S.I. 2010/831 and amended by S.I. 2016/507; there are other amending instruments but none is relevant.

(14) Section 335A was inserted by S.I. 2009/2979 and amended by S.I. 2010/1883.

“(A1) OFCOM must take all necessary steps to provide such information and assistance to member States and to the European Commission as is required in order to comply with the Audiovisual Media Services Directive as it applies in relation to relevant broadcasters, in particular Articles 2, 3, 4 and 30a of the Directive.”.

15. After section 335A insert—

“335B Maintenance of list of providers

(1) OFCOM must establish and maintain an up to date list of persons providing—

- (a) a television programme service, or
- (b) a digital additional television service,

who are under the jurisdiction of the United Kingdom for the purposes of the Audiovisual Media Services Directive.

(2) The list must indicate in respect of each person which of the criteria set out in paragraphs 2 to 5 of Article 2 of the Audiovisual Media Services Directive is the basis for the decision that they are under the jurisdiction of the United Kingdom.

(3) OFCOM must notify the European Commission of the contents of the list and of any updates to it.

(4) The regulatory regime for each service mentioned in subsection (1) must include the condition that the persons providing the service must notify OFCOM of any changes that may affect the determination of jurisdiction in accordance with paragraphs 2, 3 and 4 of Article 2 of the Audiovisual Media Services Directive.”.

16. For section 336(3) (government requirements for licensed services: announcements) substitute—

“(3) The direction—

- (a) may specify the times at which the announcement is to be broadcast or otherwise transmitted; and
- (b) where the announcement relates to an emergency, including a natural disaster, must require the information given in the announcement to be provided in a manner which is accessible to people with disabilities.”.

17. In section 362(1) (interpretation of Part 3)(15)—

- (a) in the definition of “assistance for disabled people”, for “means” substitute “includes, in particular,”;
- (b) in the definition of “television broadcasting service”, after “subsection (4)) a service” insert “(or a dissociable section of a service)”.

18. In Schedule 11A (restrictions on product placement)(16)—

(a) for paragraph 3(1) substitute—

“(1) Product placement falls within this paragraph if it is in a—

- (a) children’s programme;
- (b) news or current affairs programme;
- (c) consumer affairs programme; or
- (d) religious programme.”;

(15) There are amendments to section 362, but none is relevant to these Regulations.

(16) Schedule 11A was inserted by [S.I. 2010/831](#) and amended by [S.I. 2016/507](#).

- (b) at the end of paragraph 4(ba) omit “or”;
- (c) after paragraph 4(ba) insert—
 - “(bb) by or on behalf of an undertaking whose principal activity is the manufacture or sale of electronic cigarettes or electronic cigarette refill containers; or”;
- (d) omit paragraph 6(1)(a);
- (e) omit paragraph 7(2);
- (f) in paragraph 7(7)—
 - (i) in paragraph (e), after “physical” insert “, mental”;
 - (ii) after paragraph (e) insert—
 - “(ea) directly exhort such persons to purchase or rent goods or services in a manner which exploits their inexperience or credulity;”.

19. In Schedule 12 (corresponding obligations of the BBC and Welsh Authority), in the heading of paragraph 22, for “the deaf and visually impaired” substitute “people with disabilities”.