

# Media Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 22**

BARONESS GREY-THOMPSON

Clause 22, page 26, line 18, leave out “, (4)”

*Member's explanatory statement*

*This amendment is consequential on my amendment to Clause 22, page 27, leave out lines 6 to 23.*

BARONESS GREY-THOMPSON

Clause 22, page 27, leave out lines 6 to 23

*Member's explanatory statement*

*This amendment would remove subsection (4) of the new section 101 that would be inserted into the Broadcasting Act 1996 by Clause 22. Without this amendment, new section 101(4) would permit coverage of a multi-sport listed event where a provider in a different category (see section 98 as it would be amended by Clause 20) has acquired rights to provide only “adequate” live coverage of the event.*

**After Clause 22**

BARONESS GREY-THOMPSON

After Clause 22, insert the following new Clause –

**“Adequate on-demand coverage to be available**

After section 101 of the Broadcasting Act 1996, insert –

**“101ZA Provision of adequate on-demand coverage**

- (1) The purpose of this section is to secure, in relation to a listed event, that if any person makes available on-demand coverage of the whole or any part of that event, adequate on-demand coverage is made available widely and free of charge to members of the public in the United Kingdom, whether by that person or another person.

- (2) In this Part, in relation to a listed event or part of such an event, “on-demand coverage” means audiovisual content consisting of coverage of, or excerpts from that event (or a combination of those), where—
- (a) a person makes a range of such content available to members of the public, whether through a relevant service or otherwise;
  - (b) selections from that range can be made by the user and viewed at a time chosen by the user (even if it may be viewed only within a period specified by the person making it available);
  - (c) the selected content is received by the user by means of the internet; and
  - (d) the content otherwise meets any criteria or requirements specified (either generally or in relation to particular listed events) by regulations under section 104ZA;
- and “on-demand rights” means rights to make on-demand coverage available for access by members of the public in the United Kingdom.
- (3) Any contract entered into on or after the day on which section (*Adequate on-demand coverage to be available*) of the Media Act 2024 comes into force under which a person acquires on-demand rights is void so far as it purports—
- (a) in relation to the whole or any part of the event, or
  - (b) in relation to access by means of the internet, in the United Kingdom,
- to grant those rights exclusively.
- (4) For the purposes of this section, on-demand rights are granted exclusively if the person granting them—
- (a) has not granted any such right in respect of the whole or, as the case may be, that part of the event to more than one person, and
  - (b) is precluded by the terms of the contract from doing so.
- (5) For the purposes of subsection (4)(a), rights are not to be treated as having been granted to more than one person where the only persons to whom such rights have been granted are connected with each other.
- (6) No person may provide on-demand coverage of a listed event unless authorised to do so under subsection (7), (8) or (9), even if that person is authorised to include live coverage of that event in a relevant service by subsection (2), (3) or (4) of section 101.
- (7) The provision of on-demand coverage of a listed event is authorised by this subsection if—
- (a) on-demand rights have been acquired by the provider of a relevant service falling within section 98(1)(a);
  - (b) that relevant service includes live coverage of that event; and
  - (c) the on-demand coverage provided that provider—
    - (i) constitutes adequate on-demand coverage of the event, and
    - (ii) may be accessed free of charge.

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- (8) The provision of on-demand coverage of a listed event is authorised by this subsection if –
- (a) on-demand rights have been acquired by one or more persons;
  - (b) those persons are not connected with each other;
  - (c) the on-demand coverage provided by at least one of those persons –
    - (i) constitutes adequate on-demand coverage of the event, and
    - (ii) may be accessed free of charge;
  - and
  - (d) the person or persons who have acquired rights to provide the adequate on-demand coverage satisfy the requirements in relation to that coverage of any regulations made under section 104ZA for the purposes of this paragraph.
- (9) The provision of on-demand coverage of a listed event is authorised by this subsection if OFCOM have consented in advance to such provision.
- (10) OFCOM may revoke any consent given by them under subsection (9).
- (11) The code drawn up by OFCOM under section 104 shall include guidance on the matters which they will take into account in determining whether to give or revoke their consent for the purposes of subsection (9).
- (12) Regulations under section 104ZA (regulations about coverage of listed events) may include provision –
- (a) specifying (either generally or in relation to particular listed events) any criteria or requirements that content must meet in order to be regarded as on-demand coverage for the purposes of subsection (2)(d);
  - (b) for determining for the purposes of this section what (whether generally or in relation to particular circumstances) is to be taken to represent the provision of adequate on-demand coverage of an event for the purposes of subsection (8)(d).
- (13) Failure to comply with subsection (6) shall not affect the validity of any contract.
- (14) Subsection (6) shall not have effect where the person providing the on-demand coverage is exercising on-demand rights acquired before the commencement of this section.
- (15) In this section, “on-demand coverage” and “adequate on-demand coverage” are to be construed in accordance with regulations under section 104ZA.
- (16) For the purposes of sections 104A (provision of information) and 104B (penalties for failure to provide information), any person making available, or wishing to make available, on-demand coverage of the whole or any part of any listed event shall be treated as a person who is within subsection (5) of section 104A.””

***Member's explanatory statement***

*This new clause would secure that, where possible, adequate on-demand coverage of listed events, such as clips and excerpts, is made available free of charge to audiences in the United Kingdom.*



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*20 March 2024*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS