

# Media Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Schedule 2**

BARONESS GREY-THOMPSON  
BARONESS BONHAM-CARTER OF YARNBURY

Schedule 2, page 128, line 3, leave out paragraph 54 and insert –

- “54 (1) Section 310 (code of practice for electronic programme guides), is amended as follows:
- (2) After subsection (3), insert –
- “(3A) Where a user interface gives access to one or more electronic programme guides, the practices required by the code must include the giving, in the manner provided for in the code, of such degree of prominence as OFCOM consider appropriate to electronic programme guides within the user interface (whether such guides are provided by the person providing the user interface or by other persons).
- (3B) For the purposes of subsection (3A), OFCOM may consider that different degrees of prominence are appropriate in relation to different electronic programme guides.”
- (3) Omit subsection (4)(f).
- (4) After subsection (8), insert –
- “(8A) In this section –
- (a) “user interface” means an electronic programme guide that, in addition to the facilities mentioned in subsection (8), includes a facility by which a user may find, select or access electronic programme guides;
- (b) for the purpose of the definition of user interface in paragraph (a), the description of a service in subsection (8) includes such services provided by means of apparatus.””

***Member's explanatory statement***

*This amendment secures that OFCOM's Code of Practice for Electronic Programme Guides (EPGs) gives EPGs themselves an appropriate degree of prominence. For these purposes, the new subsection (8A) defines a user interface as an EPG that – in addition to containing a traditional*

*linear EPG – also includes facilities by which it is possible to find and access EPGs. This definition of a user interface would also include the means of accessing EPGs, which could include remote controls. This amendment requires one short consequential amendment to the definition of “television licensable content service” in section 232 of the Communications Act 2003 which could be added to Schedule 2, page 125 of the Bill.*

### **Clause 48**

LORD FOSTER OF BATH

Clause 48, page 97, line 29, at end insert –

- “(5A) The provider of a radio selection service must provide providers of internet radio services, at their request, with effective, high-quality, continuous and real-time access to, and use of, aggregated and non-aggregated data, including personal data (subject to subsection (5B)), that is provided for or generated in the context of the use of the relevant radio selection services by users.
- (5B) For the purposes of the personal data referred to in subsection (5A), providers of radio selection services must provide for such access to, and use of, personal data only where the data are directly connected with the services offered by the relevant provider of internet radio services through the relevant radio selection services.”

#### ***Member's explanatory statement***

*This amendment to Clause 48 362BI of the Communications Act 2003 puts a provision on designated radio selection services to provide radio stations with effective, high quality and real time access to user data that is generated by listeners of those stations.*

LORD FOSTER OF BATH

Clause 48, page 97, line 33, leave out “or (4)” and insert “(4), (5A) or (5B)”

#### ***Member's explanatory statement***

*This amendment means a provider of a designated radio selection service must not charge a provider of a relevant internet radio service for doing what that provider of a designated radio selection is required to do under (5A) and (5B).*

### **After Clause 48**

LORD BASSAM OF BRIGHTON

After Clause 48, insert the following new Clause –

#### **“Regulation of selection services for on demand and online-only audio content**

- (1) Within three months of the passing of this Act, the Secretary of State must by regulations provide for the regulation of selection services for on demand and online-only audio content equivalent to the regulation of radio selection services provided for by section 48 and Schedule 9 of this Act.

- (2) Regulations under subsection (1) may amend primary legislation.
- (3) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member's explanatory statement***

*This would require the Secretary of State, through regulations, to expand the new protections for radio content to include on-demand or online-only content, such as on-demand listening and podcasts.*

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