

Media Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Schedule 5

LORD BETHELL

Schedule 5, page 147, line 30, at end insert –

“368HKA Minimum standards for age ratings

- (1) A Tier 1 service that uses an age rating or other classification system to comply with the duties imposed on them by or under this Act for the protection of audiences from harm must –
 - (a) apply the age rating or classification system used by the video works authority based on the video works authority’s classification guidelines, or
 - (b) apply an age rating or classification system that is certified by OFCOM to be –
 - (i) based on a transparent set of appropriate standards,
 - (ii) applied consistently across content, and
 - (iii) informed by regular consultation with the UK public.
- (2) Subsection (1) does not apply to an on-demand programme service that is being used by a public service broadcaster to contribute to the fulfilment of its public service remit as defined in section 368HA(3).
- (3) The duty arising by virtue of subsection (1) applies in relation to the Tier 1 service only on and after the period of 12 months beginning with the day on which the on-demand programme service, or non-UK on-demand programme service, became a Tier 1 service.
- (4) OFCOM may, through the standards code for Tier 1 services, designate certain categories of content exempt from age ratings.
- (5) These categories may include, but are not limited to:
 - (a) live programmes,
 - (b) sporting events and associated analysis,
 - (c) concerts and other artistic or theatrical performances,
 - (d) news and current affairs programmes,
 - (e) religious programmes,

- (f) advertisements.
- (6) A Tier 1 service does not commit a breach of the subsection (1) duty by not applying an age rating to content exempt under subsection (4).
- (7) Where a Tier 1 service provider uses an age rating or classification system under subsection (1)(b)–
- (a) The service provider must apply in writing to OFCOM to request certification of the age rating or classification system.
 - (b) OFCOM may use powers under section 368O to request any relevant or necessary information in order to determine whether to grant or refuse certification.
 - (c) OFCOM must make a decision to grant or refuse certification within a reasonable period of time upon receiving the requested information.
 - (d) OFCOM must inform the relevant Tier 1 service provider in writing of the decision to grant or refuse certification.
 - (e) OFCOM may revoke certification if the age rating or classification system no longer meets the requirements of subsection (1)(b).
 - (f) The relevant Tier 1 service provider must be informed in writing and in a timely manner of a decision to revoke certification.
- (8) OFCOM may review the age rating or classification systems used by each Tier 1 provider no more than once per year to ensure that the provider is compliant with the duty arising by virtue of subsection (1).
- (9) The video works authority must give Tier 1 service providers adequate notice of changes to the authority’s classification guidelines before they come into effect.
- (10) In this section –
- “age rating or classification system” means a taxonomy of numbers and/or symbols used to denote the suitability of a programme or other content for audiences of different ages and based on a set of criteria related to the contents of the programme or other content.
- “the video works authority” means the person or persons designated under section 4(1) of the Video Recordings Act 1984 as the authority responsible for making arrangements in respect of video works other than video games.”

Member's explanatory statement

This amendment ensures that, where age ratings are used by Video on Demand platforms, those ratings are the same as the ones used by the British Board of Film Classification or meet equivalent standards of rigour, transparency, and objectivity, defines some content as exempt from age ratings requirements, and sets out the process for the certification of age rating systems by OFCOM.

Schedule 6

LORD BETHELL

Schedule 6, page 152, line 17, after “368HK(2)” insert “, 368HKA(1)”

Member's explanatory statement

These amendments are consequential on another amendment and extend OFCOM's enforcement powers to cover breaches of the minimum standards for age ratings.

LORD BETHELL

Schedule 6, page 152, line 25, after "368HK(2)" insert ", 368HKA(1)"

Member's explanatory statement

These amendments are consequential on another amendment and extend OFCOM's enforcement powers to cover breaches of the minimum standards for age ratings.

LORD BETHELL

Schedule 6, page 152, line 29, after "368HK(2)" insert ", 368HKA(1)"

Member's explanatory statement

These amendments are consequential on another amendment and extend OFCOM's enforcement powers to cover breaches of the minimum standards for age ratings.

LORD BETHELL

Schedule 6, page 153, line 9, after "368HK(2)" insert ", 368HKA(1)"

Member's explanatory statement

These amendments are consequential on another amendment and extend OFCOM's enforcement powers to cover breaches of the minimum standards for age ratings.

LORD BETHELL

Schedule 6, page 155, line 44, after "368HK(2)" insert ", 368HKA(1)"

Member's explanatory statement

This amendment is consequential on another Amendment and extends the ability of OFCOM to require information from Tier 1 providers to cover requests relating to minimum standards for age ratings.

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