

# Media Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 28th February 2024, as follows –*

Clauses 1 to 17	Clauses 38 to 40
Schedule 1	Schedule 8
Clauses 18 to 27	Clauses 41 to 48
Schedule 2	Schedule 9
Clause 28	Clause 49
Schedule 3	Schedules 10 and 11
Clauses 29 to 36	Clauses 50 and 51
Schedule 4	Schedule 12
Clause 37	Clauses 52 to 56
Schedules 5 to 7	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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**Clause 1**

BARONESS BULL  
BARONESS FRASER OF CRAIGMADDIE  
BARONESS BONHAM-CARTER OF YARNBURY  
BARONESS THORNTON

**1** Clause 1, page 2, line 14, at end insert –

- “(c) which maintains the high general standards with respect to the programmes included in them, and in particular with respect to –
- (i) the contents of the programmes,
  - (ii) the quality of programme making, and
  - (iii) the professional skill and editorial integrity applied in the making of the programmes.”

***Member's explanatory statement***

*This amendment seeks to reinstate the requirement in the Communications Act (2003) for public service broadcasters to maintain high standards in terms of content, programming making and professional skills in order to fulfil the public service remit.*

BARONESS BULL  
 BARONESS FRASER OF CRAIGMADDIE  
 LORD BASSAM OF BRIGHTON  
 BARONESS BONHAM-CARTER OF YARNBURY

2 Clause 1, page 2, line 18, at end insert –

“(za) that the relevant audiovisual content made available by the public service broadcasters (taken together) comprises a public service for the dissemination of information and for the provision of education and entertainment;”

***Member's explanatory statement***

*This amendment would reinstate the reference in the Communications Act (2003) to the Reithian principles.*

BARONESS BULL  
 BARONESS FRASER OF CRAIGMADDIE  
 BARONESS BONHAM-CARTER OF YARNBURY  
 BARONESS THORNTON

3 Clause 1, page 2, line 18, at end insert –

“(za) that cultural activity in the United Kingdom, and its diversity, are reflected, supported and stimulated by the representation in those services (taken together) of drama, comedy and music, by the inclusion of feature films in those services and by the treatment of other visual and performing arts;”

***Member's explanatory statement***

*This amendment would reinstate the requirement in the Communications Act (2003) for public service broadcasting to reflect, support and stimulate cultural activity and, by extension, the creative industries.*

LORD TEVERSON  
 LORD BOURNE OF ABERYSTWYTH

4 Clause 1, page 2, line 29, leave out “(taken together)”

***Member's explanatory statement***

*This amendment seeks to ensure that each of the individually recognised regional or minority languages receives a sufficient quantity of audiovisual content.*

LORD TEVERSON  
LORD BOURNE OF ABERYSTWYTH

- 5 Clause 1, page 2, line 37, leave out “a” and insert “each”

***Member's explanatory statement***

*This amendment seeks to ensure that each of the individually recognised regional or minority languages receives a sufficient quantity of audiovisual content.*

LORD DUNLOP  
BARONESS BULL  
LORD STEVENSON OF BALMACARA  
LORD WALLACE OF TANKERNES

- 6 Clause 1, page 2, line 38, at end insert –

“(iii) a sufficient quantity of audiovisual content in the Gaelic language as spoken in Scotland, to be broadcast or otherwise distributed for reception in Scotland and across the rest of the United Kingdom;”

***Member's explanatory statement***

*This amendment, along with another amendment to Clause 1 in the name of Lord Dunlop, seeks to ensure that a sufficient quantity of audiovisual content in the Gaelic language as spoken in Scotland is broadcast or otherwise distributed for reception in Scotland and across the rest of the United Kingdom.*

BARONESS BULL  
BARONESS FRASER OF CRAIGMADDIE  
LORD BASSAM OF BRIGHTON

- 7 Clause 1, page 2, line 38, at end insert –

“(iii) a suitable quantity and range of programmes on educational matters, of programmes of an educational nature and of other programmes of educative value;”

***Member's explanatory statement***

*This amendment would reinstate the requirement in the Communications Act (2003) for public service broadcasters to provide programmes on educational matters, of an educational nature and of educative value (a) distinguishing between programmes that reflect the lives and concerns of children and educational programming; and b) recognising the role of public service broadcasting in supporting lifelong learning.*

BARONESS BOYCOTT  
LORD BETHELL

8★ Clause 1, page 3, line 10, at end insert –

- “(e) that the audiovisual content made available by public service broadcasters (taken together) includes –
- (i) accurate and timely science-based public information, and
  - (ii) assessment of misinformation,
- including but not limited to in respect of public health, climate change and the environment.”

***Member's explanatory statement***

*The amendment amends the Communications Act 2003 to require OFCOM, in carrying out its functions, to report on the provision by public service broadcasters of accurate and timely science-based public information and of countering misinformation, including but not limited to on matters such as public health, climate and the environment.*

VISCOUNT COLVILLE OF CULROSS  
BARONESS FRASER OF CRAIGMADDIE  
BARONESS BONHAM-CARTER OF YARNBURY  
BARONESS THORNTON

*Revised version of the amendment printed on HL Bill 44(a)*

9 Clause 1, page 3, line 11, leave out subsection (6) and insert –

- “(6) The requirements in this subsection are that –
- (a) that the relevant audiovisual services (taken together) comprise a public service for the dissemination of information and for the provision of education and entertainment,
  - (b) the range of audiovisual content genres made available by the public service broadcasters (taken together) include but not be limited to content about –
    - (i) religion and other beliefs,
    - (ii) science,
    - (iii) arts and cultural content,
    - (iv) social issues,
    - (v) matters of international significance, and
    - (vi) matters of specialist interest, and
  - (c) there is a sufficient quantity and range of programmes within each genre.”

***Member's explanatory statement***

*This amendment would statutorily require OFCOM to report on whether public service broadcasters have made available an appropriate amount and range of programmes in named societally valuable public service genres both on broadcast channels and on their online Broadcast Video on Demand (BVOD) platforms. Without specifying these genres in law OFCOM will not be required to monitor them.*

LORD DUNLOP  
BARONESS BULL  
LORD STEVENSON OF BALMACARA  
LORD WALLACE OF TANKERNES

10 Clause 1, page 5, line 19, at end insert –

“(4A) in subsection (12)(c), insert –

“(ca) the Gaelic Media Service so far as relates to subsection (5)(b)(iii);  
and”

*Member's explanatory statement*

*This amendment, along with another amendment to Clause 1 in the name of Lord Dunlop, seeks to ensure that a sufficient quantity of audiovisual content in the Gaelic language as spoken in Scotland is broadcast or otherwise distributed for reception in Scotland and across the rest of the United Kingdom.*

**After Clause 7**

BARONESS THORNTON

11 After Clause 7, insert the following new Clause –

**“Gaelic language service**

The Secretary of State must, within six months of the passage of this Act, review whether a Gaelic language service should be given a public service broadcast remit.”

*Member's explanatory statement*

*This new Clause would require the Secretary of State to review whether a Gaelic language service should be given a public service broadcast remit.*

BARONESS THORNTON  
BARONESS BENJAMIN

12 After Clause 7, insert the following new Clause –

**“Review of children’s access to public service broadcast content**

Within six months of the passage of this Act, the Secretary of State must prepare and publish a report on how to ensure that children have access to public service broadcast content.”

*Member's explanatory statement*

*This new Clause would require a review of how to ensure children have access to public service content.*

## BARONESS THORNTON

13 After Clause 7 insert the following new Clause –

**“Delivery of public service content on relevant television services**

After section 264A of the Communications Act 2003, insert –

**“264B Delivery of public service content on relevant television services**

- (1) OFCOM must monitor the extent to which the public service remit for television in the United Kingdom is met in respect of relevant television services.
- (2) If OFCOM considers that the public service remit for television in the United Kingdom is not being met in respect of such services, it may set whatever programming quotas it considers necessary to ensure that the remit is met.
- (3) For the purposes of this section, “relevant television services” means –
  - (a) the television broadcasting services provided by the BBC;
  - (b) the television programme services that are public services of the Welsh Authority (within the meaning of section 207);
  - (c) every Channel 3 service;
  - (d) Channel 4;
  - (e) Channel 5.”

***Member's explanatory statement***

*This new Clause would give OFCOM powers to measure the delivery of public service content on the linear services of the public service broadcasters, and set quotas if it considered the current level to be unsatisfactory. This is to ensure access to content for viewers reliant on linear TV services.*

**Clause 8**

VISCOUNT COLVILLE OF CULROSS  
LORD MCNALLY

14 Clause 8, page 9, line 29 at end insert –

“(2A) After subsection (1), insert –

- “(1A) The regulatory regime for Channel 4 includes the conditions that OFCOM consider appropriate for securing that, in each year, not less than 35 per cent of Channel 4’s total spend on qualifying audiovisual content is allocated to independent productions made by independent production companies with an annual turnover not exceeding £25,000,000.
- (1B) The Secretary of State may by order amend subsection (1A) by substituting a different figure for the annual turnover specified in that section.

- (1C) Before making an order under subsection (1B) the Secretary of State must consult—
- (a) OFCOM,
  - (b) Channel 4, and
  - (c) independent production companies that are likely to be affected by the order.””

***Member's explanatory statement***

*This amendment would add an “SME Guarantee” for Channel 4 commissioning, requiring that at least 35% of Channel 4’s annual spend on qualifying audiovisual content is allocated to productions made by “indie” producers with annual revenues smaller than £25m. This amendment also provides the Secretary of State the power to amend, following consultation, the revenue figure defining the production companies eligible under the SME Guarantee.*

VISCOUNT COLVILLE OF CULROSS

- 15 Clause 8, page 10, line 14, at end insert—

““annual turnover” means the reported revenues published in the annual accounts of the respective independent production company, covering the annual average over the previous 5 years.

“independent production companies” means a company which makes independent productions as defined in the Broadcasting (Independent Productions) Order 1991.”

***Member's explanatory statement***

*This amendment and another in the name of Viscount Colville to this Clause would require Channel 4 to look at an independent production company’s revenue over 5 years, so that it would not be restricted by a £25 million cap in any one year.*

**Clause 14**

BARONESS FRASER OF CRAIGMADDIE  
VISCOUNT COLVILLE OF CULROSS  
BARONESS FOSTER OF AGHADRUMSEE

- 16 Clause 14, page 16, line 43, at end insert—

“(4A) After subsection (6) insert—

“(6A) When determining the number of hours OFCOM consider appropriate under subsections (1) and (3), they must ensure that the number of hours would result in at least 50% of programmes broadcast, measured both by hours and expenditure, being made outside of London and 16% from the nations of the United Kingdom other than England, in proportion to their relative populations.””

BARONESS FRASER OF CRAIGMADDIE  
 BARONESS FOSTER OF AGHADRUMSEE  
 VISCOUNT COLVILLE OF CULROSS

17 Clause 14, page 17, line 31, at end insert –

“(9A) After subsection (4) insert –

“(4A) When determining the number of hours OFCOM consider appropriate under subsection (1) they must ensure that the number of hours would result in at least 50% of programmes broadcast, measured by both hours and expenditure, being made outside of London and 16% from the nations of the United Kingdom other than England, in proportion to their relative populations.”

**Clause 19**

LORD PARKINSON OF WHITLEY BAY

18 Clause 19, page 21, line 37, at end insert “or a non-UK on-demand programme service”

***Member's explanatory statement***

*This amendment secures that section 368J(4), (5) and (7) of the Communications Act 2003 applies for determining the qualifying revenue derived from a non-UK on-demand programme service.*

**Clause 20**

LORD PARKINSON OF WHITLEY BAY

19 Clause 20, page 24, line 3, at end insert –

“(aa) where it is a service that forms part of a designated internet programme service, it satisfies the conditions in subsection (2AA), and”

***Member's explanatory statement***

*This amendment and my amendment to Clause 20 at page 24, line 5, add to the requirements for a relevant service which is part of a multi-service designated internet programme service (see section 362AA(10)(c), inserted by Clause 28).*

LORD PARKINSON OF WHITLEY BAY

20 Clause 20, page 24, line 5, at end insert –

“(2AA) The conditions are –

(a) that the relevant service is provided by –

- (i) the BBC or a person associated with the BBC otherwise than with a view to generating a profit,
- (ii) the provider of a Channel 3 service, Channel 4 or Channel 5,
- (iii) S4C, or



- (iv) a person associated with a broadcaster mentioned in sub-paragraph (ii) or (iii);
- (b) that, where it is provided by the BBC or a person associated with the BBC, the service contributes to the promotion of one or more of the BBC's public purposes;
- (c) that, where it is provided by a broadcaster referred to in paragraph (a)(ii) or (iii) or a person associated with such a broadcaster, the broadcaster's latest statement of programme policy under –
  - (i) section 266 or 267 of the Communications Act 2003, or
  - (ii) paragraph 4 of Schedule 12 to that Act,
 states that the service will be used to fulfil the public service remit for the Channel 3 service, Channel 4 or Channel 5 or (as the case may be) S4C's public service remit."

***Member's explanatory statement***

*See the explanatory statement for my amendment to Clause 20 at page 24, line 3.*

LORD PARKINSON OF WHITLEY BAY

**21** Clause 20, page 24, line 13, at end insert –

“(2C) Section 362AZ12(6) of the Communications Act 2003 (meaning of references to a person associated with a public service broadcaster) applies for the purposes of subsection (2AA) as it applies for the purposes of Part 3A of that Act.””

***Member's explanatory statement***

*This amendment is consequential on my amendment to Clause 20 at page 24, line 5.*

LORD PARKINSON OF WHITLEY BAY

**22** Clause 20, page 24, line 36, at end insert –

“(vii) it is not a service of the kind described in section 362AA(10)(c) of the Communications Act 2003 (internet programme services which provide programmes by means of an on-demand programme service or non-UK on-demand programme service and at least one other service).”

***Member's explanatory statement***

*This amendment secures that “relevant service” does not include a service falling within section 362AA(10)(c) of the Communications Act 2003, inserted by Clause 28 (multi-service internet programme services that contain at least one relevant service).*

**Clause 21**

LORD PARKINSON OF WHITLEY BAY

**23** Clause 21, page 25, line 16, after “service” insert “(“the first service”)”

***Member's explanatory statement***

*This amendment and my amendment to Clause 21 at page 25, line 21, alter the definition of exclusively granting rights to include live coverage of a Group A event.*

LORD PARKINSON OF WHITLEY BAY

- 24** Clause 21, page 25, line 21, leave out from “granted” to “and” in line 28 and insert “such rights to include live coverage of the whole or, as the case may be, that part of the event in one or more other relevant services as are sufficient to authorise, in accordance with section 101(2) or (3) or, as the case may be, section 101(4), the inclusion in the first service of the live coverage in question,”

***Member's explanatory statement***

*See the explanatory statement for my amendment to Clause 21 at page 25, line 16.*

**Clause 22**

BARONESS GREY-THOMPSON

- 25** 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

- 26** 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.*

LORD PARKINSON OF WHITLEY BAY

- 27** Clause 22, page 27, line 13, leave out from beginning to “and” in line 14 and insert –
- “(d) at least two of the second and further services are television programme services,”

***Member's explanatory statement***

*This amendment allows relevant services which are not television programme services to be part of the adequate live coverage of a listed event.*

**Clause 23**

LORD PARKINSON OF WHITLEY BAY

- 28 Clause 23, page 28, line 31, leave out from “the” to “or” in line 32 and insert “numbers of relevant services of particular descriptions in which the live coverage is included (subject to section 101(4)(d)),”

***Member's explanatory statement***

*This amendment is consequential on my amendment to Clause 22 at page 27, line 13.*

**After Clause 23**

LORD BASSAM OF BRIGHTON

- 29 After Clause 23, insert the following new Clause –

**“Digital rights to listed events**

- (1) The Secretary of State may by regulations amend the Broadcasting Act 1996 to make provision for coverage of listed events which is not live coverage.
- (2) A statutory instrument containing regulations under this section 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 give the Secretary of State powers, through regulations, to include the digital rights to events, for example the rights to a digital clip of an Olympic event, as part of the listed events regime.*

BARONESS GREY-THOMPSON  
LORD ADDINGTON

- 30 After Clause 23, 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.
- (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.*

**Clause 25**

LORD ADDINGTON

31 Clause 25, page 31, line 35, at end insert –

- “(3A) On the date on which section 21 comes into force, the Secretary of State must revise the list maintained for the purposes of Part 4 of the Broadcasting Act 1996 so that it includes –
- (a) at least one home cricket test match each year in the dominant series between the months of May and September;
  - (b) at least one cricket One Day International match each year between the months of May and September;
  - (c) all other currently listed Group A events.
- (3B) The events listed under subsection (3A) must be allocated to Group A.”

***Member's explanatory statement***

*This amendment ensures that one home Cricket test match in that year's dominant series, and one ODI match, are available on free-to-air television each summer.*

**After Clause 26**BARONESS FRASER OF CRAIGMADDIE  
BARONESS FEATHERSTONE

32 After Clause 26, insert the following new Clause –

**“Protection of digital terrestrial television**

- (1) The Secretary of State must ensure that –
- (a) the licensed public service channels continue to be broadcast via digital terrestrial television to as many of their intended audience as is reasonably practicable, and
  - (b) a sufficient number of digital terrestrial television multiplex licences are issued to deliver the licensed public service channels via digital terrestrial television and support a diverse range of commercial digital terrestrial television channels.
- (2) OFCOM shall reserve sufficient frequencies for television broadcasting services accordingly.”

***Member's explanatory statement***

*This new Clause would place a responsibility on the Secretary of State to ensure that public service television channels continue to be broadcast via digital terrestrial television (DTT) and that sufficient licences are issued to keep the platform viable. It would also require OFCOM to make spectrum available accordingly.*

BARONESS BONHAM-CARTER OF YARNBURY  
LORD ADDINGTON  
BARONESS BENJAMIN  
LORD CASHMAN

33 After Clause 26, insert the following new Clause –

**“Duty to report on workforce diversity and equality requirement**

- (1) Public service broadcasters (“PSBs”) must prepare and publish a statement on a workforce diversity and equality strategy within the period of one year beginning with the day on which this Act is passed.
- (2) A workforce diversity and equality strategy must comprise a plan setting out how PSBs are taking appropriate steps towards improving diversity and equality within the workforce in the period covered by the plan, which must cover not more than three years.
- (3) In particular, a workforce diversity and equality strategy must state a PSB’s objectives and priorities for the period it covers.
- (4) A workforce diversity and equality strategy must include a summary and an evaluation of the activities and initiatives pursued or commissioned by a PSB in the exercise of its functions under subsection (1) in the period to which the strategy relates.
- (5) Before the end of the period covered by a workforce diversity and equality strategy, PSBs must prepare and publish a strategy for a further period, ensuring that each successive strategy covers a period beginning immediately after the end of the last one.
- (6) In preparing or revising a workforce diversity and equality strategy, a PSB must consult such persons as they consider appropriate.
- (7) OFCOM must prepare and publish a report on workforce diversity and equality strategy statements produced by PSBs set out in subsection (1), in particular –
  - (a) summarising what actions a PSB is planning and taking in the exercise of its strategy under subsections (1) to (3);
  - (b) assessing what progress has been made towards achieving the objectives and priorities set out in a strategy in the relevant period.
- (8) The first annual report by OFCOM on workforce diversity and equality is required to be published within a period of 18 months beginning with the day on which this Act is passed.
- (9) OFCOM must prepare and publish subsequent reports on PSBs’ strategies and progress against them every three years thereafter.”

***Member's explanatory statement***

*This new Clause introduces a requirement for PSBs to publish objectives on the promotion of diversity and equality among the workforce and for Ofcom to monitor and report on PSB performance on meeting this requirement.*

BARONESS BENJAMIN  
LORD VAIZEY OF DIDCOT  
BARONESS THORNTON  
LORD STOREY

34 After Clause 26, insert the following new Clause –

**“Review of children’s access to culturally relevant and age-appropriate original UK content**

Within 12 months of the passing of this Act, the Secretary of State must prepare and publish a report on how to ensure that children have access to culturally relevant and age-appropriate original UK audiovisual content, and how such content might be funded.”

*Member's explanatory statement*

*This new Clause would require a review of how to ensure children have access to culturally relevant and age-appropriate original UK content, given their viewing habits which include using smartphones, social media, video sharing platforms and SVOD services, rather than more traditional methods of delivering television.*

**Clause 27**

LORD PARKINSON OF WHITLEY BAY

35 Clause 27, page 32, line 17, leave out “public service broadcasters” and insert “this Part”

*Member's explanatory statement*

*This amendment corrects a drafting error.*

**Schedule 2**

LORD PARKINSON OF WHITLEY BAY

36 Schedule 2, page 123, line 22, leave out “for “televisе” substitute “show”” and insert “after “means” insert “–

- (i) in relation to a financial penalty imposed under subsection (A1) or (B1), an amount determined by OFCOM to be the value of the rights to include coverage of the event in question in the relevant service at the time when the rights are acquired, and
- (ii) in relation to a financial penalty imposed under subsection (1) or (2),”

*Member's explanatory statement*

*This amendment specifies the method for determining the maximum financial penalty that OFCOM may impose under section 102(A1) or (B1) of the Broadcasting Act 1996.*



## LORD PARKINSON OF WHITLEY BAY

- 37 Schedule 2, page 123, line 31, leave out “(b),” and insert “(b) –  
(i) for “section 102(1)” substitute “section 102(A1) or (1);”

***Member's explanatory statement***

*This amendment adds a consequential amendment relating to paragraph 16 of Schedule 2.*

## LORD PARKINSON OF WHITLEY BAY

- 38 Schedule 2, page 124, line 2, after first “coverage” insert “, “adequate live coverage””

***Member's explanatory statement***

*This amendment is consequential upon Clause 23.*

## LORD PARKINSON OF WHITLEY BAY

- 39 Schedule 2, page 124, line 7, leave out sub-paragraph (4)

***Member's explanatory statement***

*This amendment and my amendments to Schedule 2 at page 124, line 14, and at page 124, line 20, remove definitions of terms and are further to amendments made in the House of Commons.*

## LORD PARKINSON OF WHITLEY BAY

- 40 Schedule 2, page 124, line 14, after “service” insert “and “television broadcasting service””

***Member's explanatory statement***

*See the explanatory statement for my amendment to Schedule 2 at page 124, line 7.*

## LORD PARKINSON OF WHITLEY BAY

- 41 Schedule 2, page 124, leave out lines 20 and 21

***Member's explanatory statement***

*See the explanatory statement for my amendment to Schedule 2 at page 124, line 7.*

BARONESS GREY-THOMPSON  
BARONESS BONHAM-CARTER OF YARNBURY  
LORD FOSTER OF BATH

- 42 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 seeks to secure that OFCOM's Code of Practice for Electronic Programme Guides (EPGs) gives EPGs prominence. Subsection (8A) defines a user interface as an EPG that – in addition to a traditional linear EPG – includes access to EPGs. This definition would include the means of accessing EPGs, such as 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.*

LORD LANSLEY

- 43★** Schedule 2, page 128, line 4, at end insert –
- “54A(1) Section 321 (Objectives for advertisements, sponsorship and product placement) is amended as follows.
- (2) In subsection (2), after “section 319(2)(g)” insert “and section 368HF(2)(h)”.
- (3) In subsection (7), after “section 319” insert “and section 368HF”.”

LORD LANSLEY

- 44★** Schedule 2, page 128, line 4, at end insert –
- “54A In section 319 (OFCOM's standards code), after subsection (2)(l) insert –
- “(m) in the case of Tier 1 services, those set out in section 368HF (Standards code for Tier 1 services)””

## LORD LANSLEY

45★ Schedule 2, page 128, line 8, at end insert –

“55A In section 324 (setting and publication of standards), in subsection (2)(a), for “teletext services”, substitute “news content, where it is provided by broadcasters in any format”.”

## Clause 28

BARONESS FEATHERSTONE  
BARONESS BONHAM-CARTER OF YARNBURY

46 Clause 28, page 42, line 26, leave out “an appropriate degree of”

*Member's explanatory statement*

*This would require that designated internet programme services are given prominence within regulated television selection services.*

BARONESS FEATHERSTONE  
BARONESS BONHAM-CARTER OF YARNBURY

47 Clause 28, page 42, line 26, leave out “an appropriate” and insert “a significant”

*Member's explanatory statement*

*This would require that designated internet programme services are given significant prominence within regulated television selection services.*

LORD PARKINSON OF WHITLEY BAY

48 Clause 28, page 43, line 12, leave out “provided by” and insert “included in”

*Member's explanatory statement*

*This amendment and my amendment to Clause 28 at page 44, line 13, are minor drafting changes.*

LORD PARKINSON OF WHITLEY BAY

49 Clause 28, page 44, line 13, leave out “provided by” and insert “included in”

*Member's explanatory statement*

*See the explanatory statement for my amendment to Clause 28 at page 43, line 12.*

BARONESS GREY-THOMPSON  
BARONESS BONHAM-CARTER OF YARNBURY

50 Clause 28, page 44, line 32, at end insert –

- “(1A) In preparing the code of practice for the purposes of this section, OFCOM must take into account that the degree of prominence is appropriate where designated internet programme services are among the most prominent internet programme services presented on the regulated television selection service.”

***Member's explanatory statement***

*This amendment secures that PSBs are given appropriate prominence, by setting out that OFCOM should have regard to the degree of prominence that is to be considered “appropriate”, which is that PSBs’ on-demand services (designated internet programme services) are “among the most prominent” on regulated platforms (regulated television selection services).*

BARONESS GREY-THOMPSON  
BARONESS BONHAM-CARTER OF YARNBURY

51 Clause 28, page 45, line 12, at end insert –

- “(7) In preparing a code of practice for the purposes of this section, OFCOM must include recommended actions in relation to –
- (a) search, recommendations and personalisation functions offered by regulated television selection services;
  - (b) the intended audience targeted by designated internet programme services;
  - (c) the areas of regulated television selection services in which appropriate prominence should be given to designated internet programme services and methods of accessing designated internet programme services to secure the requirements in section 362AO;
  - (d) where menus on regulated television selection services facilitate access to individual programmes provided in a designated internet programme service or any listed channel, ensuring that the public service broadcaster can select which programme is given prominence.”

***Member's explanatory statement***

*This amendment seeks to secure prominence for PSBs by identifying key areas on which OFCOM should issue guidance in its code required by section 362AP (Code of Practice), for example search, recommendation, and personalisation functions.*

### Schedule 3

LORD PARKINSON OF WHITLEY BAY

52 Schedule 3, page 130, line 16, at end insert—

“1A In section 393 (general restrictions on disclosure of information), in subsection (6), in paragraph (a), after “137A” insert “, 362AG(7), 362AW”.”

*Member's explanatory statement*

*This amendment adds a consequential amendment relating to Clause 28.*

### Clause 31

BARONESS BONHAM-CARTER OF YARNBURY  
BARONESS FEATHERSTONE

*The above-named Lords give notice of their intention to oppose the Question that Clause 31 stand part of the Bill.*

*Member's explanatory statement*

*This amendment would maintain Channel 4's publisher-broadcaster status, keeping in place its obligation to commission content.*

### After Clause 36

BARONESS GREY-THOMPSON  
BARONESS BONHAM-CARTER OF YARNBURY

53 After Clause 36, insert the following new Clause—

**“Facilitating access to public service broadcasting**

In the Communications Act 2003, before section 198 (and before the headings “Chapter 1” and “The BBC, C4C the Welsh Authority and the Gaelic media service” that precede section 198) insert—

**“CHAPTER A1**

CODE OF GUIDANCE ON ACCESS TO PUBLIC SERVICE BROADCASTING

**197A OFCOM guidance on access to public service broadcasting services**

- (1) In this section, “public service broadcasting services” means—
- (a) the television broadcasting services provided by the BBC;
  - (b) the television programme services that are public services of the Welsh Authority (within the meaning of section 207);
  - (c) every Channel 3 service;
  - (d) Channel 4;
  - (e) Channel 5.

- (2) OFCOM must prepare, publish and from time to time review guidance regarding the practices that OFCOM consider it desirable for relevant persons to adopt to promote ease of access for audiences to public service broadcasting services.
- (3) OFCOM's guidance under subsection (2) must be contained in one or more codes.
- (4) A code under subsection (2) must contain, in particular, such guidance as OFCOM consider appropriate to promote attainment of the following objectives—
  - (a) the objective that the means of selecting and using public service broadcasting services should be prominently displayed (without prejudice to section 310);
  - (b) the objective that such services can be found and selected without undue complexity;
  - (c) the objective that the particular needs of members of the audience who have a disability are met in the provision of content.
- (5) Before publishing such a code, and when reviewing such a code, OFCOM must consult—
  - (a) relevant persons or representatives of such persons, and
  - (b) any other persons OFCOM consider appropriate.
- (6) OFCOM must take such steps as they consider appropriate to promote compliance with a code under subsection (2) by relevant persons.
- (7) In this section ““relevant persons”” means persons who—
  - (a) provide public service broadcasting services, or
  - (b) have general control over the manner in which public service broadcasting services are presented to audiences.
- (8) References in this section to “audiences” are—
  - (a) to all members of the public in the United Kingdom, or
  - (b) where a service is intended for audiences in a particular area of the United Kingdom, to members of the public in that area.””

***Member's explanatory statement***

*This new Clause imposes a new requirement on OFCOM to publish voluntary guidance for relevant persons to adopt to promote ease of access for audiences to public service broadcasting services and sets out the objectives that the guidance should look to promote.*

LORD WIGLEY  
BARONESS SMITH OF LLANFAES

54★ After Clause 36, insert the following new Clause—

**“Evaluation of nations-based production**

- (1) The Communications Act 2003 is amended as follows.

- (2) In section 286 (regional programme-making for Channels 3 and 5) –
- (a) in subsection (1)(d), at end insert “except where the company is a new start-up and has registered itself as being primarily based in that nation”;
  - (b) after subsection (1)(d) insert –
    - “(e) OFCOM must require a broadcaster listing a production as being based in Northern Ireland, Scotland or Wales to demonstrate prior to production that a production company has –
      - (i) a substantial base (consisting of a specified number of staff) within the nation;
      - (ii) a commitment to remain within the nation for a specified amount of time;
      - (iii) had a presence within the nation for at least 36 months.”.
- (3) In section 288 (Regional programme-making for Channel 4) –
- (a) in subsection (1)(d), at end insert “except where the company is a new start-up and has registered itself as being primarily based in that nation.”;
  - (b) after subsection (1)(d) insert –
    - “(e) OFCOM must require a broadcaster listing a production as being based in Northern Ireland, Scotland or Wales to demonstrate prior to production that a production company has –
      - (i) a substantial base (consisting of a specified number of staff) within the nation;
      - (ii) a commitment to remain within the nation for a specified amount of time;
      - (iii) had a presence within the nation specified for at least 36 months.”.

#### Schedule 4

#### LORD PARKINSON OF WHITLEY BAY

55 Schedule 4, page 134, line 8, at end insert –

- “21A In section 39 (interpretation of Part 1), in subsection (1), in the definition of “S4C” and “S4C Digital” –
- (a) omit ““S4C” and”; and
  - (b) omit “each”.”

#### *Member's explanatory statement*

*This amendment and my amendment to Schedule 4 at page 134, line 18, add consequential amendments relating to Chapter 2 of Part 3.*

## LORD PARKINSON OF WHITLEY BAY

56 Schedule 4, page 134, line 18, at end insert –

“23A In section 105 (interpretation of Part 4 and supplementary provisions), in subsection (1), omit the definition of “S4C”.”

*Member's explanatory statement*

*See the explanatory statement for my amendment to Schedule 4 at page 134, line 8.*

**After Clause 37**

LORD STOREY  
BARONESS BENJAMIN

57 After Clause 37, insert the following new Clause –

**“Age rating standards**

Where Tier 1 providers use 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, they must –

- (a) apply the age rating or classification system used by the video works authority based on their classification guidelines, or
- (b) apply an age rating or classification system that is judged by OFCOM to be –
  - (i) based on a transparent set of appropriate standards,
  - (ii) applied consistently across content,
  - (iii) informed by regular consultation with the UK public, and
  - (iv) well understood and recognised by the public.”

*Member's explanatory statement*

*This new Clause seeks to ensure 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.*

**Schedule 5**

LORD LANSLEY

58★ Schedule 5, page 144, line 37, at end insert –

“(h) that there is no use of techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds, without their being aware, or fully aware, of what has occurred.”



## LORD LANSLEY

59★ Schedule 5, page 144, line 37, at end insert –

“(h) that advertising that contravenes the prohibition or political advertising set out in Section 321(2) is not included in Tier 1 services.”

## LORD BETHELL

60 Schedule 5, page 146, line 35, at end insert –

“(d) persons designated by the Secretary of State as the responsible authority under Section 4(1) of the Video Recordings Act 1984;”

*Member's explanatory statement*

*This amendment ensures that the British Board of Film Classification is consulted by OFCOM when drawing up the Video on Demand codes.*

## LORD BETHELL

61★ 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,or
  - (c) apply an age rating or classification system based on the OFCOM Broadcasting Code, provided that the Tier 1 service is made available by the provider of one or more television programme services licensed by OFCOM that are accessible by means of a regulated electronic programme guide, and where the provider already complies with the OFCOM Broadcasting Code on its television programme services.
- (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

62 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

63 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

64 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

65 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

66 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.*

**Clause 38**

BARONESS THORNTON

67 Clause 38, page 81, line 7, at end insert –

“(e) information about where viewers can seek help and further resources if they have been affected by content.”

***Member's explanatory statement***

*This amendment would add signposting measures to the audience protection measures which OFCOM must review under new section 368OB of the Communications Act 2003.*

LORD PARKINSON OF WHITLEY BAY

68 Clause 38, page 81, line 27, at end insert –

“(2) In section 393 of that Act (general restrictions on disclosure of information), in subsection (6), after paragraph (aa) insert –

“(ab) limits the information that may be published by OFCOM under section 368OB;”.

***Member's explanatory statement***

*This amendment adds a consequential amendment relating to Clause 38.*

**After Clause 38**

BARONESS THORNTON

69 After Clause 38, insert the following new Clause –

**“Minimum standards for age classifications**

When considering the adequacy of age ratings, OFCOM must assess whether any age ratings used by a tier 1 service are –

- (a) widely recognised by the United Kingdom public;
- (b) underpinned by a transparent set of standards;
- (c) informed by regular consultation with the United Kingdom public.”

***Member's explanatory statement***

*This would require OFCOM to consider whether age ratings systems used by a tier 1 service meet a set of minimum standards.*

**After Clause 40**

LORD FOSTER OF BATH

**70★** After Clause 40, insert the following new Clause –

**“Standards code: application to on-demand programme services**

- (1) OFCOM must apply the standards code provided for in section 319 of the Communications Act 2003 to on-demand programme services.
- (2) The consequential special impartiality requirements, set out in section 320 of the Communications Act 2003, must be applied to on-demand programme services in the same way they are applied to licensed television and radio services.”

**Clause 42**

LORD STOREY

**71** Clause 42, page 83, leave out line 25 and insert –

- “(a) be made using a process OFCOM shall create within six months of the passing of the Media Act 2024 to enable application on a continuous basis, and”

BARONESS BERRIDGE  
VISCOUNT COLVILLE OF CULROSS

**72** Clause 42, page 83, line 26, at end insert –

- “(c) allow relevant entrants to be granted an FM License where the rurality and topography of the area limit the availability of digital services.”

LORD STOREY

**73** Clause 42, page 83, leave out line 28 and insert –

- “(a) be made in such a manner as OFCOM shall determine within six months of the passing of the Media Act 2024, and”

**After Clause 44**

LORD STOREY  
LORD FOSTER OF BATH

74 After Clause 44, insert the following new Clause –

**“Mandatory requirements for locally-made programming on FM local radio stations**

- (1) Within six month of the passing of this Act, OFCOM must ensure that FM local radio stations broadcast a minimum level of locally-made programming, subject to subsection (2).
- (2) Every day, including weekends, FM local radio stations must provide either –
  - (a) a minimum of 6 hours of locally-made programming between 6am and 7pm if they are providing local news at least hourly at peak-times (breakfast and afternoon drivetime), or
  - (b) a minimum of 3 hours of locally-made programming between 6am and 7pm if they are providing local news at least hourly throughout the same period.”

**After Clause 47**

LORD FOSTER OF BATH

75 After Clause 47, insert the following new Clause –

**“Application of Section 319 of the Communications Act 2003 to news and current affairs on radio services**

- (1) Section 319 of the Communications Act 2003 is amended as follows.
- (2) At end of subsection (8) insert “, and for radio services “news” includes current affairs.”

LORD FOSTER OF BATH

76 After Clause 47, insert the following new Clause –

**“Review of amending Section 319 to include an enhanced duty of due impartiality on radio services**

- (1) The Secretary of State must review whether Section 319 of the Communications Act 2003 should be amended.
- (2) The review must consider whether Section 319(2)(c) should remove all words after "television" and insert ", and when radio services dealing with news and matters set out in section 320(2) are presented or hosted by individuals with well-known political allegiances, OFCOM shall have an enhanced duty to ensure such matters are treated with due impartiality "

- (3) The review must be conducted and published within one year of Royal Assent of this Act.”

#### Clause 48

BARONESS THORNTON  
LORD FOSTER OF BATH

77 Clause 48, page 90, leave out lines 30 to 37 and insert –

- “(1) In this Part, “radio selection service” means –
- (a) a service provided by means of the internet which enables, or among other things enables, a user of the service –
    - (i) to make a selection between internet radio services provided by different providers, and
    - (ii) to cause a selected internet radio service to play, by giving spoken commands that are recorded by equipment connected to the internet, or
  - (b) a service provided by an in-car entertainment system which enables, or among other things enables, a user of the system to cause a selected radio service to play, whether by giving spoken commands which are recorded by equipment or otherwise.”

***Member's explanatory statement***

*This would provide that “radio selection service” includes an in-car entertainment system which a person must navigate to access radio while in their car, as well as voice activated speakers.*

VISCOUNT COLVILLE OF CULROSS  
LORD FOSTER OF BATH  
BARONESS THORNTON

78 Clause 48, page 91, line 16, at end insert –

- “(7) The Secretary of State must, within six months of the passing of the Media Act 2024, review whether the definition of ‘radio selection service’ should be extended to include any devices which –
- (a) enable, or among other things enable, a user to cause a radio service to play, and
  - (b) are operated other than by giving spoken commands that are recorded by equipment connected to the internet”

***Member's explanatory statement***

*This probing amendment would require the Secretary of State, within 6 months of the Media Act 2024 passing, to review whether the Act’s provisions for radio selection services should be extended to other devices on which people access radio, including devices which are not voice-activated.*

## LORD FOSTER OF BATH

79 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

80 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  
LORD FOSTER OF BATH

81 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.*

**Schedule 9**

## LORD PARKINSON OF WHITLEY BAY

82 Schedule 9, page 163, line 14, at end insert –

“1A In section 393 (general restrictions on disclosure of information), in subsection (6), in paragraph (a), after “362AW” (inserted by paragraph 1A of Schedule 3) insert “, 362BC(6)”.”

***Member's explanatory statement***

*This amendment adds a consequential amendment relating to Clause 48.*

**Clause 50**

## EARL ATTLEE

83 Clause 50, page 115, line 32, at beginning insert “Section 40 of”

***Member's explanatory statement***

*This amendment is consequential on another amendment in my name which seeks to provide the same protection against court costs for a journalist working for a publisher which was a member of an approved regulator as would be enjoyed by the publisher.*

EARL ATTLEE  
LORD MCNALLY

84 Clause 50, page 115, line 33, leave out subsections (2) and (3) and insert –

“(2) Section 40(3) is omitted.”

EARL ATTLEE  
LORD MCNALLY

85 Clause 50, page 115, line 33, leave out subsections (2) and (3) and insert –

“(2) In section 61, after subsection (7) insert –

“(7A) Section 40 of this Act comes into force at the end of the period of two months beginning with the day on which the Media Act 2024 is passed.””

***Member's explanatory statement***

*This amendment, taken alongside another amendment in my name to omit section 40(3) of the Crime and Courts Act 2013, seeks to commence section 40 of that Act. This amendment seeks to*

*protect a publisher who had signed up to an approved regulator from being liable to any court costs in most circumstances, whether they win or lose the case.*

EARL ATTLEE

- 86 Clause 50, page 115, line 33, leave out subsections (2) and (3) and insert –
- “(2) In subsection (1)(b), after “time” insert “or an individual employed by a relevant publisher”.
- (3) In subsection (1)(c), at end insert –
- “(d) the news-related material which is the basis of the claim was published by a relevant publisher.”
- (4) In subsection (2), omit “defendant was” and insert “news-related material which is the basis of the claim was published by”.

***Member's explanatory statement***

*This amendment seeks to provide the same protection against court costs for a journalist working for a publisher which was a member of an approved regulator as would be enjoyed by the publisher.*

LORD MCNALLY

*Lord McNally gives notice of his intention to oppose the Question that Clause 50 stand part of the Bill.*

***Member's explanatory statement***

*This amendment would retain section 40 as part of the Crime and Courts Act 2013, therefore keeping in place the incentive for publishers to be regulated.*

**After Clause 50**

VISCOUNT ASTOR  
LORD MCNALLY

- 87 After Clause 50, insert the following new Clause –
- “Consultation on incentivising recognition by the approved regulator**
- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a call for evidence seeking views on alternative incentives to encourage publishers or regulators to seek recognition under the terms of the Royal Charter for the Self-Regulation of the Press.
- (2) The Secretary of State must lay before both Houses of Parliament a report setting out the Government’s formal response to evidence submitted in response to the call for evidence required by subsection (1).

- (3) The Secretary of State may not make an order under section 55(3)(ga) bringing any part of section 50 into force until the report specified in subsection (2) has been laid before both Houses of Parliament.”

**After Clause 51**

LORD FOSTER OF BATH

88 After Clause 51, insert the following new Clause –

**“OFCOM Chair discharging duties under this Act**

- (1) Before appointing an individual as Chair of OFCOM, the Secretary of State must ensure that their preferred candidate appears before relevant select committees of both Houses of Parliament to set out how they would discharge their duties under this Act.
- (2) If a relevant select committee of either House publishes a report concluding that the candidate should not be appointed, and the Secretary of State decides to proceed with the appointment, they must make a statement to either House about why they are proceeding with the appointment, including but not limited to –
- (a) an assessment of that candidate’s ability to act independently in discharging their duties under this Act, and
  - (b) a response to any findings or recommendations made in a report by a relevant select committee.”

***Member's explanatory statement***

*This amendment seeks to increase parliamentary scrutiny of proposed OFCOM chairs in discharging their duties under this Act.*

BARONESS STOWELL OF BEESTON  
LORD FOSTER OF BATH

89 After Clause 51, insert the following new Clause –

**“Review: impact of this Act on the ownership of UK broadcasters**

- (1) Within one year of the passing of this Act, the Secretary of State must publish a review of the impact of provisions in this Act on the ownership of UK broadcasters, including their ownership by a foreign power.
- (2) The Secretary of State must consult such persons they consider appropriate in preparing the review under subsection (1).
- (3) The review under subsection (1) must be laid before both Houses of Parliament for debate.
- (4) A foreign power for these purposes of subsection (1) has the same meaning as in Section 70E of the Enterprise Act 2002 inserted by Schedule 6 of the Digital Markets, Competition and Consumers Act 2024.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to review of the impact of provisions in this Act on the ownership of UK broadcasters, including their ownership by a foreign power.*

LORD FOSTER OF BATH

90 After Clause 51, insert the following new Clause –

**“Review: impact of this Act on OFCOM’s functions, general powers and duties in Part 1 of the Communications Act 2003**

- (1) The Secretary of State must lay before Parliament a review of the impact of provisions in this Bill on OFCOM’s functions, general powers and duties in Part 1 of the Communications Act 2003.
- (2) The review under subsection (1) must be laid before Parliament within one year of the passing of this Act.”

BARONESS THORNTON

91★ After Clause 51, insert the following new Clause –

**“OFCOM: impact of this Act on delivery of functions**

- (1) Within six months of this Act coming into force, OFCOM must produce a report on the impact of this Act on the delivery of their functions under the Communications Act 2003 relating to –
  - (a) television services by public service broadcasters;
  - (b) radio services;
  - (c) other public service broadcast-related areas as OFCOM considers appropriate.
- (2) The Secretary of State must lay a copy of the report before both Houses of Parliament.”

***Member's explanatory statement***

*This would require OFCOM to report to Parliament on the impact of this Act on its delivery of its public service broadcast-related functions.*

**Clause 55**

VISCOUNT ASTOR

92 Clause 55, page 117, line 18, leave out subsection (2)

## EARL ATTLEE

- 93 Clause 55, page 117, line 21, at end insert “within the period of two years beginning with the day on which this Act is passed”

***Member's explanatory statement***

*This amendment, taken alongside another amendment in my name to Clause 55, seeks to remove the discretion allowing Ministers not to commence certain provisions of the Bill through requiring the relevant provisions to be commenced within two years of the Act receiving Royal Assent. Ministers can extend this by up to two six-month periods by means of two separate orders subject to the affirmative procedure.*

## VISCOUNT ASTOR

- 94 Clause 55, page 117, line 28, at end insert –  
“(ga) section 50 (subject to section (*Consultation on incentivising recognition by the approved regulator*));”

## EARL ATTLEE

- 95 Clause 55, page 117, line 33, at end insert “, subject to subsections (5A) and (5B).  
(5A) The Secretary of State may by regulations made by the affirmative resolution procedure extend the period under subsection (3) by six months.  
(5B) The Secretary of State may only make the regulations under subsection (5A) twice and may not lay a second instrument before Parliament under that subsection within one month of the first instrument being made.”

***Member's explanatory statement***

*This amendment, taken alongside another amendment in my name to Clause 55, seeks to remove the discretion allowing Ministers not to commence certain provisions of the Bill through requiring the relevant provisions to be commenced within two years of the Act receiving Royal Assent. Ministers can extend this by up to two six-month periods by means of two separate orders subject to the affirmative procedure.*

# Media Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*3 May 2024*

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