

Media Bill

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.**

After Clause 36

Clause 42

LORD STOREY
LORD FOSTER OF BATH

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
LORD FOSTER OF BATH

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

BARONESS HOLLINS

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.

BARONESS HOLLINS
LORD MCNALLY

- 84 Clause 50, page 115, line 33, leave out subsections (2) and (3) and insert—
“(2) Section 40(3) is omitted.”

BARONESS HOLLINS
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.

BARONESS HOLLINS

- 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
THE LORD BISHOP OF LEEDS
BARONESS HOLLINS

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.”

LORD WATSON OF WYRE FOREST
BARONESS HOLLINS
THE LORD BISHOP OF LEEDS

87A After Clause 50, insert the following new Clause—

“Public right of reply against publishers of news-related material

- (1) Where a relevant publisher publishes information which contains significant factual inaccuracy, a person to whom the information relates (“the Complainant”) has a right to have a reply or correction published by the relevant publisher.
- (2) The relevant publisher editor must publish a reply or correction, free of charge and without undue delay, to the same extent and in the same manner as the inaccurate information.
- (3) A demand for a reply or correction must be made in writing within the period of 14 days beginning with the later of—
 - (a) the date of publication of the inaccurate information, and
 - (b) the date on which the complainant first becomes aware of the publication; but a demand may not be made after the end of the period of one year beginning with the date of publication.
- (4) The relevant publisher may refuse to publish a reply if it is inaccurate, unlawful or offensive.

- (5) If the demand for a reply or correction is rejected, the relevant publisher must provide written notice of the rejection and the reasons for it during the period of 7 days beginning with the date of the receipt of the demand.
- (6) The Complainant may apply to the High Court to determine whether subsections (1) to (5) have been complied with.
- (7) An application must be made during the period of 30 days beginning with the date of receipt by the Complainant of written notification of the reasons for the rejection (or of the expiry of the period for notifying the rejection, where no notice is received), unless the Court permits a later application.
- (8) The Court may order the relevant publisher to comply with this section and may make any other order.
- (9) This section does not apply to a relevant publisher which was, at the date of the publication complained of, a member of an approved regulator.
- (10) In this section –
 - “approved regulator” has the same meaning as in section 42 of the Crime and Courts Act 2013, and
 - “relevant publisher” has the same meaning as in section 41 of the Crime and Courts Act 2013.”

Member's explanatory statement

This new Clause would introduce a public right of reply against relevant publishers of news-related material outside of an approved regulator, to provide an alternative legislative regime to underpin the Royal Charter system of independent press regulation to replace section 40 of the Crime and Courts Act 2013 (which is repealed by Clause 50).

After Clause 51

LORD FOSTER OF BATH
THE LORD BISHOP OF LEEDS

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
THE LORD BISHOP OF LEEDS

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
THE LORD BISHOP OF LEEDS

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
THE LORD BISHOP OF LEEDS

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
BARONESS HOLLINS

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

EARL ATTLEE

93 [*Withdrawn*]

VISCOUNT ASTOR
BARONESS HOLLINS

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 [*Withdrawn*]

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21 May 2024

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