



# Media Act 2024

## 2024 CHAPTER 15

PROSPECTIVE

### PART 4

#### ON-DEMAND PROGRAMME SERVICES

#### 37 Tier 1 services

- (1) Part 4A of the Communications Act 2003 (on-demand programme services) is amended as follows.
- (2) After the heading of Part 4A insert—  
“Chapter 1

*Introductory Provisions”.*

- (3) After section 368A insert—

#### **“368AA Meaning of non-UK on-demand programme service**

- (1) For the purposes of this Act, a service (or a dissociable section of a service) is a “non-UK on-demand programme service” if—
  - (a) it meets the conditions in paragraphs (a) to (d) of section 368A(1),
  - (b) it does not meet one or both of the conditions in paragraphs (e) and (f) of section 368A(1), and
  - (c) the members of the public for whose use it is made available are or include members of the public in the United Kingdom.
- (2) Section 368A(5) to (7) applies in relation to a non-UK on-demand programme service as it applies in relation to an on-demand programme service.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Media Act 2024, Part 4. (See end of Document for details)*

### 368AB Overview of Part 4A

- (1) This section provides an overview of this Part.
- (2) This Chapter (Chapter 1) gives the meaning of certain expressions used in this Part.
- (3) Chapter 2 contains provision for the regulation of on-demand programme services (as defined by section 368A).
- (4) Chapter 3—
  - (a) sets out the rules that apply for determining when an on-demand programme service (as defined by section 368A) or a non-UK on-demand programme service (as defined by [section 368AA](#)) is a Tier 1 service,
  - (b) makes provision for certain sections of Chapter 2 to apply in relation to a non-UK on-demand programme service that is a Tier 1 service in the same way that they apply in relation to an on-demand programme service, and
  - (c) makes provision for the additional regulation of Tier 1 services (whether on-demand programme services or non-UK on-demand programme services).
- (5) Chapter 4 makes provision about the enforcement of certain provisions of Chapters 2 and 3.
- (6) Chapter 5 makes supplementary provision.”
- (4) In section 368B (the appropriate regulatory authority)—
  - (a) after subsection (A1) insert—
 

“(A2) OFCOM is the appropriate regulatory authority for the purposes of sections [368HC](#), [368HJ](#) and [368HK](#) (and OFCOM may not designate any other body to be the appropriate regulatory authority for those purposes).”;
  - (b) in subsection (1), after “subsections (A1)” insert “, (A2)”;
  - (c) in subsection (5), in paragraph (a), after “on-demand programme services” insert “, or non-UK on-demand programme services that are Tier 1 services.”;
  - (d) in subsection (9), in paragraph (d), after “on-demand programme services” insert “or non-UK on-demand programme services”.
- (5) After section 368B insert—
 

“Chapter 2

*Regulation of on-demand programme services*”.
- (6) After section 368H, insert (as Chapter 3 of Part 4A) the Chapter set out in [Schedule 5](#) (regulation of Tier 1 services).
- (7) [Schedule 6](#) contains further amendments of Part 4A in connection with Tier 1 services (within the meaning of that Part).
- (8) [Schedule 7](#) contains amendments of other legislation in connection with Tier 1 services (within the meaning of Part 4A of the Communications Act 2003).

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Media Act 2024, Part 4. (See end of Document for details)*

## Commencement Information

**II** S. 37 not in force at Royal Assent, see [s. 55\(3\)\(d\)](#)

## 38 Audience protection reviews

(1) In Part 4A of the Communications Act 2003, after section 368OA insert—

*“Audience protection reviews etc*

### **368OB Audience protection reviews etc**

- (1) As soon as practicable after this section comes into force, OFCOM must carry out a review of audience protection measures in use by providers of—
  - (a) on-demand programme services, or
  - (b) non-UK on-demand programme services that are Tier 1 services.
- (2) The scope of that review is to consider whether the audience protection measures are adequate for the purpose of assisting the providers to comply with the duties imposed on them by or under this Act for the protection of audiences from harm.
- (3) After the review under [subsection \(1\)](#), OFCOM may carry out further reviews for the same purpose at such times as appear appropriate to OFCOM.
- (4) “Audience protection measures” are measures that are capable of assisting in protecting audiences from harm, the following being examples—
  - (a) age rating or other classification systems;
  - (b) content warnings;
  - (c) parental controls;
  - (d) age assurance measures.
- (5) OFCOM may request any provider described in [subsection \(1\)](#) to provide OFCOM with information about its audience protection measures for the purposes of a review under [subsection \(1\)](#) or [\(3\)](#).
- (6) OFCOM may also request any provider described in [subsection \(1\)](#) to provide OFCOM with information about its audience protection measures where, in consequence of a review or anything else done in the exercise of their functions, they are concerned that the measures in use by that provider are or might be inadequate.
- (7) A request under [subsection \(5\)](#) or [\(6\)](#) must specify or describe the information to be provided and may also—
  - (a) specify a period of time within which the information must be provided;
  - (b) specify the form and manner in which the information must be provided.
- (8) A request under [subsection \(6\)](#) may specify that information is to be provided at intervals specified by OFCOM.

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(9) A provider described in [subsection \(1\)](#) must comply with a request under [subsection \(5\)](#) or [\(6\)](#).

(10) OFCOM may publish any information provided to them under this section.”

(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](#).”.

#### Commencement Information

**I2** S. 38 not in force at Royal Assent, see [s. 55\(3\)\(d\)](#)

### 39 S4C: on-demand programme services

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

(2) Omit section 368Q (which makes provision about the application of Part 4A in relation to the Welsh Authority).

(3) In section 341 (imposition of penalties on the Welsh Authority), omit subsection (1) (ja) and (jb).

(4) In Schedule 12, in Part 2 (the Welsh Authority)—

(a) in paragraph 15—

(i) omit sub-paragraph (1)(a)(ii) to (vi) (but not the “and” following sub-paragraph (1)(a)(vi));

(ii) in sub-paragraph (1)(b), omit “or on-demand programme services”;

(iii) in sub-paragraph (2), omit “or on-demand programme services”;

(iv) in sub-paragraph (5), omit “or on-demand programme services”;

(b) omit paragraph 23A.

#### Commencement Information

**I3** S. 39 not in force at Royal Assent, see [s. 55\(3\)\(d\)](#)

### 40 Other amendments of Part 4A of the 2003 Act

(1) [Schedule 8](#) contains other minor amendments of Part 4A of the Communications Act 2003.

(2) In consequence of amendments made by [Schedule 8](#), omit section 93 of the Digital Economy Act 2017.

#### Commencement Information

**I4** S. 40 not in force at Royal Assent, see [s. 55\(3\)\(d\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Media Act 2024, Part 4.