[GB] The Media Act becomes law

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The Media Act 2024 (the Act) received royal assent on 24 May 2024.

The Act increases the regulation of Video-on-Demand services (VOD). Many VOD services are not regulated by Ofcom's Broadcasting Code (the Code) which determines standards for harmful, offensive material. The Act brings mainstream VOD services under the Code's rules concerning harmful content and impartiality.

Non-UK based VOD services are not currently regulated by Ofcom and may now be designated as "Tier 1" in regulations yet to be published. Tier 1 mainstream VODs will comply with similar rules for UK-regulated VODs, for example, in relation to advertising, programme sponsorship and product placement. The VOD rules on programme sponsorship and product placement are not identical to the rules for linear broadcasters. The Act does not extend the rules of European works requirements to the non-UK Tier 1 VODs.

The age of content will be a factor for Ofcom when revising the Code relating to VOD to ensure that older content on streaming services is less heavily regulated, taking into account public mores at the time the material was originally broadcast. A likely factor to be considered is where a viewer pays for content and has an expectation as to the nature of that content, compared to switching onto a linear channel at random.

Ofcom will introduce a new accessibility code for Tier 1 services to ensure on-demand services are accessible to those with disabilities. This includes ensuring consistent subtitling and signing on at least 80% of programmes, whilst 10% must have audio description and 5% signed interpretation.

Ofcom will provide VOD viewers with a formal complaints process and monitor audience protection procedures like age ratings and viewer guidance. The Act gives Ofcom powers to investigate and enforce standards such as the power to issue fines of up to GBP 250 000 and in very serious cases to impose restrictions on a VOD's ability to transmit in the UK.

The Act gives public service broadcasters (PSBs) greater flexibility in delivering their obligations while providing distinctive programmes and impartial news across different platforms, including on-demand services. PSBs are required to ensure an "appropriate range of programme genres" such as religious, science

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and arts programming, news and children's programming.

Channel 4 (C4) will now be allowed to produce its own programmes rather than just commission content. The Act imposes a legal duty for C4 to consider its long-term sustainability whilst also meeting its public service commitments.

The Act enhances S4C, the Welsh language broadcaster, by removing geographic restrictions to broaden its reach across the UK and beyond, including its content being provided on a range of new digital services.

The Act imposes an obligation ononline TV platforms like smart TVs and set-top boxes to carry and prominently feature designated PSB services including on-demand platforms like BBC iPlayer, ITVX, All 4, My5, S4C's Clic and STV Player.

The Act relaxes content and format requirements on commercial radio, allowing stations more flexibility to modernise or adapt their services without Ofcom consent.

Further, the Act clarifies the obligation on commercial radio stations to provide local news and information services (such as traffic and travel). The new regulation will help manage any switchover of radio to digital, and allow Ofcom to licence overseas radio stations.

The Act ensures that BBC, commercial and community stations across the UK remain accessible to listeners via smart speakers; also, UK radio stations are not charged by these platforms for the provision of their live services to listeners. The Act prevents broadcasted content from being overlaid by third party material, and ensures that stations are reliably provided upon request by a listener's voice command.

Listed events include major sporting events such as the Olympic Games, the FIFA World Cup, the FA Cup Final, the Grand National and the Wimbledon finals. The listed events regime prohibits the exclusive broadcast of an event on the list drawn up by the Secretary of State without prior consent from Ofcom to ensure live coverage to free-to-air broadcasters whose services are received by 95% of the UK population. This is known as the "qualifying services" requirement.

The Act amends the eligibility of "qualifying services" to include both television programme services and Internet programme services, and amends the conditions so that qualifying services must be provided by a PSB. Currently this is the default position as only PSB channels met the previous "qualifying services" criteria.

The Act repeals section 40 (not in force) of the Crime and Courts Act 2013, which theoretically required news publishers to pay both sides' costs in court proceedings if they were not a member of an approved regulator.

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The timetabling for the implementation of the Act's provisions has yet to be determined, and Ofcom will publish a "roadmap" to consult on and draft codes of conduct. It is expected that most provisions will be implemented between 2025 and 2027.

The Media Act 2024

https://www.legislation.gov.uk/ukpga/2024/15/contents/enacted

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