[GB] New Details of Reforms of Broadcasting

IRIS 2002-7:1/22

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The UK Government has published further information to supplement its draft Communications Bill, which is currently the subject of detailed consultation (see IRIS 2002-6: 9).

The first document concerns the controversial question of the extent to which the new single communications regulatory body, the Office of Communications (OFCOM), will be able to regulate the BBC. The Government sets out proposed amendments to the BBC Agreement with the Secretary of State, currently the basis for its regulation. It is proposed that the amended agreement will bring the BBC within the "first tier" of regulation applying to all broadcasters and administered by OFCOM (see IRIS 2001-1: 8). The new regulator will issue codes on programme content standards relating to the protection of children; the exclusion of material likely to encourage crime or disorder; impartiality and accuracy in news reporting; protection from offensive or harmful material and the prohibition of subliminal messages. These will apply to the BBC, with the exception of the requirements of accuracy and impartiality, which will be regulated solely by the BBC's Board of Governors. Complaints will be handled by the Governors.

Second-tier, quantitative, public service broadcasting requirements will also be set out by OFCOM and applied to the BBC; these will include the 25% quota for independent productions and quotas and targets for original productions and regional productions and programmes.

For the first two tiers of regulation, no decision has yet been taken on whether OFCOM will be able to impose financial penalties on the BBC as it will be able to do in the case of private broadcasters.

The third tier of regulation, the qualitative requirements of public service broadcasting, will remain the responsibility of the Governors. Like private broadcasters, they will have to prepare a statement annually on programme policy and consider guidance and reports from OFCOM. The latter will, however, have no enforcement powers in this area of regulation; these will remain with the Secretary of State.

The Government has also issued draft clauses relating to media ownership for the Bill. As referred to earlier (IRIS 2002-6: 9), these will considerably simplify and

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liberalise current restrictions, notably by lifting the ban on non-EEA ownership, permitting the formation of a single company to run Channel 3 (ITV) and reducing the number of restrictions on cross-media ownership.

Draft Communications Bill: Proposed Amendments to the BBC Agreement, Department of Trade and Industry and Department for Culture, Media and Sport, June 2002

http://www.communicationsbill.gov.uk/pdf/proposed_amendments_to_bbc.pdf

Draft Communications Bill - Further provisions, June 2002, available at:

http://www.communicationsbill.gov.uk/pdf/dcb_provisions1.pdf

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