[GB] Regulator Clarifies Broadcasters' Liability for Interactive Content

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Tony Prosser
University of Bristol Law School

Ofcom, the UK communications regulator, has issued a brief note to clarify the responsibility of broadcasters in relation to interactive content and the application of Ofcom's Broadcasting Code (relating to programme standards) and the Advertising Standards Code. Section 362(2) of the Communications Act 2003 provides that responsibility is placed on "the person with general control over which programmes and other services and facilities are comprised in the service (whether or not he has control of the content of individual programmes or of the broadcasting or distribution of the service)".

The note states that television programmes (including advertisements) to which access is made available to viewers from within a licensed service are within the general control of the broadcaster providing the services. They therefore form part of the licensed service, provided that they are available by means of that service for reception by members of the public (as defined in detail in s. 361 of the Act, which includes subscription services but excludes those, such as the Internet, where the service comprises only individual selections of material).

However, where the access that is provided is access to another licensed service, the broadcaster providing access to that other service has general control only over the link to it.

Ofcom `Interactive Television Content: Legal Clarification of the Extent of a Broadcaster's Liability'

http://www.ofcom.org.uk/tv/ifi/codes/bcode/tvbcode_b/itvcontent/

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