[GB] The Media Bill passes House of Commons approval and awaits House of Lords scrutiny

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On 30 January 2024 the Media Bill (the Bill) passed its third reading in the House of Commons, having been introduced to parliament in November 2023. The Bill is aimed at protecting Public Service Broadcasters (PSBs) such as the BBC, ITV, Channel 4, Channel 5, STV and S4C from unfair competition from less regulated streaming services and online providers. It will be considered by the House of Lords inthe remaining stages before it can become law by receiving Royal Assent later this year, after which the regulator Ofcom will consult about implementing the legislative changes.

The Bill reduces the regulation for commercial radio stations, relaxing requirements such as music formats, local broadcasting hours and networking, allowing broadcasters flexibility to update or adapt their services without consent from Ofcom. The Bill also ensures that UK radio services appear on voice-activated devices such as smart speakers. The Bill requires that a listener's station of choice must be reliably provided in response to a voice command; also, smart speaker platforms must provide free, unfettered access to radio stations licenced by Ofcom. Platforms will be prevented from overlaying advertising and other content onto radio services. Further, broadcasters can request a default route for delivery of their stations to listeners on smart speakers, such as BBC Sounds, and TuneIn.

The Bill ensures that relevant services within TV genres are available on UK terrestrial channels including free access to “crown jewel" sports events such as the FIFA World Cup, the Olympic and Paralympic Games, the Grand National and the Wimbledon finals.

The Bill’s measures allow PSBs to have greater autonomy over scheduling through more flexible rules on the types of programmes they are required to show, allowing each PSB to focus more on the content it is uniquely positioned to deliver. However, the Bill also ensures that an “appropriate range of programme genres” is available on PSB services, such as religious, science and arts programming. A specific requirement for PSBs to continue to broadcast news and children’s programming is included. Quotas for independent, original and regional productions are retained, but PSBs will be given greater flexibility as to how they deliver these obligations. Online programming will now count towards

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meeting their public service remit, rather than just through linear TV channels. In addition, Ofcom receives new powers, where appropriate and proportionate, to require PSBs to provide more of a particular type of programming if audiences are being underserved.

The Bill further confirms S4C's position as a multi-platform Welsh-language content provider across the UK and beyond, ensuring, for example, that S4C Clic is available on different platforms. The new framework will ensure that indigenous languages, including Welsh, are part of the new public service remit for television in the UK. The Bill will enable S4C and the BBC to agree to alternative arrangements that contribute to S4C fulfilling its public remit.

Furthermore, laws which threatened to force newspapers to pay both sides' costs in any legal proceedings, even if they won, will be repealed via the Bill. This will revoke laws such as Section 40 of the Crime and Courts Act; while this clause has never actually been brought into force, the Media Bill takes away the risk of its implementation.

Channel 4 will have the freedom to make (rather than just to commission) and own its content to boost its long-term sustainability. However, the proportion of programmes made by independent TV producers across the UK has to be 35%. The Bill will ensure that apps such as BBC iPlayer, ITVX, Channel 4 and My5 and programmes are easy to find on smart TVs and similar devices.

Mainstream video-on-demand (VOD) services consumed in the UK like Netflix, Amazon Prime Video and Disney+ will have to follow similar Ofcom content rules to those currently in place for traditional broadcasters. A new Ofcom-regulated VOD Code for major streamers such as Netflix, Amazon Prime Video and Disney+ will better protect children and the most vulnerable TV and radio audiences. Currently, on-demand services, except BBC iPlayer, are not covered by Ofcom's Broadcasting Code, which sets appropriate content standards for harmful or offensive material as well as for accuracy. Some on-demand services are not regulated in the UK at all. The Bill, once law, will instruct Ofcom to consider the age of a programme when drawing up the VOD Code following concerns that without this change, requirements such as due impartiality currently applied to traditional broadcasters could constitute an undue burden for streaming platforms if applied to their entire back catalogue content.

Those with sight or hearing impairments will be able to enjoy more shows as new quotas on subtitles, audio description and signing will be set for on-demand services. Streaming platforms will have to provide subtitles on 80% of their programmes, while 10% must have audio description and 5% signed interpretation.

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