

Draft Regulations laid before Parliament under section paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No.

**ELECTRONIC COMMUNICATIONS
BROADCASTING**

**The Audiovisual Media Services
(Amendment) Regulations 2021**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾. In accordance with paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Audiovisual Media Services (Amendment) Regulations 2021.

(2) These Regulations, with the exception of regulations 7 and 14, come into force on the day after the day on which they are made.

(3) Regulations 7 and 14 come into force—

- (a) on the day after the day on which these Regulations are made, or
- (b) immediately after the beginning of 6th April 2021,

whichever is the later.

(4) In these Regulations, “the 2003 Act” means the Communications Act 2003.

(1) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 was amended by paragraph 53 of Schedule 5 to that Act.

Amendment of the Broadcasting Act 1990

2. In section 202(1) of the Broadcasting Act 1990 (general interpretation)(2), omit the definition of “the Audiovisual Media Services Directive”.

Amendment of the Broadcasting Act 1996

3. In section 105(1) of the Broadcasting Act 1996 (interpretation of Part 4)(3), in the definition of “the Audiovisual Media Services Directive”, at the end insert “as it has effect in EU law from time to time”.

Amendment of the 2003 Act

4. The 2003 Act(4) is amended in accordance with regulations 5 to 18.

5. In section 335B (maintenance of list of providers)—

(a) in subsection (1), for the words after paragraph (b) substitute “which are subject to regulation by OFCOM as a result of one of the provisions listed in subsection (1A)”;

(b) after subsection (1) insert—

“(1A) The provisions are—

(a) section 198 (regulation of the BBC by OFCOM);

(b) section 203 (regulation of the Welsh Authority by OFCOM);

(c) section 211 (regulation of independent television services).”;

(c) omit subsection (2);

(d) for subsection (3) substitute—

“(3) OFCOM must publish the up to date list on a publicly accessible part of their website.”;

(e) in subsection (4)—

(i) after “subsection (1)” insert “(other than any service provided by the BBC or the Welsh Authority)”;

(ii) for the words from “the determination of jurisdiction” to the end substitute “whether or not the service falls to be regulated by OFCOM under section 211”.

6. In section 368BZA (maintenance of list of providers)—

(a) omit subsection (2);

(b) for subsection (3) substitute—

“(3) OFCOM must publish the up to date list on a publicly accessible part of their website.”.

7. In section 368BA(4) (meaning of “significant differences”) for the words from “the determination” to the end substitute “whether or not paragraphs (e) and (f) of section 368A(1) are satisfied”.

8. In section 368CB (quota for European works)—

(a) in subsection (7), in the definition of “European works”, after “Services Directive” insert “as it has effect in EU law as amended from time to time”;

(b) in subsection (8), at the end insert “as amended from time to time”.

(2) 1990 c. 42; the definition of “the Audiovisual Media Services Directive” was substituted by S.I. 2020/1062.

(3) 1996 c. 55; the definition of “the Audiovisual Media Services Directive” was substituted by S.I. 2020/1062.

(4) Relevant amendments to the 2003 Act were made by S.I. 2009/2979, 2010/419, 2014/2916 and 2020/1062.