

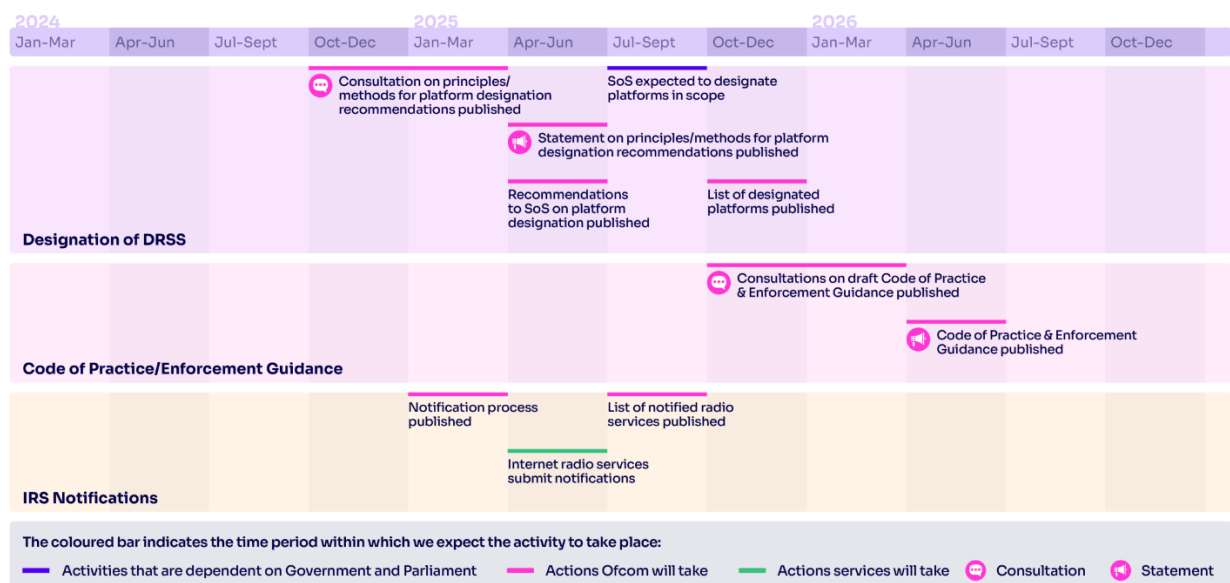
- 4.28 The Bill retains requirements for local commercial radio services to provide local news and information, introducing a new requirement for ‘locally gathered’ news. It also introduces new requirements for multiplex licensees to publish information about their costs and to provide Ofcom with information about the radio stations they carry.
- 4.29 There are also provisions which will allow for all local analogue licences to be renewed and for the UK digital licensing regime to be extended to radio stations based overseas.

Proposed process for implementation and stakeholder engagement

- 4.30 We will engage with licensees ahead of consulting on conditions to secure the provision of local news and information, including “locally gathered” news, alongside guidance about these obligations. Our aim is to publish this consultation as soon as possible after Royal Assent, with a final statement and guidance to follow towards the end of 2024. We will then look to make updates to licences as soon as possible in 2025.
- 4.31 We plan to consult on the new requirements for holders of national and local radio multiplex licences about their carriage costs and the services they carry on a similar timetable. We will therefore look to vary multiplex licences to remove references to programme services and all related conditions, and to add the two new conditions required by the Bill, early in 2025.

Part 6: Regulation of Radio Selection Services

Timeline for implementation



Summary of new duties

- 4.32 This part of the Bill covers voice-activated platforms that allow listeners to select and play a radio service. These platforms, which are available via devices like smart

Part 4: Video-on-Demand (VoD)

Timeline for implementation



Summary of new duties

- 4.20 This part of the Bill gives Ofcom new powers to draft and enforce a VoD Code, similar to the Broadcasting Code. It will bring into scope mainstream, 'TV-like' services including those which do not currently fall under UK jurisdiction, meaning these services will be subject to a similar set of rules to broadcast television.
- 4.21 This section also introduces requirements on VoD service providers to ensure their services are accessible to people with disabilities. This will mean that the existing statutory requirements for linear broadcasters to provide subtitling, audio description and signing are matched on mainstream on-demand services.

Proposed process for implementation and stakeholder engagement

- 4.22 Although linear broadcasters have been subject to programme regulation for many decades, the introduction of a comprehensive VoD Code and accessibility requirements will represent a significant change for many VoD providers previously only subject to more limited obligations. Once the Bill comes into effect, therefore, we plan to hold roundtable discussions with key stakeholders about our plans and the new obligations.
- 4.23 Shortly after Royal Assent, we expect the Government to formally request a report from Ofcom on the state of the VoD market in the UK. The Secretary of State is required to take account of this report when determining which services will be designated as 'Tier 1' services (i.e., those subject to the new VoD Code and the new accessibility requirements). We expect to make information requests to relevant

such as the BBC iPlayer. Ofcom must then provide her with recommendations on which services and platforms may be subject to regulation if they are used by a “significant number” of members of the public to access TV content online. The decision as to which platforms are then to be designated within the regime lies with the Secretary of State.

- 4.11 On the other side of the equation, if their online services are to benefit from the new rules, commercial PSBs – there is a separate process for the BBC iPlayer – must apply to us for designation of their on-demand players. We will need to consider these applications against criteria specified in the Bill, including whether the player is capable of making “a significant contribution to the fulfilment of the PSB remit.”
- 4.12 Once designated, the PSBs and the platforms will be subject to "must offer" and "must carry" requirements. Ofcom will issue guidance on objectives that their commercial arrangements must meet. Platforms will also be required to ensure that the PSB players as well as content that contributes to the delivery of PSB remits are prominently located on their services and that these services are accessible to those with disabilities (particularly those affecting sight or hearing). Ofcom must issue Codes of Practice giving recommendations on how to comply with these requirements. Where parties cannot reach commercial agreements, Ofcom has powers to resolve disputes if certain conditions are met.

Proposed process for implementation and stakeholder engagement

- 4.13 The availability and prominence rules introduced in the Bill are both complicated and novel and will bring into scope TV platforms that we have not previously regulated. We welcome active engagement from all stakeholders over the coming months to help them understand the new rules and ensure these are applied fairly and effectively.
- 4.14 In the first implementation phase we intend to focus on the processes for designating the services in scope. Later this year we will publish a consultation explaining how we intend to apply the criteria for the designation of PSB online players alongside our plans for running the application process. We also intend to consult this year on the methodology we will use to give advice to the Secretary of State about platform designation. Currently, we plan to issue final statements and our report to the Secretary of State by mid-2025, although we will seek to accelerate our work if it is possible to do so.
- 4.15 During the second implementation phase, we will focus on drafting the codes and guidance we will put in place to secure the effectiveness of the new regime. Consultations in 2025 will consider how we recommend regulated platforms can comply with their duties to give prominence to designated PSB players and content as well as securing the accessibility of their services to people with disabilities. We will also consult on guidance for designated PSB providers and platforms about how their commercial arrangements can meet the three objectives set out in the legislation. Discussions are underway between Government and the BBC about how changes can be made to the BBC's Framework Agreement to reflect its new duties under the regime.

Proposed process for implementation and stakeholder engagement

- 4.2 Once the Bill becomes law, the Government will prepare secondary legislation on a range of matters, including the meaning of ‘independent’ and ‘original’ productions and provisions regarding the treatment of repeats in relation to quotas.
- 4.3 When this has happened, we plan to consult as soon as possible on our proposed methodology for determining appropriate quota levels. We will also consult on guidance for PSBs on the preparation of SoPPs and revised guidance on the codes of practice which PSBs must have in place when commissioning from independent producers. We expect to finish our consultations and publish the final versions of these documents in mid-2025. These changes will impact on commercial PSB independent production, original production, and regional productions quotas – as well as the independent production and original productions quota for S4C. The Bill also makes comparable a provision for the BBC's independent productions quota.
- 4.4 Any changes we make to licence conditions will take account not only of the Bill but also other concurrent regulatory processes, including the PSB review. Licence variations and new requirements for SoPPs and commissioning codes of practice are likely to take effect from 2026.
- 4.5 In due course, we will also need to consult on changes to our statement of principles on the calculation of PSB qualifying revenue, as the Bill expands the scope of the calculation for the purpose of financial penalties to include revenue from designated on-demand services (known as internet programme services or IPS).

Part 1: Listed Events

Timeline for implementation



Summary of changes

- 4.6 ‘Listed events’ are sporting or other events of national interest designated by the Secretary of State to help ensure that broadcasts of these events are widely available. The current regime designates certain linear channels – those free-to-air channels which are receivable by at least 95% of the population – as “qualifying services” to whom rights must be made available. All broadcasters must apply to Ofcom for consent where they have the exclusive rights to show listed events.
- 4.7 The Bill changes these criteria so that in future only services provided by a PSB may now qualify. It also broadens the scope of the regime to capture a range of new

relevant services, the development of new codes and new guidance for industry and necessary changes to licences will take place in phases over the next two years.

Fees

- 3.7 The Bill will require changes to the Ofcom fee structures for many services that we currently regulate. It will also bring new services into scope of our regulation (including connected TV platforms, voice-activated services and some non-UK based VoD services) and we will need to establish new funding regimes for these organisations. Much of this work will come later in the implementation programme, with consultations on new fee structures unlikely to be issued before the second half of 2025. Our current aim, subject to the legislative timetable discussed above, is to have a revised fee regime in place before April 2026.

services will become subject to editorial standards similar to those which protect audiences from harmful material on broadcast TV. It also introduces accessibility requirements to ensure that more people with disabilities can use and enjoy these services, reflecting the [recommendations](#) we last made in 2021.

- **Part 5 updates the regulatory framework for commercial radio.** Commercial radio services in the UK are currently regulated under a licensing framework that is, in large part, more than 30 years old. This section reflects the conclusions of the Government's [2017 consultation on commercial radio deregulation](#) to remove outdated regulatory burdens on radio services, while protecting and strengthening the provision of local news.
- **Part 6 introduces provisions to protect UK radio's availability on connected audio devices.** Reflecting recommendations made in the [DCMS-commissioned Digital Radio & Audio Review 2021](#), this section will ensure that UK radio stations are reliably provided in response to listeners' commands to voice-activated online platforms available via devices like smart speakers. It will also ensure that stations are not charged by these platforms to make their live services available to listeners.

2. Changes introduced by the Bill

The Bill provides much needed reform to regulation of the UK's public service media

- 2.1 The past decade has been a period of radical change in the way we access news, information, and entertainment. Although live broadcast TV and radio services continue to be widely used and valued, the expanded level of choice enabled by technological change and embraced by audiences has gone hand in hand with declines in linear viewing and listening. People in the UK watched on average 30% less broadcast TV in 2022 compared to 2014. Among younger audiences, viewing has declined at a much faster rate, falling by 72% over the same period for those aged 16-24. The proportion of the population listening to live radio (AM/FM) has decreased from just under half (49%) to less than a third (32%) in the last five years.
- 2.2 Today, the range of content available to audiences continues to grow. Netflix released its first original series, *House of Cards*, in 2013. By 2022, it was spending over £13bn on original and licensed programming each year, including around £1.2bn on original UK productions. Audiences are responding to this increasing choice by watching and listening on-demand in ever increasing numbers. According to Barb, in 2023 two thirds (67%) of households subscribed to a least one video-on-demand service. IPA TouchPoints reported that around half (47%) of adults listen to streamed music on a weekly basis in the first half of the year.
- 2.3 After several decades where their services were structured around linear distribution, broadcasters have been adapting to audience expectations. The UK's public service broadcasters (PSBs) have each developed on-demand players offering original content, as well as some exclusive and licensed programming, which can be accessed on a wide range of devices including smartphones and tablets, laptops, and smart TVs. At the same time, radio services have become both more diverse and available on a broader range of devices, including voice assistants.
- 2.4 However, while audience habits have changed, the legislative framework in which these broadcasters operate has not. The current rules largely reflect the technology and usage patterns of the 1990s and early 2000s. The PSBs' on-demand players continue to be largely excluded from the regulatory regime. Similarly, while many UK radio stations remain subject to regulatory requirements dating back in some cases to 1990, the largely unregulated streaming and podcast services they compete with – and voice activated services they increasingly rely on – are barely mentioned at all.
- 2.5 In our 2021 review of public service broadcasting, [Small Screen: Big Debate](#), we made a set of recommendations to Government on how to modernise the audiovisual media regulatory framework. In response to those recommendations, and those of the Government's conclusions to its [2017 consultation on commercial radio](#) and the [DCMS-commissioned Digital Radio & Audio Review 2021](#), Government published its [Up Next](#) White Paper in 2022, setting out its intention to legislate to support the UK's PSB system. The subsequent Media Bill makes important changes designed to support both PSBs and UK radio services to continue to deliver highly valued content to

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