

2020 No. 125

BROADCASTING

ELECTRONIC COMMUNICATIONS

**The Office of Communications (Provision of Information)
Regulations 2020**

<i>Made</i>	- - - -	<i>4th February 2020</i>
<i>Laid before Parliament</i>		<i>13th February 2020</i>
<i>Coming into force</i>	- -	<i>1st April 2020</i>

The Secretary of State, in exercise of the powers conferred by sections 24A(4) and 402(3) of the Communications Act 2003(a), makes the following Regulations.

In accordance with section 24A(5) of that Act, the Secretary of State has consulted OFCOM(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Office of Communications (Provision of Information) Regulations 2020 and come into force on 1st April 2020.

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

Exempt descriptions of information

2.—(1) The duty in section 24A(1) of the 2003 Act(c) does not apply to the descriptions of information specified in paragraphs (2) to (4).

(2) Information relating to the exercise of the functions of OFCOM concerning—

- (a) programme and fairness standards for television and radio;
- (b) unjust or unfair treatment or unwarranted infringement of privacy in connection with programmes;
- (c) the broadcasting of local items during an election period;
- (d) party political broadcasts.

(3) Information relating to the exercise of the functions of OFCOM concerning the enforcement of licences to provide television and radio services.

(4) Information relating to—

(a) 2003 c.21. Section 24A was inserted by section 98 of the Digital Economy Act 2017 (c.30).

(b) Section 405(1) of the 2003 Act defines ‘OFCOM’ as the Office of Communications.

(c) The duty in section 24A(1) is for OFCOM to provide the Secretary of State, at least 24 hours before publication, with any information that they propose to publish.

- (a) the constitutional and funding arrangements of OFCOM;
- (b) the management of OFCOM.

Market sensitive information

3.—(1) The duty in section 24A(1) of the 2003 Act applies in accordance with paragraph (2) to the description of information specified in paragraph (3).

(2) OFCOM must provide the Secretary of State with any information that they propose to publish—

- (a) where the day before the date of publication is not a working day, at least 24 hours before publication, and
- (b) in any other case, immediately after 4.30pm on the day before the date of publication.

(3) Information the disclosure of which to the public before publication would prejudice the commercial interests of any person.

(4) In this regulation, “working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971^(a).

Nigel Adams
Minister of State

4th February 2020

Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify descriptions of information in relation to which the duty under section 24A(1) of the Communications Act 2003 (c.21) on the Office of Communications to provide the Secretary of State with information at least 24 hours before publication does not apply.

These Regulations also have the effect, by virtue of section 98(3) of the Digital Economy Act 2017 (c.30), of bringing the duty under section 24A(1) of the 2003 Act into effect.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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^(a) 1971 c.80.

