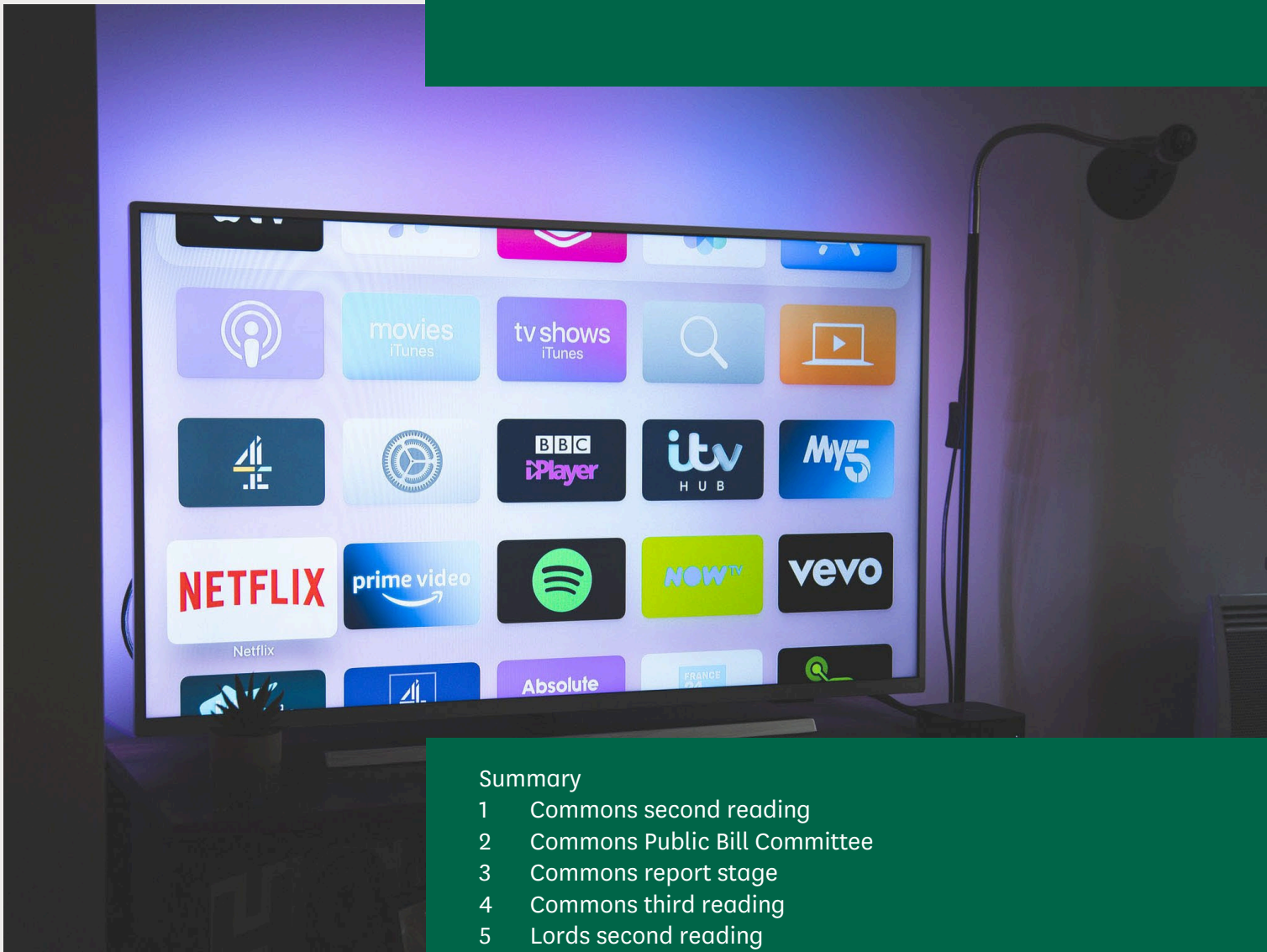


Research Briefing

By John Woodhouse

1 March 2024

# Media Bill: progress of the Bill



## Summary

- 1 Commons second reading
- 2 Commons Public Bill Committee
- 3 Commons report stage
- 4 Commons third reading
- 5 Lords second reading

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## Summary

The [Media Bill \[Bill 8 2023-24\]](#)(PDF) was introduced in the House of Commons on 8 November 2023.

### What would the Media Bill do?

According to the [Explanatory Notes](#) (PDF), the Bill would:

- update the legislative framework for public service broadcasting, including provisions to facilitate the delivery of public service content through digital platforms.
- introduce provisions so that public service content on designated services is available online.
- address the sustainability challenges faced by Channel 4.
- apply the Bill's changes to public service broadcasting to S4C (the Welsh language television service), while retaining the Welsh language content requirement.
- give [Ofcom](#), the communications regulator, powers to draft and enforce a Video-on-Demand Code.
- update the regulatory framework for commercial radio.
- protect UK radio's availability on connected audio devices.
- repeal [section 40 of the Crime and Courts Act 2013](#) which could (if commenced) force news publishers to pay the costs of any court judgment if they were not a member of the approved regulator, regardless of the outcome of the court judgment.

Policy background to the Bill, as it was originally introduced, is set out in the Library briefing, [Media Bill](#) (17 November 2023).

Ofcom, the communications regulator, has published a [“roadmap to regulation” on the Bill](#) (PDF) (26 February 2024).

### Progress of the Bill in the House of Commons

The Bill had its [second reading on 21 November 2023](#) where it was broadly welcomed. It was considered by a Public Bill Committee over six sittings between 5 and 12 December 2023 where technical Government amendments were made. No Opposition amendments were agreed. The Bill ([Bill 139 2023-24](#))(PDF), as amended in Committee, was published.

The Government made minor and technical amendments to the Bill at [report stage on 30 January 2024](#). There were divisions on non-Government amendments relating to:

- Gaelic language services.
- broadcasting listed sporting events.
- repealing section 40 of the Crime and Courts Act 2013.

None of the amendments were agreed.

[Third reading also took place on 30 January 2024](#).

## **Progress of the Bill in the House of Lords**

The Bill - [HL Bill 44 \(PDF\)](#) - was introduced in the House of Lords on 31 January 2024. It had its [second reading on 28 February 2024](#) where it received cross-party support. The Bill will now be considered by a Committee of the Whole House.

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# 1 Commons second reading

The Bill had its [second reading in the House of Commons](#) on 21 November 2023 and received cross-party support. Thangam Debbonaire, the Shadow Secretary of State for Culture, Media and Sport, said the Bill was “important and long-overdue” and that she would work with the Government to get the it into law as quickly as possible.<sup>1</sup> However, she urged the Government to reconsider the Bill not mentioning digital on-demand rights in the listed events regime.<sup>2</sup> She also said that the importance of children’s TV had been lost in the Bill and that the Government should look again at this issue.<sup>3</sup> Thangam Debbonaire also noted that the Bill contained no specific mention of protecting Gaelic broadcasting in the future, despite an explicit mention of it in the King’s Speech.<sup>4</sup>

Kirsty Blackman (SNP) said the Bill “took positive steps forward” but was over-complicated in some areas given that it amended three different Acts: the Communications Act 2003, the Broadcasting Act 1996 and the Broadcasting Act 1990. She said that broadcasters might find it difficult to comply with the legislation because of its complicated nature.<sup>5</sup>

Dame Caroline Dinenage, Chair of the Culture, Media and Sport Committee said she was “really pleased” that the Government had accepted the majority of the Committee’s recommendations on the draft Bill.<sup>6</sup> However, she said the Bill would benefit from further discussion in areas such as:

- the Bill’s changes to the public service broadcasting remit and the removal of genres such as arts programming and children’s programming.<sup>7</sup>
- public service broadcaster prominence on electronic programming guides.<sup>8</sup>
- the new video-on-demand code.<sup>9</sup>

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<sup>1</sup> [HC Deb 21 November 2023 c234](#)

<sup>2</sup> [HC Deb 21 November 2023 c235-6](#)

<sup>3</sup> [HC Deb 21 November 2023 c236](#)

<sup>4</sup> [HC Deb 21 November 2023 c238](#)

<sup>5</sup> [HC Deb 21 November 2023 c243](#)

<sup>6</sup> [HC Deb 21 November 2023 c248](#)

<sup>7</sup> [HC Deb 21 November 2023 c248](#)

<sup>8</sup> [HC Deb 21 November 2023 cc248-9](#)

<sup>9</sup> [HC Deb 21 November 2023 c249](#)

- whether the Bill’s measures to protect radio went far enough.<sup>10</sup>

Jamie Stone, Liberal Democrat spokesperson for Culture, Media and Sport, expressed “broad support” for the Bill, but raised concerns about, among other things, the removal of some regulations about local broadcasting; prominence; and the relaxation of Channel 4’s publisher-broadcaster status.<sup>11</sup>

Stephanie Peacock, the Shadow Minister for Culture, Media and Sport, said she would support the Bill’s passage, but that it needed further scrutiny in areas such as:

- the new public service remit.
- making sure the new video-on-demand code was tailored to the needs of the on-demand environment.
- digital rights and the listed events regime.
- the drafting and intent of the radio-focused provisions, particularly those set out in part 6 of the Bill.<sup>12</sup>

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<sup>10</sup> [HC Deb 21 November 2023 c250](#)

<sup>11</sup> [HC Deb 21 November 2023 cc250-2](#)

<sup>12</sup> [HC Deb 21 November 2023 cc283-4](#)

## 2

# Commons Public Bill Committee

The Bill was considered by a [Public Bill Committee over eight sittings between 5 and 12 December 2023](#) where technical Government amendments were agreed. This section of the Briefing looks at the clauses on which the Committee divided. Further background to the clauses discussed below can be found in the Library Briefing, [Media Bill](#) (PDF) (17 November 2023) and the [Explanatory Notes](#) to the Bill (PDF).

## 2.1

### Public service television: remit

**Clause 1** of the Bill would amend section 264 of the Communications Act 2003 (the “2003 Act”) to allow public service broadcasters (PSBs) to contribute towards their public service remit with programmes made available on a wider range of services, including on-demand services.

#### Public service content provided across a wide range of genres

Stephanie Peacock moved **amendment 19**. This would ensure that public service content continued to be provided across a range of genres. These would include “education, entertainment, music, arts, science, sports, drama, comedy, religion and other beliefs, social issues, matters of international significance or interest and matters of specialist interest”.<sup>13</sup> In addition, in combination with the powers in clause 10, the amendment would enable Ofcom to “properly monitor those genres and make proper suggestions” where content was lacking.<sup>14</sup>

Stephanie Peacock said the Bill’s attempt to simplify public service remit was “on the whole, a welcome idea”.<sup>15</sup> However she claimed her amendment was needed because bodies such as the [Voice of the Listener & Viewer](#), the [Media Reform Coalition](#), and the [International Broadcasting Trust](#) had expressed concerns that the simplified public service remit had been coupled with the removal of requirements for public service broadcasters to provide specific genres of content.<sup>16</sup> Stephanie Peacock noted that the Government’s [Up Next white paper](#) (April 2022) had not referred to genres such as entertainment, drama, science and religion being removed from the public service remit.<sup>17</sup> She said content in these genres had “huge societal and cultural value”. If explicit reference to them was removed from the public service remit, there

<sup>13</sup> [PBC 5 December 2023 c19](#)

<sup>14</sup> [PBC 5 December 2023 c21](#)

<sup>15</sup> [PBC 5 December 2023 c20](#)

<sup>16</sup> [PBC 5 December 2023 c20](#)

<sup>17</sup> [PBC 5 December 2023 c20](#)



was a risk of less programming in those areas, particularly where they might be of less immediate commercial benefit. The Shadow Minister claimed this was “surely contradictory” to the aim of having a PSB, which was “fundamentally to ensure that public benefit is balanced against purely commercial interests”. She said the change was “especially concerning” given there is, commercially, more choice than ever in popular genres such as entertainment and drama, and less choice when it comes to dramas providing diversity and difference for audiences.<sup>18</sup>

Sir John Whittingdale said he understood the intention behind the amendment (ie to ensure that the range of content shown would be broad). The Government wanted that too but, believed that not specifying individual genres would simplify the PSB system.<sup>19</sup> The Minister also pointed out that Ofcom had a duty to monitor the delivery of genres, and to report on that. If it became clear that PSBs were failing to deliver aspects of the remit, section 271 of the 2003 Act provided a power to amend the remit following Ofcom’s report.<sup>20</sup>

Stephanie Peacock said that without clear specifications as to what would count in the “range of genres”, there was no guarantee that Ofcom would monitor the levels of content in the removed genres. Without this monitoring, it would be “very difficult” to identify whether there had been a reduction and to rectify that.<sup>21</sup> The Shadow Minister put amendment 19 to a division. It was negatived by 9 votes to 7.<sup>22</sup>

### Public service content on linear services

**New clause 1** was moved by Stephanie Peacock. This would give Ofcom powers to measure the delivery of public service content on the linear services of PSBs and to set quotas if Ofcom considered the current level to be unsatisfactory.<sup>23</sup> When speaking to the new clause, the Shadow Minister noted that the BBC had recently replaced some of its local radio programming with an increase in online journalism which, she claimed, had been to the detriment of local communities.<sup>24</sup> Stephanie Peacock said this decision could be repeated in other areas as there was nothing to stop more services being “axed in favour of online services”. She warned that no co-ordinated effort had been made to ensure that the UK’s infrastructure was ready for a mass movement toward online broadcasting:

...That effort must be made before such a transition takes place. The consequences for the internet capacity that will be needed to cater for spikes, and the implications for national security in a world where TV and radio are no longer methods of communication between the Government and the public,

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<sup>18</sup> [PBC 5 December 2023 c20](#)

<sup>19</sup> [PBC 5 December 2023 c26](#)

<sup>20</sup> [PBC 5 December 2023 c26](#)

<sup>21</sup> [PBC 5 December 2023 c27](#)

<sup>22</sup> [PBC 5 December 2023 c28](#)

<sup>23</sup> [PBC 5 December 2023 c19](#)

<sup>24</sup> [PBC 5 December 2023 c22](#)

have not been thought through. As long as that remains the case, we must think of those for whom internet connection is not an option...<sup>25</sup>

In response, Sir John Whittingdale claimed the Bill already required Ofcom to report on how PSBs delivered the public service remit.<sup>26</sup> He also said the Government remained committed to digital terrestrial television to at least 2034, through the renewal of the multiplex licences.<sup>27</sup>

New clause 1 was negated on division by 9 votes to 5.<sup>28</sup>

### Children's access to public service content

**New clause 4** was moved by Stephanie Peacock. This would require a review to examine how to ensure children had access to public service content, given their viewing habits included using smartphones and social media rather than linear or on-demand television.<sup>29</sup>

When speaking to the new clause, the Shadow Minister noted that public service content was particularly important for children – it can, among other things, give them an understanding of where they live, promote wellbeing, provide forms of education to supplement learning at school, show a diverse range of role models, and encourage children to value culture and knowledge. However, this sort of content was under threat - access to new devices and platforms had “fundamentally changed” the children’s content landscape. At the same time, there had been a decline in the amount of children’s content produced that could genuinely be considered public service.<sup>30</sup> Stephanie Peacock claimed there was “almost nothing in the Bill” to show that declining viewership alongside declining content quality had been identified, and there were no meaningful measures to stop the problem escalating. The Shadow Minister said new clause 4 would mean that a review could consider “bigger questions than the Bill currently allows for”:

...For example, do we need to go to where the children are and broaden our concept of public service media for children, encouraging and promoting such content on the likes of Netflix, YouTube and TikTok? Do we need to learn the lessons from the ambition of the Online Safety Act 2023 and consider how algorithms serve content to young people, perhaps adjusting them to ensure that they promote diversity of thought rather than simply more of the same? Should we set targets for PSBs to hit a number of hours consumed rather than a number of hours produced when it comes to public service media for children?<sup>31</sup>

Sir John Whittingdale argued that the new clause was not needed because Ofcom had given a commitment to look at how the market was best serving

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<sup>25</sup> [PBC 5 December 2023 c22](#)

<sup>26</sup> [PBC 5 December 2023 c27](#)

<sup>27</sup> [PBC 5 December 2023 c32](#)

<sup>28</sup> [PBC 12 December 2023 c206](#)

<sup>29</sup> [PBC 12 December 2023 c207](#)

<sup>30</sup> [PBC 12 December 2023 cc207-8](#)

<sup>31</sup> [PBC 12 December 2023 c208](#)

the interests of children.<sup>32</sup> Stephanie Peacock replied that she was not sure that the Bill mandated Ofcom to do this.<sup>33</sup> She therefore put new clause 4 to a division. It was negatived by 8 votes to 4.<sup>34</sup>

### Gaelic language services

**New clause 5**, in the name of Stephanie Peacock, would require the Secretary of State, within six months of the passage of the Bill, to review whether a Gaelic language service should be given a PSB remit.<sup>35</sup> When speaking to the new clause, the Shadow Minister noted that language was a cornerstone of culture, “reflecting a way of life, values and heritage”. If languages such as Gaelic or Welsh were not “nurtured and passed down through the generations” rich cultures would be at risk of being lost.

Stephanie Peacock claimed that the Bill (and legislation more broadly) did not recognise Gaelic-language broadcasters in the way it did for S4C in the Welsh language - MG ALBA, for example, was not mentioned in the legislation at all. She also noted there could be a “cycle of reinforcement”:

...if having fewer Gaelic speakers means there is less provision for Gaelic programming, then less Gaelic programming may in turn mean there are fewer Gaelic speakers. Conversely, a boost for Gaelic broadcasting could be hugely beneficial to the language as a whole...<sup>36</sup>

**New clause 5** would enable an assessment to be made on whether giving a Gaelic language service a remit as a PSB might be suitable:

...That would be an opportunity to look at how we can ensure the statute catches up with events—BBC Alba did not even exist when the Communications Act 2003 was passed—and would reflect Parliament’s will for there to be an enduring television service in both Welsh and Gaelic. Further, it would provide a chance for Government, Parliament and Ofcom to view the Gaelic service as something to be acknowledged in reference to its own needs, benefits and missions, rather than only being considered as a small part of the wider BBC portfolio.<sup>37</sup>

Sir John Whittingdale replied that BBC Alba was a requirement as part of the [BBC’s Royal Charter](#). Its delivery would be considered during the Charter Review (to begin in 2025, with completion by 2027). The Minister also noted that the Government had recently brought together BBC and Scottish Government officials to discuss the co-ordination of funding decisions for Gaelic language broadcasting between the two organisations.<sup>38</sup>

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<sup>32</sup> [PBC 12 December 2023 c211](#)

<sup>33</sup> [PBC 12 December 2023 c212](#)

<sup>34</sup> [PBC 12 December 2023 c212](#)

<sup>35</sup> [PBC 5 December 2023 c6](#)

<sup>36</sup> [PBC 5 December 2023 c11](#)

<sup>37</sup> [PBC 5 December 2023 cc11-2](#)

<sup>38</sup> [PBC 5 December 2023 c13](#)

New clause 5 was negated on division by 7 votes to 4.<sup>39</sup>

## 2.2

## Public service television: listed events

**Clauses 20 to 25** of the Bill would amend the listed events regime<sup>40</sup> to ensure that qualifying services would have to be a PSB service and received free of charge.

In its second report on the draft Media Bill, the Culture, Media and Sport Committee said that digital rights should be included as part of the listed events regime to reflect “sweeping changes in how audiences consume content since the original legislation was passed”. It recommended that the Media Bill should include provisions to enable digital rights to be included in the regime without the need for further primary legislation.<sup>41</sup>

The Government’s [listed events digital rights review](#) ran from 15 November 2022 to 15 December 2022.<sup>42</sup> No detail on the outcome of the review has been published.

**New clause 2**, in the name of Stephanie Peacock, would enable the Secretary of State to amend the Broadcasting Act 1996, through regulations, to make provision for coverage of listed events which was not live coverage. The regulations would be subject to the draft affirmative procedure.<sup>43</sup>

When speaking to the new clause, Stephanie Peacock noted that significant sporting events were often global competitions that could take place when it was night-time in the UK. A live broadcast of the event would be of limited value to UK citizens. However, the next day, digital and on-demand clips “could be immensely popular, as they would allow UK audiences to experience the moments they missed”. As an example, the Shadow Minister said that when Charlotte Worthington won gold at Tokyo in 2020, 400,000 people watched in the middle of the night, but in the following days, different forms of short-form coverage of the event had over 3.4 million views. If there was no change to the listed events regime, the BBC could lose access to those digital and on-demand rights. This would mean that “national moments of

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<sup>39</sup> [PBC 12 December 2023 c212](#)

<sup>40</sup> [Part IV of the Broadcasting Act 1996](#) gives the Secretary of State the power to draw up a list of sporting events of national interest. The aim is “to make sure that key sporting events are made available to all television viewers, particularly those who cannot afford the extra cost of subscription television”.

<sup>41</sup> Culture, Media and Sport Committee, [Draft Media Bill: Final Report](#) (PDF)[online], HC 1807, September 2023, para 47 (accessed 19 January 2024)

<sup>42</sup> Department for Culture, Media and Sport, [Listed Events: Digital Rights Review](#) [online], November 2022 (accessed 19 January 2024)

<sup>43</sup> [PBC 5 December 2023 c59](#)

pride could become restricted and hidden behind paywalls” and this would “go against the entire objective of the listed events regime”.<sup>44</sup>

Stephanie Peacock said it was “extremely disappointing” that no attempt had been made to include digital rights in the Bill. This was needed future-proof the listed events regime – “if we want to ensure that sporting events of national importance are available for people to view for free in years to come, the regime should be extended to reflect the new ways that people consume content, including online”.<sup>45</sup> New clause 2 would enable changes to be made to digital rights in the future through secondary legislation.

Sir John Whittingdale said he could not accept new clause 2. This was because it would give “quite a broad power” that could lead to uncertainty for broadcasters and rights holders when they were negotiating deals, given that the Government had not yet said whether the listed events regime would be extended to digital rights. That is actively under consideration.<sup>46</sup> The Government hoped to publish the results of its digital rights review “very soon”.<sup>47</sup>

New clause 2 was negated on division by 9 votes to 5.<sup>48</sup>

## 2.3

## Prominence on television selection services

**Part 2** of the Bill would make provision about prominence on television selection services.

**Clause 28** would insert a new Part 3A into the 2003 Act to create the framework for a new online prominence regime and its administration and enforcement by Ofcom. **New section 362AF** sets out how a “regulated television selection service” would be designated as in scope of regulation by the Secretary of State, through regulations subject to the negative procedure, after recommendations from Ofcom (under new section 362AG)

Stephanie Peacock moved **amendment 21**. This would make the Secretary of State’s power to designate regulated television selection services subject to the affirmative procedure.<sup>49</sup> The Shadow Minister said this was needed to ensure that parliamentary scrutiny was not bypassed.<sup>50</sup>

In response, Sir John Whittingdale said the Government did not agree that the affirmative procedure was appropriate. He pointed out that the power did not

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<sup>44</sup> [PBC 5 December 2023 c62](#)

<sup>45</sup> [PBC 5 December 2023 c61](#)

<sup>46</sup> [PBC 5 December 2023 c64](#)

<sup>47</sup> [PBC 5 December 2023 c64](#)

<sup>48</sup> [PBC 12 December 2023 c206](#)

<sup>49</sup> [PBC 7 December 2023 c85](#)

<sup>50</sup> [PBC 7 December 2023 c90](#)

amend primary legislation.<sup>51</sup> It only specified which television selection services would be captured by the new prominence framework. The Minister also said the Bill already contained “sufficient detail” to indicate the types of television selection services that could fall within the scope of the regulations.<sup>52</sup>

Stephanie Peacock disagreed with the Minister and put amendment 21 to a division. It was negated by 10 votes to 7.<sup>53</sup>

## 2.4

## Regulation of radio selection services

**Part 6** of the Bill would create a new regulatory regime for the provision of relevant radio internet services through voice activated smart devices (“radio selection services”). Methods for achieving compliance with this regime would be set out in a code of practice prepared by Ofcom. Ofcom would also have enforcement powers.

**Clause 48** would insert a new Part 3B (“Regulation of Radio Selection Services”) after section 362AZ12 of the 2003 Act. This would introduce a new category of designated radio selection services.

### Designating a radio selection service

New **section 362BB** of the 2003 Act would set out how a “designated radio selection service” would be designated as in scope of the Bill’s provisions. The Secretary of State would be able to designate a service if the level of use to listen to internet radio was significant; they had received a report from Ofcom; and a consultation had been conducted. Regulations made under **new section 362BB(1)** would be subject to the negative procedure.

When **clause 48** was debated, Stephanie Peacock moved **amendment 32** to subject regulations made under the **new section 362BB(1)** of the 2003 Act to the affirmative procedure. She said it was understandable that the Bill did not “determine...which radio selection services will be regulated”. This would ensure that the list could be informed by Ofcom’s recommendations and amended in future to “fit the needs of the regime”. However, she argued that there should be “appropriate safeguards, and avenues for Parliamentary scrutiny”.<sup>54</sup>

Sir John Whittingdale resisted the amendment. He said the affirmative procedure would not be appropriate “given that the exercise of this power relates to decisions affecting one or more companies”.<sup>55</sup> He also set out the framework for designation in the Bill, and the requirements the Secretary of

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<sup>51</sup> [PBC 7 December 2023 c93](#)

<sup>52</sup> [PBC 7 December 2023 c93](#)

<sup>53</sup> [PBC 7 December 2023 c102](#)

<sup>54</sup> [PBC 12 December 2023 c166](#)

<sup>55</sup> [PBC 12 December 2023 c167](#)

State would have to fulfil before coming to a decision on the designation of a given platform.

Amendment 32 was negated on division by 8 votes to 5.

### Internet radio services

**New section 362BF** would set out the definition of an “internet radio service”: a service, or a dissociable section of a service, consisting of sound programmes (together with any ancillary services) which was made available for reception by members of the public over the internet.

When clause 48 was debated, Kirsty Blackman (SNP) moved **amendment 45**. This would expand the scope of “internet radio service” to include on-demand and internet only content provided by the BBC or Ofcom-licensed radio stations. She said there were “some issues with the [Bill’s] definition, given the changing nature of radio and listening”. Specifically, people listening to on demand and internet radio, and the possible time lag between internet or digital radio broadcasting, and broadcasting on analogue services. She said there was “asymmetry between on-demand services” within the Bill as on-demand radio services were not in scope, but on-demand television services were.<sup>56</sup>

Stephanie Peacock spoke specifically about the exclusion of podcast services from the Bill. She said that it was “somewhat counterintuitive” that the Bill “tries to protect the future of radio” but does not reference (in the form of podcasts) “one of the fastest growing ways of listening to audio.”<sup>57</sup>

Kirsty Blackman also sought clarity from the Minister as to the meaning of “at the same time” in the Bill. That is, if services would still be in scope if there was a time lag between a provider’s internet radio service and its analogue/digital radio service.<sup>58</sup>

Andy Carter (Conservative) raised similar concerns about what is called “split content”. This is when radio stations insert different advertisements into their services. For example, “local” adverts on FM and “national adverts on its internet streaming programme”. He said this could lead to “two very different programmes going out for two or three minutes”, and that this is “somewhere where there is slight confusion”.<sup>59</sup>

Sir John Whittingdale resisted the amendment. He said the purpose of the Bill was to “extend the regulatory regime to cover live radio”, rather than on-demand or internet only content. He also said the Government was “happy to keep the matter under review”, and that the Bill enabled the relevant definitions to be amended.<sup>60</sup>

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<sup>56</sup> [PBC 12 December 2023 cc169-173](#)

<sup>57</sup> [PBC 12 December 2023 c170](#)

<sup>58</sup> [PBC 12 December 2023 c169](#)

<sup>59</sup> [PBC 12 December 2023 c171](#)

<sup>60</sup> [PBC 12 December 2023 c172](#)

Regarding possible time lags or differences in content, he said it was not the Government's "intention for stations to fall out of scope of the protections because of very small discrepancies." Ofcom would be expected to interpret the provision accordingly.<sup>61</sup>

Amendment 45 was negated on division by 9 votes to 6.<sup>62</sup>

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<sup>61</sup> [PBC 12 December 2023 c172](#)

<sup>62</sup> [PBC 12 December 2023 c176](#)



## 3 Commons report stage

The Bill had its [report stage on 30 January 2024](#). The Government made minor and technical amendments to the Bill. No other amendments were agreed. There were divisions on non-Government amendments and new clauses in the following areas.

### 3.1 Gaelic language services

**New clause 13**, in the name of Thangam Debbonaire, would have required the Secretary of State to review, within six months of the passing of the Bill, “whether a Gaelic language service should be given a public service broadcast remit”. The Shadow Secretary of State noted that this issue had been raised in Committee by Stephanie Peacock.<sup>63</sup> Thangam Debbonaire explained the need for the new clause:

...BBC Alba, the Gaelic language television service provided by MG Alba and the BBC, is a huge asset, providing a wide range of high quality programming for Gaelic speakers to enjoy and sustaining around 340 jobs, half of which are in economically fragile areas. However, despite apparent cross-party support for the service, Gaelic language broadcasting is still not recognised in legislation across the board in the same way as other minority language services are. That is not to say that Gaelic language broadcasting can be directly compared to Welsh broadcasting, for example, but it is an acknowledgment of the importance of language to our cultural life. Language is a daily expression of our history, and Gaelic language broadcasting is an important forum for that expression. It should therefore be considered for recognition in law.<sup>64</sup>

Julia Lopez, Minister for Media, Tourism and the Creative Industries said the Bill contained provisions to encourage PSBs to broadcast programmes in indigenous, regional and minority languages, such as Gaelic, by including them in the new PSB remit for television. She also said the ongoing provision of Gaelic would be a key consideration of the BBC funding review and the forthcoming BBC Charter review.<sup>65</sup>

New clause 13 was negatived by 294 votes to 194.<sup>66</sup>

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<sup>63</sup> [HC Deb 30 January 2024 c766](#)

<sup>64</sup> [HC Deb 30 January 2024 c766](#)

<sup>65</sup> [HC Deb 30 January 2024 c801](#)

<sup>66</sup> [HC Deb 30 January 2024 cc803-6](#)

## 3.2

# Public service television: listed events

**New clause 16**, tabled by Gavin Newlands (SNP), would have made it compulsory for the Secretary of State to place all current Group A listed events, plus the home nations football World Cup and Euro qualifiers, into Group A. This would ensure the events would be available on free to air television in their entirety.<sup>67</sup>

When speaking to the new clause, Gavin Newlands noted, among other things, that viewing a sport was “likely to drive up participation rates”.<sup>68</sup> On football coverage, he said the current system was “short-changing fans in Scotland” and this was “very unlikely to change without amending legislation”:

...Football fans in England enjoy free-to-air coverage of their national team via the current deal with Channel 4 and the forthcoming deal with ITV. Viewers in Wales enjoy free-to-air coverage of their national team thanks to S4C’s sub-licensed Welsh language coverage, and viewers in Northern Ireland get free coverage of the Republic of Ireland via RTÉ broadcasts—while many in Northern Ireland welcome that, I appreciate that, for others, it is akin to having England games broadcast in Scotland on Channel 4 and STV. Scottish fans, though, are left with the prospect of paying subscription providers to see their team in action...<sup>69</sup>

**Amendment 88**, tabled by Jamie Stone, would have required the Secretary of State to revise Group A listed events to add:

- at least one cricket test match each year between the months of May and September.
- at least one cricket One Day International match each year between the months of May and September.

When speaking to his amendment, Jamie Stone referred to the “shared cultural moment” of major sporting events, including test matches, and said these should be available for everyone to watch on free-to-air television.<sup>70</sup> He also argued that getting people to watch sports through the listed events regime could lead to them taking part themselves.<sup>71</sup>

Julia Lopez replied that the Government was keen to make sure that major sporting events were “publicly available as widely as possible”, but that the listed events regime was a “balancing act” - sports rights holders used income from the sale of rights to benefit the wider sporting sector and many sports didn’t want the regime to be opened up.<sup>72</sup> The Minister also said it was

<sup>67</sup> [HC Deb 30 January 2024 c740](#)

<sup>68</sup> [HC Deb 30 January 2024 c786](#)

<sup>69</sup> [HC Deb 30 January 2024 c786](#)

<sup>70</sup> [HC Deb 30 January 2024 c760](#)

<sup>71</sup> [HC Deb 30 January 2024 c786](#)

<sup>72</sup> [HC Deb 30 January 2024 cc801-2](#)

for the Scottish Government “not only to make a recommendation to us if they want to expand that [the regime], but to have the discussions with Scottish sporting bodies as to whether that is actually something they want”.<sup>73</sup>

New clause 16 was negated by 295 votes to 193.<sup>74</sup>

Amendment 88 was negated by 288 votes to 20.<sup>75</sup>

## 3.3 Press regulation

[Section 40 of the Crime and Courts Act 2013](#) (the 2013 Act) has not been brought into force. If commenced, it would make it easier for the public to challenge alleged illegality by news publishers who chose not to subscribe to an approved regulator because it could mean publishers having to pay both sides’ legal costs, whether they won or lost a case.<sup>76</sup> Clause 50 of the Bill would repeal section 40.

**Amendment 2**, tabled by George Eustice (Conservative), would have amended clause 50 to allow the Secretary of State to commence section 40(2) of the 2013 Act. George Eustice claimed this would “put in place a more precise cut to deliver the Government’s objectives”. He argued that section 40 contained a carrot (subsection 2) and a stick (subsection 3):

...Section 40 of the Crime and Courts Act 2013 had two parts. The first part—subsection (2)—created an incentive for publishers to join because it gave them protection against those with deep pockets. There was a carrot and a stick in section 40. The carrot was that if, for the sake of argument, a Russian oligarch threatened a publisher and said, “We’re going to get Carter-Ruck to write expensive letters to you. We will see you in court if you publish this,” that publisher would have had protection because they would have been able to say to the rich and powerful, “We have confidence in our story and are going to run it, and if you don’t like the story, we will see you in arbitration; we won’t see you in court. If you insist on taking us to court and bypassing that arbitration, you will pay the publisher’s costs as well as your own.”

That was the carrot—the bit that the press never objected to. No one ever raised an objection to that...<sup>77</sup>

George Eustice said that while the press didn’t object to subsection (2), it did object to subsection (3):

...The stick basically said that publishers who do not join a recognised regulator have more cost exposure to ordinary citizens who have had their lives and privacy violated and have no redress other than to bring legal action. The

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<sup>73</sup> [HC Deb 30 January 2024 c802](#)

<sup>74</sup> [HC Deb 30 January 2024 cc808-10](#)

<sup>75</sup> [HC Deb 30 January 2024 cc815-16](#)

<sup>76</sup> For further background, see section 12 of the Library Briefing, [Media Bill](#), CBP 9885, 17 November 2023

<sup>77</sup> [HC Deb 30 January 2024 cc748-9](#)

press never objected to the carrot; they only ever objected to the stick. Because they are a glass-half-empty type of industry, they of course tended to focus on the bit they did not like rather than the bit they did like, and they lobbied furiously to have that part of section 40 removed.

Then we come to the 2017 Conservative manifesto—let us be honest: it was not the best manifesto the party has ever drafted. Probably due to a drafting error, that manifesto pledged not just to remove subsection (3) of subsection 40, which was all that was required and which would have delivered the spirit of that manifesto commitment, but committed to remove the entirety of section 40, which was completely unnecessary.<sup>78</sup>

According to George Eustice, his amendment would “remove the stick but retain the carrot. It would remove subsection (3) of section 40. In that, it would deliver everything the press have ever wanted, and therefore also satisfy the Government’s intentions”.<sup>79</sup>

Thangam Debbonaire said Labour wanted a press regulated in a way that made it “accountable for its reporting and that meets the highest ethical and journalistic standards”. She said Labour would support amendment 2 because “by removing some of the sticks...[it] would incentivise more publishers to join up with an approved regulator”.<sup>80</sup>

For the Government, Julia Lopez responded that, among other things, some smaller publishers did not want to be part of a regulator.<sup>81</sup>

Amendment 2 was negated by 284 votes to 195.<sup>82</sup>

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<sup>78</sup> [HC Deb 30 January 2024 c749](#)

<sup>79</sup> [HC Deb 30 January 2024 c749](#)

<sup>80</sup> [HC Deb 30 January 2024 c767](#)

<sup>81</sup> [HC Deb 30 January 2024 c799](#)

<sup>82</sup> [HC Deb 30 January 2024 cc820-2](#)

## 4

# Commons third reading

The Bill [had its third reading on 30 January 2024](#). Julia Lopez welcomed the cross-party support the Bill had received.<sup>83</sup> She said the legislation, once in force, would support industry and Ofcom in a “new era for broadcasting”.<sup>84</sup> Thangam Debbonaire also praised the collaborative approach that had been taken during the Bill’s stages. However, she noted that section 40 had “been difficult for many people”. She said an opportunity had been missed at report stage for a “more nuanced version” of the repeal of section 40 and was disappointed that amendment 2 was unsuccessful. Thangam Debbonaire said Labour would not stand in the way of the repeal of section 40 when the Bill went to the House of Lords.<sup>85</sup>

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<sup>83</sup> [HC Deb 30 January 2024 c825](#)

<sup>84</sup> [HC Deb 30 January 2024 c826](#)

<sup>85</sup> [HC Deb 30 January 2024 c826](#)

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# 5

## Lords second reading

The Bill - [HL Bill 44 \(PDF\)](#) - was introduced in the House of Lords on 31 January 2024. It had its [second reading on 28 February 2024](#) where it received cross-party support. However, given the proposed bid by RedBird IMI to take over the Telegraph Media Group<sup>86</sup>, concerns were raised about foreign Governments (in this case the UAE Government) being able to own British newspapers, something that the Bill doesn't address.<sup>87</sup> For the Government, Lord Parkinson of Whitley Bay said that press ownership was beyond the scope of the Bill, but that the Government was taking the issue seriously:

...Under the Enterprise Act 2002, the Secretary of State has powers to intervene in media mergers on certain public interest grounds, including where there are concerns about media freedom and freedom of expression. The Government also already have tough powers, including through the National Security and Investment Act 2021, to address foreign interference and to scrutinise—and, if necessary, intervene in—acquisitions on grounds of national security. The Bill before us has only one clause pertaining to the press: the repeal of Section 40, which I have just mentioned. It is concerned with the removal of burdensome obligations on news media outlets and not press ownership, which is beyond the scope of the Bill. As my noble friend will be aware, there are ongoing discussions and amendments to the Digital Markets, Competition and Consumers Bill on this issue.<sup>88</sup>

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<sup>86</sup> GOV.UK, [Anticipated acquisition of Telegraph Media Group by RedBird IMI](#) (accessed 1 March 2024)

<sup>87</sup> See, for example, Lord Forsyth of Drumlean (Con) at [HL Deb 28 February 2024 cc1056-8, 1126](#); Baroness Stowell of Beeston (Con) at col 1063; Lord Inglewood (Non-Aff) at col 1095; Lord Watts (Lab) at col 1105.

<sup>88</sup> [HL Deb 28 February 2024 c1050](#)

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