



HL Bill 44 of 2023–24

## Media Bill

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The House of Lords is due to debate the [Media Bill](#) at second reading on 28 February 2024.

The bill would update the regulatory framework governing public service broadcasting, on-demand programme services and commercial radio in the UK. It would do so principally by amending the Broadcasting Act 1990, the Broadcasting Act 1996 and the Communications Act 2003. The government has indicated that many of the proposed changes are to take account of technological developments, changes in viewing habits and other developments in the media landscape over the more than 20 years since the 2003 act became law.

The bill would also repeal section 40 of the Crime and Courts Act 2013 relating to the regulation of news publishers, which has not yet been commenced. Repeal of this provision was a Conservative manifesto commitment at the 2019 general election.

The bill overall received cross-party support in the House of Commons. A series of technical government amendments were made at both committee and report stage. Divisions took place on opposition amendments and proposed new clauses at both stages, although all were defeated.

The bill comprises 56 clauses, organised in seven parts, with 12 schedules. The government has published [explanatory notes](#), a [delegated powers memorandum](#), a [human rights memorandum](#) and a [series of other documents](#) alongside the bill, including a number of impact assessments on different elements of the proposed legislation.

Broadcasting and internet services policy are reserved matters and the bill would apply UK-wide, except for the repeal of section 40 of the 2013 act which would only apply to England and Wales.





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## I. What is the background to the bill?

The Communications Act 2003 was the last major update to the legislative framework for broadcasting in the UK.<sup>1</sup> The broadcasting landscape has changed dramatically over the past 20 years, with technological changes in particular facilitating a shift from viewers watching television programmes at the time they are broadcast (known as ‘linear viewing’) to watching programmes on demand. In addition, more people are now listening to digital radio services using devices such as smart speakers. A number of reports in recent years have called for the legislative framework for broadcasting to be updated for the current digital media age.

### I.1 Reports on the future of public service broadcasting

The UK’s public service broadcasters (PSBs) are the BBC, Channel 3 licence holders (ITV in England and Wales, STV in Scotland and UTV in Northern Ireland), Channel 4, the Welsh language service S4C (Sianel Pedwar Cymru), and Channel 5. Between 2019 and 2021, several parliamentary committee reports, government reviews and reports from the sector regulator Ofcom focused on the future of public service broadcasting (PSB) in the context of technological change and shifting viewing habits. Selected reports are summarised below.

#### I.1.1 House of Lords Communications and Digital Committee report on PSB

The House of Lords Communications and Digital Committee launched an inquiry into PSB and video on demand (VoD) services in March 2019.<sup>2</sup> In a report entitled ‘Public service broadcasting: As vital as ever’, published in November 2019, the committee concluded that PSB remained “essential to the UK media and losing it would leave UK society and democracy worse off”.<sup>3</sup> The committee made a number of recommendations, including calling for PSBs to be supported to remain financially viable in an era of “unprecedented competition” from VoD services such as Netflix and Amazon Prime Video.<sup>4</sup> It also endorsed

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<sup>1</sup> House of Commons Library, [‘Media Bill’](#), 17 November 2023, p 8.

<sup>2</sup> House of Lords Communications and Digital Committee, [‘New inquiry: Public service broadcasting and video on demand’](#), 12 March 2019.

<sup>3</sup> House of Lords Communications and Digital Committee, [‘Public service broadcasting: As vital as ever’](#), 5 November 2019, HL Paper 16 of session 2019, pp 16 and 64.

<sup>4</sup> House of Lords Communications and Digital Committee, [‘Public service broadcasters are essential and need to be supported, says Lords committee’](#), 5 November 2019.



a recommendation from Ofcom in a July 2019 statutory review on PSB prominence for new legislation to keep PSB content prominent on both linear and on-demand services.<sup>5</sup>

The committee published the government's response in February 2020.<sup>6</sup> This said the government shared the committee's view about the importance of PSB and its continued relevance in the age of VoD services. It also said that "in a changing media landscape [...] legislation and regulation will need to evolve to ensure a regulatory framework which is fit for purpose". The government added that it had committed to act on Ofcom's prominence recommendations and was "exploring the potential for legislation" to effect any changes.

### **I.1.2 House of Commons Digital, Culture, Media and Sport Committee report on the future of PSB**

The House of Commons Digital, Culture, Media and Sport Committee launched an inquiry into the future of PSB in March 2020.<sup>7</sup> Publishing its report in March 2021, the committee described the Communications Act 2003 as "no longer fit for purpose".<sup>8</sup> It said new primary legislation was "urgently needed" to replace the 2003 act. In particular, it said any new legislation "needs to update the rules around prominence to ensure that the PSB compact is sustainable within the new, increasingly internet-based audio-visual landscape".

Amongst other recommendations, the committee said that the "way in which platforms operate in the UK needs to be addressed". It explained that "increasingly, PSBs are having to distribute content on third party platforms (such as social media) in order to reach younger audiences". It argued the government should consider "whether the dominance of online platforms gives them undue influence over the distribution of, and access to, PSB content".

The committee also said the government had been "too slow to act on Ofcom's 2019 recommendations to update prominence legislation" and called for new media legislation to be enacted "before the end of 2022". It added that this should also ensure PSB content

<sup>5</sup> House of Lords Communications and Digital Committee, '[Public service broadcasting: As vital as ever](#)', 5 November 2019, HL Paper 16 of session 2019, pp 60 and 68. See also: Ofcom, '[Review of prominence for public service broadcasting](#)', updated 4 July 2019.

<sup>6</sup> House of Lords Communications and Digital Committee, '[Public service broadcasting: As vital as ever—government response](#)', 18 February 2020.

<sup>7</sup> House of Commons Digital, Culture, Media and Sport Committee, '[DCMS Committee launches inquiry into the future of public service broadcasting](#)', 27 March 2020.

<sup>8</sup> House of Commons Digital, Culture, Media and Sport Committee, '[The future of public service broadcasting](#)', 25 March 2021, HC 156 of session 2019–21, p 3. See also: '[Committee publish report on the future of public service broadcasting](#)', 25 March 2021.



hosted on other streaming services “should be clearly labelled as such and branded with the logo of the PSB from which the content originated”, and that streaming services should be required to share viewing data with Ofcom and PSBs to “enable full analysis of PSB reach”.

The committee published the government’s response to its report in June 2021.<sup>9</sup> The government said it was “supportive of a modern system of public service broadcasting that is dynamic, relevant and can continue to meet the needs of UK audiences in the future”. The government added that its strategic review of PSB, advice from an advisory panel and an ongoing Ofcom periodic review of PSB would inform its next steps. However, the response said that in the meantime the government remained “committed to legislating to implement Ofcom’s recommendations on prominence” and would “consider whether further legislation is necessary”.

The committee later published Ofcom’s response to its report.<sup>10</sup> This referenced Ofcom’s recent reports on the future of PSB, which, overall, had found that PSB had “never been more vital to UK audiences and the creative economy, and that urgent legislative reform is needed to make it fit for purpose in the digital age”.

### **1.1.3 Ofcom reports on the future of PSB**

Ofcom, the UK’s communications regulator, has published a series of material on PSB in recent years.<sup>11</sup> This included a five-year review on how PSB had delivered for UK audiences between 2014 and 2018, published in February 2020.<sup>12</sup> The review said that as technology and viewing habits continued to change at pace, the UK needed a regulatory approach that was “flexible and able to respond to future challenges”. It also noted Ofcom had “already made recommendations to government on creating new prominence rules for PSB on-demand”.

Ofcom published a consultation on the future of public service media in December 2020.<sup>13</sup> This said there was “now an urgent need for a new framework to support an effective

<sup>9</sup> House of Commons Digital, Culture, Media and Sport Committee, [‘The future of public service broadcasting: Government response’](#), 17 June 2021, HC 273 of session 2019–21.

<sup>10</sup> House of Commons Digital, Culture, Media and Sport Committee, [‘The future of public service broadcasting: Ofcom response’](#), 3 November 2021, HC 832 of session 2019–21.

<sup>11</sup> See, for example: Ofcom, [‘Research and reports’](#), accessed 5 February 2024.

<sup>12</sup> Ofcom, [‘Small screen: Big debate—a five-year review of public service broadcasting \(2014–18\)’](#), 27 February 2020. The report formed part of Ofcom’s ‘Small screen: Big debate’ project. See: [‘What is small screen: Big debate?’](#) and [‘Research and reports’](#), accessed 5 February 2024.

<sup>13</sup> Ofcom, [‘Small screen: Big debate—Consultation on the future of public service media’](#), 8 December 2020.



transition to public service media (PSM), straddling online and broadcast TV”. Ofcom said this new framework would “need to be established by primary legislation” and be “flexible to stay effective and relevant in a world where the way in which PSBs deliver content, and the technology viewers use to view it, will change”. It recommended that any new framework “should be designed so it can adapt to these future changes”. The document also highlighted Ofcom’s earlier July 2019 recommendation for “new legislation to keep PSM content prominent in an online world”. It said that “recent conversations with industry have highlighted this remains an urgent priority for PSBs”. A wide variety of media bodies responded on the consultation.<sup>14</sup>

Ofcom published final recommendations on the future of PSM in July 2021.<sup>15</sup> Drawing on the earlier consultation exercise, the final report said that the legislation governing broadcasting needed to be “overhauled for the digital age”. Ofcom then made several recommendations to the government regarding legislative framework changes:

Our first recommendation to government is that there should be a revised set of PSM objectives, supporting the transition from public service broadcasting to public service media [...]

Second, we are repeating our urgent call for legislation to secure prominence for live and on-demand public service content across all major TV services and platforms [...]

Our third recommendation is that the government modernises legislation so the same requirements supporting independent productions apply to all broadcast TV and online PSM content.

## 1.2 Government reviews, consultations and white paper on broadcasting

In November 2020 the then Department for Digital, Culture, Media and Sport announced a strategic review of broadcasting in the UK.<sup>16</sup>

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<sup>14</sup> Ofcom, ‘[Recommendations to government on the future of public service media](#)’, 15 July 2021. See ‘Consultation responses’.

<sup>15</sup> Ofcom, ‘[Small screen: Big debate—Recommendations to government on the future of public service media](#)’, 15 July 2021.

<sup>16</sup> [Explanatory notes](#), p 6. The department was renamed the Department for Culture, Media and Sport in 2023.



The department appointed an advisory panel on PSB to assist in this review, publishing terms of reference for the panel at the same time.<sup>17</sup> It later said advice from the expert panel would form “one element” of its strategic review.<sup>18</sup>

In June 2021 the government announced its intention to “publish a broadcasting white paper in the autumn”.<sup>19</sup> It said it would launch two consultations to inform the white paper:

- **On the future of Channel 4:** the government published a consultation on changing the ownership of the Channel 4 Television Corporation from being publicly to privately owned on 6 July 2021.<sup>20</sup>
- **Regulating VoD services:** the government published a consultation on audience protection standards on VoD services in August 2021.<sup>21</sup>

The government added the responses to these would “feed into” its wider review of PSBs.<sup>22</sup>

The government published its broadcasting white paper, entitled ‘Up next: The government’s vision for the broadcasting sector’, on 28 April 2022.<sup>23</sup> It published responses to the two earlier consultations on the same date, as well as its response to a digital radio and audio review it had commissioned in February 2020 and which had reported in October 2021.<sup>24</sup>

The white paper included proposals covering television, online and radio broadcasting. As well as proposals to privatise Channel 4, the document contained plans to update the

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<sup>17</sup> Department for Digital, Culture, Media and Sport, ‘[Public Service Broadcasting Advisory Panel](#)’, 10 November 2020; and ‘[Public Service Broadcasting Advisory Panel: Terms of reference](#)’, 10 November 2020. The panel included Baroness Bertin (Conservative) and Lord Grade of Yarmouth (then Conservative and non-affiliated since 1 May 2022) among other individuals.

<sup>18</sup> House of Commons, ‘[Written question: Public service broadcasting: Children \(148372\)](#)’, 20 April 2022.

<sup>19</sup> House of Commons, ‘[Written statement: Broadcasting policy \(HCWS113\)](#)’, 23 June 2021.

<sup>20</sup> Department for Digital, Culture, Media and Sport, ‘[Consultation on a change of ownership of Channel 4 Television Corporation](#)’, updated 18 July 2022.

<sup>21</sup> Department for Digital, Culture, Media and Sport, ‘[Audience protection standards on video-on-demand services](#)’, updated 28 April 2022.

<sup>22</sup> Department for Digital, Culture, Media and Sport, ‘[New plans to boost Britain’s broadcasters and protect viewers on video-on-demand channels](#)’, 23 June 2021.

<sup>23</sup> Department for Digital, Culture, Media and Sport, ‘[Up next: The government’s vision for the broadcasting sector](#)’, 28 April 2022, CP 671.

<sup>24</sup> Department for Digital, Culture, Media and Sport, ‘[Digital radio and audio review](#)’, updated 28 April 2022; and ‘[Government announces details of new review to protect the future of radio](#)’, 27 February 2020.



legislative and regulatory framework for broadcasting. These included:<sup>25</sup>

- giving PSBs greater flexibility in how they deliver their remits
- introducing a new prominence regime for on-demand television
- bringing larger TV-like VoD providers that are not currently regulated in the UK but who target and profit from UK audiences under Ofcom jurisdiction
- working with Ofcom to develop legislative proposals to address the divergence in provision of access services between broadcast and on-demand services
- looking at making qualification for the listed events regime a benefit specific to PSBs
- making the importance of programmes broadcast in the UK's indigenous regional and minority languages clear in legislation
- updating S4C's public service remit to include digital and online services
- engaging further with the radio industry and gaining a deeper understanding of smart speaker platforms to ensure radio could continue to reach listeners

In the accompanying response to the digital radio and audio review, the government said it agreed that a case had been made for “new regulation to protect radio’s long term position in the context of the rapid growth in usage of smart speakers and other connected devices”.<sup>26</sup> It also agreed that legislation was needed to “update the regulatory framework for commercial radio”.

On 5 January 2023 the government announced that it would no longer pursue the privatisation of Channel 4.<sup>27</sup> It had instead “agreed reforms to help Channel 4 grow and better compete in the age of streaming giants”. The government also intended to allow Channel 4 the “flexibility to make some of its own content” and would legislate to apply a “new statutory duty on its board members to protect the broadcaster’s long-term financial sustainability”. On 8 November 2023 the government provided an update on the measures it was pursuing in relation to Channel 4. It confirmed its legislative plans included a new

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<sup>25</sup> Department for Digital, Culture, Media and Sport, ‘[Up next: The government’s vision for the broadcasting sector](#)’, 28 April 2022, CP 671, pp 6–9.

<sup>26</sup> Department for Digital, Culture, Media and Sport, ‘[Government response to the digital radio and audio review](#)’, 28 April 2022.

<sup>27</sup> Department for Digital, Culture, Media and Sport, ‘[Channel 4 to remain publicly owned with reforms to boost its sustainability and commercial freedom](#)’, 5 January 2023. See also: House of Commons, ‘[Written statement: The future of Channel 4 \(HCWS476\)](#)’, 9 January 2023.





statutory duty for Channel 4 to consider its long-term sustainability alongside delivering its PSB remit.<sup>28</sup>

### 1.3 Press regulation

The Conservative Party manifesto for the 2019 general election committed the government to repealing section 40 of the Crime and Courts Act 2013.<sup>29</sup> This would be to “support free speech”, mirroring a similar proposal in the Conservatives’ 2017 general election manifesto.<sup>30</sup>

Section 40 of the 2013 act followed part I of the Leveson inquiry into the culture, practices and ethics of the press.<sup>31</sup> It was part of a package of measures aimed at providing financial incentives for newspaper publishers to join an approved regulator.<sup>32</sup> The section, if brought into force, would have provided for costs in litigation to be awarded against publishers which were not members of a recognised regulator whether they won or lost a case. The section has not been commenced.

In November 2016 the government launched a consultation on whether to commence section 40.<sup>33</sup> It responded in November 2018, saying it believed section 40 was “no longer necessary”.<sup>34</sup> The government said it would “find a legislative vehicle to repeal section 40 [...] at the first appropriate opportunity, without commencing it first”.

### 1.4 Draft bill and pre-legislative scrutiny

Government briefing notes published alongside the 2022 Queen’s Speech contained details of a proposed media bill.<sup>35</sup> However, a government bill was not introduced in the 2022–23 session. Instead, on 29 March 2023 the government published a draft bill.<sup>36</sup> This was

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<sup>28</sup> House of Commons, ‘[Written statement: Broadcasting update \(HCWS14\)](#)’, 8 November 2023.

<sup>29</sup> Conservative Party, ‘[Conservative Party manifesto 2019](#)’, November 2019, p 48.

<sup>30</sup> Conservative Party, ‘[Conservative Party manifesto 2017](#)’, May 2017, p 80.

<sup>31</sup> For further background, see: House of Commons Library, ‘[Media Bill](#)’, 17 November 2023, pp 96–8.

<sup>32</sup> For further information, see: House of Commons Library, ‘[Press regulation after Leveson](#)’, 27 July 2018.

<sup>33</sup> [Explanatory notes](#), p 6. See also: Department for Digital, Culture, Media and Sport, ‘[Consultation on the Leveson inquiry and its implementation](#)’, 1 November 2016.

<sup>34</sup> Department for Digital, Culture, Media and Sport, ‘[Consultation on the Leveson inquiry and its implementation: Government response](#)’, 1 March 2018, p 9.

<sup>35</sup> Prime Minister’s Office, ‘[Queen’s Speech 2022: Background briefing notes](#)’, 10 May 2022, pp 41–2.

<sup>36</sup> Department for Culture, Media and Sport, ‘[Draft Media Bill](#)’, updated 29 June 2023.



accompanied by draft explanatory notes, a draft delegated powers memorandum and a series of draft impact assessments.

The government said the draft bill sought to deliver on the legislative commitments made in its April 2022 broadcasting white paper. The draft explanatory notes noted that the bill, organised in seven parts, aimed to “reform the legal framework for the regulation of public service broadcasting, make changes to on-demand programme service regulation in the UK and make changes to the legal framework for the regulation of radio”.<sup>37</sup>

In a written ministerial statement announcing the draft bill’s publication, the government said it was publishing the bill in draft form to “facilitate a period of technical engagement with industry prior to introduction”.<sup>38</sup> The statement explained the bill would:

- deliver a new public service remit for TV while making sure PSBs continued to service audiences across the UK with universally available, high-quality programming
- make sure public service broadcast content was always carried and easy to find for UK audiences on connected devices and major online platforms, including on smart TVs, set-top boxes and streaming sticks
- introduce a sustainability duty on the Channel Four Television Corporation (C4C) and remove the existing publisher-broadcaster restriction on C4C so it had a greater ability to produce and monetise its own content
- update the public service remit of S4C, the Welsh language television service, to include digital and online services, and remove the current geographical broadcasting restrictions so that S4C could broaden its reach and offer its content on a range of new platforms in the UK and beyond
- bring VoD services like Netflix under UK regulation, ensuring that larger, TV-like services were subject to the same high standards as broadcast TV channels, by giving Ofcom powers to investigate and take action if they considered it appropriate
- reduce regulatory burdens and costs on commercial radio stations which were no longer needed due to the decisive shift towards digital listening, while also strengthening protections for the provision of national and local news and local information for listeners

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<sup>37</sup> [Explanatory notes to the Draft Media Bill 2022–23](#), p 4.

<sup>38</sup> House of Commons, [‘Written statement: Media update \(HCWS685\)’](#), 29 March 2023.



- introduce measures to protect the position of radio accessed via smart speakers by ensuring listeners were able to find the content they expected in an unaltered format, without additional or substituted advertisement
- repeal section 40 of the Crime and Courts Act 2013 which would (if commenced) force news publishers to pay the costs of any court judgment if they were not a member of an approved regulator, regardless of the outcome of the court judgment

The House of Commons Culture, Media and Sport Committee conducted pre-legislative scrutiny on the draft bill.<sup>39</sup> It published two reports, the first in July 2023 on the radio measures in the bill and a final report in September 2023 on the bill as a whole.<sup>40</sup>

In its first report on the draft bill's radio measures, the committee said it agreed with the bill's intention that stations "should focus on a narrow duty of providing local news and information rather than local non-news content as well".<sup>41</sup> However, it said the government should provide Ofcom with "clearer guidance regarding enforcing the obligation". The committee also backed the provisions aimed at protecting the availability of UK radio on voice-activated devices, designed to ensure listeners could still access stations through such devices. The committee made additional recommendations on radio selection services. In a press release the committee summarised these as follows:

- The future [availability] risks to radio are not confined to voice-activated devices but include in-car infotainment systems, with connected car manufacturers and providers of in-car systems controlling content. The committee notes the government's position that in-car infotainment systems should not be in the scope of the bill, but calls for the government and Ofcom to keep the issue under close review.
- The secretary of state's power to change what devices are covered by amending the definition of a radio selection service is crucial for the future-proofing of the legislation. The bill should be redrafted to ensure that the secretary of state consults Ofcom before issuing regulations to amend the definition of a radio selection service.

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<sup>39</sup> House of Commons Culture, Media and Sport Committee, '[Pre-legislative scrutiny of the Draft Media Bill](#)', accessed 5 February 2024.

<sup>40</sup> House of Commons Culture, Media and Sport Committee, '[Draft Media Bill: Radio measures](#)', 21 July 2023, HC 1287 of session 2022–23; and '[Draft Media Bill: Final report](#)', 22 September 2023, HC 1807 of session 2022–23.

<sup>41</sup> House of Commons Culture, Media and Sport Committee, '[CMS committee backs Media Bill measures to protect radio](#)', 21 July 2023.



- The government’s approach to on-demand and online-only content appears at odds with market trends. Listeners are increasingly choosing to access content on-demand or listen to online-only stations and there is merit in including these forms of content provision within the scope of the bill. The government should amend the bill to include on-demand and online-only content from Ofcom-regulated broadcasters and the bill should include an explicit power to amend the definition of an internet radio service to enable other types of content to be included in the future.

In its final report the committee suggested a number of changes to the draft legislation.<sup>42</sup> It proposed:

- giving public service broadcasters ‘significant’ rather than ‘appropriate’ prominence in listings, so that content would be more easily accessible
- retaining the PSBs’ obligations to provide specific genres of content, noting that the bill as currently drafted would keep a requirement to provide news and current affairs, but would remove genres such as religion, international matters and science, leading to fears this could result in a decrease in provision of “less commercially successful content”
- ensuring the new VoD code—aimed at ensuring TV-like content provided by streaming services such as Netflix would be subject to similar standards imposed on traditional broadcasters—applied to all platforms and not just those with large UK audiences
- closing a “loophole” that allowed unregulated streaming services to buy the rights for listed events, including sporting occasions such as the FA Cup Final and the Wimbledon Championships, and put them behind a paywall

Both the House of Commons Scottish Affairs Committee and Welsh Affairs Committee said they supported the prominence commitments in the draft bill and called for legislation to be introduced as soon as possible.<sup>43</sup>

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<sup>42</sup> House of Commons Culture, Media and Sport Committee, [‘Draft Media Bill: CMS committee amendments would ensure legislation is in best interests of audiences’](#), 22 September 2023.

<sup>43</sup> House of Commons Scottish Affairs Committee, [‘Public broadcasting in Scotland’](#), 2 March 2023, HC 1048 of session 2022–23, pp 18 and 20; and House of Commons Welsh Affairs Committee, [‘Broadcasting in Wales’](#), 27 October 2023, HC 620 of session 2022–23, p 3.



## 1.5 King's Speech 2023 and government bill

The 2023 King's Speech included reference to a bill to “support the creative industries and protect public interest journalism”.<sup>44</sup> Government briefing notes published alongside the speech said the new media bill would have two key aims.<sup>45</sup> These were to “make long-term changes to ensure viewers and listeners across the UK can continue to access public service television and radio content as technology changes” and “deliver the manifesto commitment to repeal section 40 of the Crime and Courts Act 2013 which, if commenced, could have a chilling effect on the freedom of the press”. The document provided further detail on the aims of particular measures to be included in the bill, listed as follows:

- **Remove a threat to the freedom of the press** by fulfilling the manifesto commitment to repeal section 40 of the Crime and Courts Act 2013, which, if commenced, could force publishers to pay the legal costs of the people who sue them, even if they win. Publishers who have acted lawfully are currently threatened with potentially having 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. This stifles freedom of speech and is a draconian measure which we are repealing.
- **Modernise the ‘mission statement’ for public service TV** so our public service broadcasters (BBC, ITV, STV, Channel 4, S4C, Channel 5) are encouraged to focus on what makes them distinctive—while having the flexibility to serve audiences across the UK with high quality programmes on a wider range of services.
- **Ensure public service content is always carried by connected devices and online platforms, and easy to find for UK audiences**, for example on smart TVs, set-top boxes and streaming sticks. This reform is vital for PSB sustainability.
- **Ensure UK radio is easily accessed through smart speakers** by ensuring listeners can continue to find the content they expect.
- **Reduce regulatory burdens and costs on commercial radio stations**, to support investment by broadcasters in content and the long-term sustainability of the sector, while strengthening protections for the provision of local news and information.

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<sup>44</sup> [HL Hansard, 7 November 2023, col 2.](#)

<sup>45</sup> Prime Minister's Office, '[King's Speech 2023: Background briefing notes](#)', 7 November 2023, p 31.



- **Support Channel 4's sustainability**, including by strengthening the broadcaster's governance arrangements and allowing Channel 4 to make more of its own programmes.
- **Allow S4C, the Welsh language broadcaster, to broaden its reach and offer its content on new platforms in the UK and beyond**, updating its public service remit to include digital and online services, and formally implementing in statute other recommendations made by Euryrn Ogwen Williams' 2018 independent review.<sup>46</sup>
- **Recognise the importance of minority language content in the public service remit for TV** (covering Welsh, the Gaelic language, Irish, Scots, Ulster Scots and Cornish), **and give Gaelic-language content appropriate prominence**, through MG Alba's existing partnership with the BBC.
- **Better protect children by applying similar standards for TV to the streaming giants**. The bill will ensure standards are upheld on video-on-demand services through a proportionate new video-on-demand code, to be drafted and enforced by Ofcom.
- **Provide greater access to subtitles, audio description and signed interpretation** for the millions of people living with hearing loss and visual impairments in the UK when they watch or listen to content on-demand, in line with requirements on live TV.<sup>47</sup>

The government introduced the Media Bill in the House of Commons on 8 November 2023.<sup>48</sup> The House then considered the bill at second reading on 21 November 2023 and a public bill committee scrutinised the bill over six sittings held between 5 and 12 December 2023, when a series of technical government amendments but no opposition amendments were agreed. Report stage and third reading took place on 30 January 2024 before the bill was introduced in the House of Lords the following day.<sup>49</sup> See section 3 below for further detail on what happened during the bill's House of Commons stages.

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<sup>46</sup> See: Department for Digital, Culture, Media and Sport, '[Building an S4C for the future](#)', 29 March 2018, Cm 9589.

<sup>47</sup> Prime Minister's Office, '[King's Speech 2023: Background briefing notes](#)', 7 November 2023, pp 31–2.

<sup>48</sup> [HC Hansard, 8 November 2023, col 168](#).

<sup>49</sup> [HL Hansard, 31 January 2024, col 1178](#).



## 2. What would the bill do?

The version of the bill introduced in the House of Lords was introduced on 31 January 2024 and comprises 56 clauses, organised in seven parts, with 12 schedules.<sup>50</sup> Only technical amendments were made in the House of Commons.

### 2.1 Part 1: Public service television

The clauses in this part would update the legislative framework for PSB, including facilitating the delivery of content through digital platforms. They would also ensure only PSBs could provide qualifying services under the listed events regime, amongst other changes.

**Clauses 1 to 7** would update and simplify the current public service remit requirements for television applicable to the UK's PSBs.<sup>51</sup> The provisions would also give PSBs greater flexibility in how they contributed to that remit, for example by providing that public service content made available on a wide range of audiovisual services, including the ITV, Channel 4 and Channel 5 VoD services, could contribute towards fulfilling the remit.

**Clauses 8 to 17**, together with **schedule 1**, would amend certain quotas for public service television, defined as quantitative obligations placed on a PSB, generally to commission and/or broadcast at least a certain amount of a certain type of content.<sup>52</sup> The changes would allow PSBs to deliver against these quotas, including for independent, original and regional productions, through on-demand services which were, or were part of, a designated "internet programme service" as provided for in part 2. Other changes would provide for codes of practice applying to independent productions for linear broadcast to cover the commissioning of productions for other qualifying audiovisual services and how PSBs may deliver regional programme making quotas.

**Clause 18** would grant Ofcom the power to issue information notices to PSBs other than the BBC, and to third parties, where proportionate, compelling the party receiving the notice to provide Ofcom with requested information.<sup>53</sup> This would include information held outside of the UK. Ofcom can already issue information notices to the BBC. The clause would also

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<sup>50</sup> [HL Hansard, 31 January 2024, col 1178.](#)

<sup>51</sup> [Explanatory notes](#), pp 7 and 11–13.

<sup>52</sup> As above, pp 7 and 13–17.

<sup>53</sup> As above, p 17.



permit Ofcom to impose financial penalties for non-compliance, with any total penalty not exceeding £250,000.

**Clause 19** would provide for a new definition of “qualifying revenue” for the purposes of setting the maximum financial penalty Ofcom may impose on licensed public service channel providers.<sup>54</sup> The new definition would include revenue from both the licensed public service channel and from certain services included in any designated internet programme service provided by a provider.

**Clauses 20 to 25** would, taken together, update the listed events regime for sporting and other events of national interest.<sup>55</sup> The regime prohibits the exclusive live broadcast of an event on a list controlled by ministers without prior consent from Ofcom. The provisions would update the regime to make qualification a PSB-specific benefit and ensure that TV-like services providing live content to UK audiences via the internet must comply with the legislation.

**Clause 26** would repeal sections of the Communications Act 2003 providing for a public teletext service.<sup>56</sup> The last such service ceased in 2009.

**Clause 27** would introduce **schedule 2**, which would amend broadcasting legislation to maintain the operability of that legislation in light of the changes set out in part I.

## 2.2 Part 2: Prominence on television selection services

**Clause 28**, together with **schedule 3**, would ensure designated PSB services had prominence on major TV services not currently covered by the existing legislative framework, including user interfaces on smart TVs, set-top boxes and streaming sticks.<sup>57</sup> This would fulfil Ofcom’s 2019 recommendation on keeping PSB content prominent on both linear and on-demand services, making public service content both available and easy to find across a range of online television platforms.

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<sup>54</sup> [Explanatory notes](#), pp 17–18.

<sup>55</sup> As above, pp 18–20.

<sup>56</sup> As above, p 20.

<sup>57</sup> As above, pp 7 and 21–32.





## 2.3 Part 3: Public service broadcasters

**Clauses 29 to 31**, comprising chapter 1 of this part, concern the Channel Four Television Corporation (C4C).<sup>58</sup> They would introduce a new sustainability duty on the corporation to ensure it could meet its costs on an on-going basis while maintaining or increasing its activities, as well as removing an existing restriction on the corporation's involvement in programme-making.

**Clauses 32 to 36**, comprising chapter 2 of this part, together with **schedule 4**, concern S4C, the UK's dedicated Welsh language broadcaster.<sup>59</sup> The provisions would implement recommendations from an independent review of S4C published in 2018, including putting new unitary board and audit arrangements on a statutory footing.<sup>60</sup> The provisions would apply the PSB legislative framework updates from part 1 of the bill to S4C, while retaining the Welsh language content requirement.

## 2.4 Part 4: On-demand programme services

**Clauses 37 to 40**, together with **schedules 5 to 8**, would provide Ofcom with new regulatory powers to draft and enforce a VoD code for the largest VoD service providers, such as Netflix and Amazon Prime Video.<sup>61</sup> The BBC's iPlayer is the only VoD service currently subject to Ofcom's broadcasting code.<sup>62</sup> This would ensure that major services which engage UK audiences with TV-like content were subject to the same or similar obligations as UK linear broadcasters. The clauses would also implement requirements on VoD service providers to ensure that on-demand services were accessible to people with disabilities, to align with existing statutory requirements for linear broadcasters.

## 2.5 Part 5: Regulation of radio services

**Clauses 41 to 47** would update the regulatory framework for commercial radio in the UK to take account of online listening.<sup>63</sup> The provisions would remove certain regulatory requirements governing analogue (AM/FM) radio services, including requirements on stations

<sup>58</sup> [Explanatory notes](#), pp 8 and 32–3.

<sup>59</sup> As above, pp 8 and 33–8.

<sup>60</sup> See: Department for Digital, Culture, Media and Sport, '[Building an S4C for the future](#)', 29 March 2018, Cm 9589.

<sup>61</sup> [Explanatory notes](#), pp 8 and 38–48.

<sup>62</sup> See: Ofcom, '[Ofcom broadcasting code](#)', accessed 5 February 2024.

<sup>63</sup> [Explanatory notes](#), pp 8 and 48–51.



to provide specific genres of content. They would also reframe Ofcom's duties to ensure local stations provide non-news local material with a narrower duty to secure the provision of local news and information. In addition, the provisions in this part would allow for the UK licensing regime to be extended to radio stations based overseas but seeking to provide a service to UK listeners, for example those in the Republic of Ireland, as well as updating the legislative powers relating to any potential future switch-off of analogue services. They would also expand existing grant-making powers to allow funding for community-related programmes to be made to small commercial stations and producers of audio content.

## 2.6 Part 6: Regulation of radio selection services

**Clause 48**, together with **schedule 9**, concerns UK radio's availability on connected audio devices.<sup>64</sup> It would ensure that stations could not be charged for the provision of their live service to listeners, that platforms could not overlay content (such as advertising) over the top of those services, and that stations were findable in response to a listener request. It would also enable providers to request a default route for their stations to be delivered.

## 2.7 Part 7: Miscellaneous and general

**Clause 49** would introduce **schedules 10 and 11** to provide for Ofcom to impose financial penalties in connection with parts 2 (prominence on television selection services) and 6 (regulation of radio selection services) of the bill.<sup>65</sup>

**Clause 50** would repeal section 40 of the Crime and Courts Act 2013 in line with the commitment in the Conservative Party's 2019 general election manifesto.<sup>66</sup>

**Clause 51** would introduce **schedule 12**, which would amend existing broadcasting legislation to "address issues with retained EU law" (now known as assimilated law) following the UK's withdrawal from the EU.<sup>67</sup>

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<sup>64</sup> [Explanatory notes](#), pp 9 and 51–57.

<sup>65</sup> As above, pp 9 and 57.

<sup>66</sup> As above.

<sup>67</sup> As above, p 57.



**Clauses 52 to 56** concern general matters such as powers to make consequential provision, financial provisions and the bill's extent, commencement and short title respectively.

## 2.8 Territorial extent and application

The government has said that broadcasting and internet services policy are reserved matters. The bill would therefore extend and apply to the whole of the UK, except for the repeal of section 40 of the Crime and Courts Act 2013 in clause 50 which would extend and apply to England and Wales only.<sup>68</sup>

## 2.9 Delegated powers

The bill's delegated powers memorandum explains that the bill contains 12 so-called Henry VIII powers to amend primary legislation through secondary legislation.<sup>69</sup> All but one of these would be subject to the affirmative procedure, meaning both Houses of Parliament would need to approve regulations made under these powers before ministers could sign them into law. The exception is a power in clause 46 within part 5 (regulation of radio services). This would allow the secretary of state to amend schedule 2 to the Broadcasting Act 1990. However, the government has said this power would not alter the policy agreed to by Parliament when it passed the 1990 act, and on that basis it has "proposed the negative resolution procedure [...] as any changes are likely to be technical".

# 3. What happened in the House of Commons?

## 3.1 Second reading

The bill overall received cross-party support during its second reading debate on 21 November 2023, which took place on the same date as World Television Day.<sup>70</sup>

Opening the debate on behalf of the government, Secretary of State for Culture, Media and

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<sup>68</sup> [Explanatory notes](#), p 10.

<sup>69</sup> Department for Culture, Media and Sport, '[Media Bill: Delegated powers memorandum](#)', 31 January 2024.

<sup>70</sup> [HC Hansard, 21 November 2023, cols 228–90](#); and UN, '[World Television Day: 21 November](#)', accessed 5 February 2024.



Sport Lucy Frazer said technology had changed how people watched television and listened to the radio to the extent that the broadcasting landscape was now “unrecognisable” since the “last major reform of the rules that governed broadcasting in 2003”.<sup>71</sup> She added:

As members will know, we have engaged heavily with all parts of industry, from the streamers to the independent production sector and our public service broadcasters, to get the bill right, and if we want our broadcasters to be ready for the next wave of technology, it is imperative that we get it right.

Ms Frazer thanked the House of Commons Culture, Media and Sport Committee for its pre-legislative scrutiny of the draft bill. She said that alongside views from the industry, the committee’s reports had “played a crucial role” in shaping the bill for the benefit of audiences and listeners. She also thanked the Scottish Affairs Committee and Welsh Affairs Committee for their comments earlier in the year.

Ms Frazer then spoke to the bill’s provisions on an updated remit for PSBs and Channel 4’s sustainability, measures specific to S4C, a new VoD code to bring obligations on online streaming services into line with those applicable to PSBs, and requirements for greater provision of subtitles, audio description and sign language on such services. She also spoke to provisions aimed at modernising the listed events regime for sporting and other events of national interest as well as changes to ensure the continued availability of radio stations. Ms Frazer concluded by endorsing the bill’s provision to repeal section 40 of the Crime and Courts Act 2013, before adding:

We should be under no illusions about the urgent need to press ahead with reforms. Success today is never a guarantee of success tomorrow, and it is our job, as a government and as a House, to enact reforms that keep our broadcasters at the top of their game in the years ahead. That is what the bill will do: levelling the playing field, removing threats to the media’s sustainability, and opening up opportunities for them to maximise their potential and unlock growth. I commend this bill to the House.

Shadow Secretary of State for Culture, Media and Sport Thangam Debbonaire responded on behalf of the Labour Party.<sup>72</sup> She welcomed the introduction of the “important and long-overdue bill” before adding:

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<sup>71</sup> [HC Hansard, 21 November 2023, cols 228–34.](#)

<sup>72</sup> [HC Hansard, 21 November 2023, cols 234–8.](#)



I will work with her on a cross-party basis to get the bill into law as quickly as possible, subject to the proper scrutiny that would be expected from His Majesty's Opposition. Britain's public service broadcasters must be fully equipped with the tools they need to thrive in this intensified era of internet and on-demand television. That is why Labour has been calling on the government for some time to bring forward many of the measures in the bill. And it is not just Labour; Ofcom, select committees of both Houses, the public service broadcasters, consumers and industry leaders across the sector all back the bill and want to see it passed into law, and some have done so for many years.

Responding to a question from Angus Brendan MacNeil, independent MP for Na h-Eileanan Iar, Ms Debonaire said she was concerned that the bill made “no mention of protecting Gaelic language broadcasting” despite a specific mention of “Gaelic-language content” in the government's briefing notes accompanying the King's Speech.

Ms Debonaire continued by criticising the government for its alleged delay in bringing forward the bill, which she attributed to a “pointless war on Channel 4”. She added:

Selling off Channel 4 was never going to work. It was wrong for viewers and it has only done damage to our creative industries. The government should not have been contemplating it in the first place. With all that time wasted, looking inwards and wrangling with themselves, they held our public service broadcasters back. The resulting delay to the bill and all the consequences of that have to sit squarely with the government.

Ms Debonaire welcomed the other measures in the bill but expressed concern the government had not accepted a House of Commons Culture, Media and Sport Committee recommendation to include digital on-demand rights in the listed events regime, “so on-demand highlights and online clips can be kept behind paywalls”. She also argued the bill “does not go far enough” on encouraging the commissioning of original UK content for children. However, overall she said “Labour will back this bill to back our public service broadcasters”.

Shadow SNP Spokesperson for the Cabinet Office Kirsty Blackman spoke on behalf of her party.<sup>73</sup> She said the bill was “welcome and takes a number of positive steps forward”. However, Ms Blackman added that she was “concerned about how over-complicated some of it is”, in particular those provisions that would amend the Communications Act 2003, the

<sup>73</sup> [HC Hansard, 21 November 2023, cols 243–7.](#)



Broadcasting Act 1996 and/or the Broadcasting Act 1990. She said broadcasters or others may find it difficult to comply with the legislation because of its complicated nature, before asking why particular terms were not defined on the face of the bill. She also sought assurances that Ofcom would be resourced to fulfil its responsibilities under the measures in the bill. She also questioned an apparent disparity in quota requirements for Welsh and Gaelic language programming. Ms Blackman concluded by saying:

I am pleased that we have the bill. I am concerned about the lack of futureproofing in some of it and about the overcomplication, as some of the definitions are difficult to follow and therefore may not achieve what the government intend. The cultural sector is incredibly important to the entirety of the UK. It is incredibly important in Scotland, and we certainly will not oppose the Media Bill as it goes forward.

Dame Caroline Dinenage, Conservative MP for Gosport and chair of the House of Commons Culture, Media and Sport Committee, spoke next. She said she was “really pleased” to see the government had accepted most of the committee’s recommendations, arguing they made the bill more effective, workable, proportionate and futureproof. However, Dame Caroline added there were a “few areas where the bill will benefit from further discussion as it progresses”, including around the PSB remit and removal of genres such as religious, arts and children’s programming. She also argued the bill should require “significant” prominence for PSBs on television selection services, rather than simply “appropriate” prominence. Dame Caroline noted this was a recommendation the government did not accept. Other areas of focus included the new VoD code and whether the bill’s measures to protect radio went far enough.

Dame Caroline concluded her remarks by saying the bill was “critical” to the sustainability of PSBs, for viewers to be confident that “all TV-like content, whether broadcast or on demand, will be subject to the same or similar standards”, to the “future of radio, where stations are increasingly dependent on online platforms for access to listeners”. She added that she hoped the bill would become law “as soon as possible”.

Liberal Democrat Spokesperson for Culture, Media and Sport Jamie Stone followed Dame Caroline.<sup>74</sup> He began his remarks by “expressing my party’s broad support for this bill”, which he said was “timely”. Mr Stone added the “new legislation is crucial for public sector broadcasters, and I therefore believe that time is of the essence”. However, he said that his party had certain reservations about the bill. These included concerns about local broadcasting, a risk that the removal of Ofcom’s responsibility to monitor the delivery of

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<sup>74</sup> [HC Hansard, 21 November 2023, cols 250–2.](#)



content in education, science and culture might result in the level of content in those areas declining, and about the proposed change in Channel 4's publisher-broadcaster status. Mr Stone added that his party agreed with calls for the "appropriate" prominence requirement to be strengthened to "significant" prominence before expressing reservations about the repeal of section 40 of the Crime and Courts Act 2013.

Stephanie Peacock closed for the Labour Party.<sup>75</sup> Describing the bill as "overdue", she highlighted areas where she thought the bill would benefit from further scrutiny. These included the public service remit changes, the new VoD code, the new prominence and listed events regimes, and the radio-focused parts of the bill. Overall Ms Peacock welcomed the bill, although she said it was "in need of some clarifications and adjustments".

Sir John Whittingdale, then a minister of state at the Department for Culture, Media and Sport and a former secretary of state at the department, closed for the government. After thanking members for their contributions and the House of Commons Culture, Media and Sport Committee for its pre-legislative scrutiny of the bill, Sir John responded to its calls for "significant" prominence rather than "appropriate" prominence. He explained the government's position in not accepting that recommendation as follows:

A number of members have recommended that we should use the words "significant prominence", rather than "appropriate prominence". The government have taken a different view, which can be summed up as "significant can indeed be appropriate, but appropriate is not necessarily significant".

S4C is an example of that. In Wales, it is very important that it should be highly visible, and therefore significant prominence in Wales is appropriate. On the other hand, it would not necessarily be appropriate for S4C to have significant prominence outside Wales. It should obviously be findable, but it has a different position outside Wales. The government remain of the view that "appropriate" is a more fitting term than "significant".

Responding to calls for explicit mention of Gaelic in the bill, Sir John explained that the bill would, for the first time, make "provision of services in the minority languages across the United Kingdom part of the public service remit". He continued by noting this would be a

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<sup>75</sup> [HC Hansard, 21 November 2023, cols 282–4.](#)



new requirement, before adding that “it is for Ofcom to decide an appropriate level of provision, but there is now a requirement that there should be such provision”. Sir John continued by speaking to other areas of the bill before commending it to the House.

### 3.2 Committee stage

A public bill committee considered the bill over six sittings held on 5, 7 and 12 December 2023. The committee sought written evidence ahead of meeting to consider the bill.<sup>76</sup>

The committee agreed to several technical government amendments moved by Sir John Whittingdale.<sup>77</sup> The committee divided on the following opposition amendments, all of which were defeated:

- **Amendment 19** moved by Labour’s Stephanie Peacock would have amended clause 1 to add a list of genres Ofcom would have to report on whether PSBs had made available to viewers, including 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>78</sup> The amendment was defeated by 9 votes to 7.<sup>79</sup>
- **Amendment 21** moved by Stephanie Peacock would have amended clause 28 to make the secretary of state’s power to designate regulated television selection services subject to approval by both Houses of Parliament.<sup>80</sup> The amendment was defeated by 10 votes to 7.<sup>81</sup>
- **Amendment 32** moved by Stephanie Peacock would have amended clause 48 so that regulations designating and specifying descriptions of radio selection services were subject to the affirmative procedure.<sup>82</sup> The amendment was defeated by 8 votes to 5.<sup>83</sup>

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<sup>76</sup> UK Parliament, ‘[Media Bill: Call for evidence](#)’, 23 November 2023; and UK Parliament, ‘[Media Bill: Publications](#)’, accessed 5 February 2024 (see ‘Written evidence’).

<sup>77</sup> House of Commons, ‘[Media Bill: Committee stage decisions](#)’, 12 December 2023.

<sup>78</sup> As above, p 2.

<sup>79</sup> House of Commons Public Bill Committee, ‘[Media Bill \(first sitting\)](#)’, 5 December 2023, session 2023–24, cols 27–8.

<sup>80</sup> House of Commons, ‘[Media Bill: Committee stage decisions](#)’, 12 December 2023, p 8.

<sup>81</sup> House of Commons Public Bill Committee, ‘[Media Bill \(third sitting\)](#)’, 7 December 2023, session 2023–24, cols 101–2.

<sup>82</sup> House of Commons, ‘[Media Bill: Committee stage decisions](#)’, 12 December 2023, p 13.

<sup>83</sup> House of Commons Public Bill Committee, ‘[Media Bill \(fifth sitting\)](#)’, 12 December 2023, session 2023–24, cols 167–8.





- **Amendment 45** moved by the SNP's Kirsty Blackman would have amended clause 48 to expand the scope of "internet radio service" to include on demand and internet only content provided by the BBC or Ofcom-licensed radio stations.<sup>84</sup> The amendment was defeated by 9 votes to 6.<sup>85</sup>

The committee also divided on a number of new clauses proposed by Stephanie Peacock, all of which were defeated:

- **New clause 1** would have given Ofcom powers to measure the delivery of public service content on PSBs' linear services and set quotas if it considered the level to be unsatisfactory.<sup>86</sup> It was defeated by 9 votes to 5.<sup>87</sup>
- **New clause 2** would have enabled the secretary of state to make provision for coverage of listed events which was not live coverage through regulations subject to the affirmative procedure.<sup>88</sup> It was defeated by 9 votes to 5.<sup>89</sup>
- **New clause 4** would have required a review of how to ensure children had access to public service content, "given their viewing habits which include using smartphones and social media rather than traditional methods of linear and even on-demand television".<sup>90</sup> It was defeated by 8 votes to 4.<sup>91</sup>
- **New clause 5** 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".<sup>92</sup> It was defeated by 7 votes to 4.<sup>93</sup>

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<sup>84</sup> House of Commons, '[Media Bill: Committee stage decisions](#)', 12 December 2023, p 14.

<sup>85</sup> House of Commons Public Bill Committee, '[Media Bill \(fifth sitting\)](#)', 12 December 2023, session 2023–24, col 176.

<sup>86</sup> House of Commons, '[Media Bill: Committee stage decisions](#)', 12 December 2023, pp 18–19.

<sup>87</sup> House of Commons Public Bill Committee, '[Media Bill \(sixth sitting\)](#)', 12 December 2023, session 2023–24, col 206.

<sup>88</sup> House of Commons, '[Media Bill: Committee stage decisions](#)', 12 December 2023, p 19.

<sup>89</sup> House of Commons Public Bill Committee, '[Media Bill \(sixth sitting\)](#)', 12 December 2023, session 2023–24, col 206.

<sup>90</sup> House of Commons, '[Media Bill: Committee stage decisions](#)', 12 December 2023, p 19.

<sup>91</sup> House of Commons Public Bill Committee, '[Media Bill \(sixth sitting\)](#)', 12 December 2023, session 2023–24, col 212.

<sup>92</sup> House of Commons, '[Media Bill: Committee stage decisions](#)', 12 December 2023, p 20.

<sup>93</sup> House of Commons Public Bill Committee, '[Media Bill \(sixth sitting\)](#)', 12 December 2023, session 2023–24, col 212.



### 3.3 Report stage and third reading

The bill's report stage and third reading took place on 30 January 2024.<sup>94</sup>

A series of government amendments were agreed at report stage.<sup>95</sup> Minister of State at the Department for Culture, Media and Sport Julia Lopez described these as “minor and technical” and said they sought to “ensure that the existing policy positions are properly operational”.<sup>96</sup> Four divisions took place on non-government new clauses and amendments:

- **New clause 13**, tabled by Thangam Debbonaire, was the same as new clause 5 at committee stage and 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”.<sup>97</sup> It was defeated by 294 votes to 194.<sup>98</sup>
- **New clause 16**, tabled by the SNP's Gavin Newlands, would have made it compulsory for the secretary of state to place certain listed sporting events in group A of listed sporting events, “ensuring they are available on free to air television in their entirety”. The events consisted of all current group A events, such as the Olympic Games, Paralympic Games and Wimbledon tennis finals, plus the home nations football World Cup and Euro qualifiers.<sup>99</sup> The new clause was defeated by 295 votes to 193.<sup>100</sup>
- **Amendment 88**, tabled by Jamie Stone, would have amended the listed events regime to include at least one cricket test match and at least one cricket one day international match each year between the months of May and September as group A events.<sup>101</sup> It was defeated by 288 votes to 20.<sup>102</sup>
- **Amendment 2**, tabled by George Eustice (Conservative MP for Camborne and Redruth), would have amended clause 50 to allow the secretary of state the option in future of commencing subsection 2 of section 40 of the Crime and Courts Acts 2013. This would have kept open the option of specifying that courts could not award costs against a relevant publisher if it was a member of an

<sup>94</sup> [HC Hansard, 30 January 2024, cols 735–830.](#)

<sup>95</sup> House of Commons, ‘[Media Bill: Report stage decisions](#)’, 30 January 2024.

<sup>96</sup> [HC Hansard, 30 January 2024, col 799.](#)

<sup>97</sup> House of Commons, ‘[Media Bill: Report stage decisions](#)’, 30 January 2024, p 10.

<sup>98</sup> [HC Hansard, 30 January 2024, cols 803–6.](#)

<sup>99</sup> House of Commons, ‘[Media Bill: Report stage decisions](#)’, 30 January 2024, pp 11–12.

<sup>100</sup> [HC Hansard, 30 January 2024, cols 808–10.](#)

<sup>101</sup> House of Commons, ‘[Media Bill: Report stage decisions](#)’, 30 January 2024, pp 27–8.

<sup>102</sup> [HC Hansard, 30 January 2024, cols 815–16.](#)



approved regulator, except under certain circumstances.<sup>103</sup> Labour supported the amendment. It was defeated by 284 votes to 195.<sup>104</sup>

Third reading followed immediately after the bill's report stage concluded. Speaking on behalf of the government, Ms Lopez said that while the House had “made some changes to refine and clarify the intentions of the measures, the bill and its aims remain relatively unchanged”.<sup>105</sup> She said this was “in part down to the considered and thoughtful contributions from industry stakeholders following draft publication and throughout the pre-legislative scrutiny process”. Ms Lopez concluded:

We have discussed the significance of the bill at length. When it receives royal assent, we will launch a wide-ranging programme of secondary legislation to fully implement its measures. We will see further considered collaboration between the government, industry and Ofcom as these new reforms are implemented. I look forward to seeing this important legislation come into force, and to supporting industry and Ofcom as we move into a new era for broadcasting.

Shadow Secretary of State for Culture, Media and Sport Thangam Debbonaire spoke on behalf of the Labour Party.<sup>106</sup> She said she was “disappointed that the government chose not to support the excellent amendments that we either tabled or supported”, but described the bill as “necessary” 20 years on from the last major bill on broadcasting. Ms Debbonaire added that Labour would not seek to amend the provisions around repealing section 40 of the Crime and Courts Act 2013 in the House of Lords:

As the bill goes to the other place, section 40 will be removed and we will not stand in its way, as my hon Friend the Member for Barnsley East outlined in committee and as I reiterate now. However, we have missed an opportunity this evening for a more nuanced version of that repeal, and we are disappointed that amendment 2 [moved by George Eustice] did not pass.

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<sup>103</sup> House of Commons, [‘Media Bill: Report stage decisions’](#), 30 January 2024, p 35.

<sup>104</sup> [HC Hansard, 30 January 2024, cols 820–2.](#)

<sup>105</sup> [HC Hansard, 30 January 2024, cols 825–6.](#)

<sup>106</sup> [HC Hansard, 30 January 2024, cols 826–7.](#)



## 4. Read more

### 4.1 Government material

- Department for Culture, Media and Sport, '[Media Bill to maximise potential of British TV and radio](#)', 21 November 2023
- Department for Culture, Media and Sport, '[DCMS and Channel Four Television Corporation: Memorandum of Understanding](#)', 8 November 2023

### 4.2 Committee material

- House of Lords Communications and Digital Committee, '[Public service broadcasting in the age of video on demand inquiry: Publications](#)', accessed 5 February 2024
- House of Lords Communications and Digital Committee, '[The future of Channel 4 inquiry: Publications](#)', accessed 5 February 2024
- House of Lords Communications and Digital Committee, '[The sustainability of Channel 4 inquiry: Publications](#)', accessed 5 February 2024
- House of Commons Digital, Culture, Media and Sport Committee, '[The future of public service broadcasting inquiry: Publications](#)', accessed 5 February 2024
- House of Commons Welsh Affairs Committee, '[Broadcasting in Wales inquiry: Publications](#)', accessed 5 February 2024
- House of Commons Scottish Affairs Committee, '[Public broadcasting in Scotland non-inquiry session: Publications](#)', accessed 5 February 2024

### 4.3 House of Commons Library briefings

- '[Media Bill](#)', 17 November 2023
- '[Media Bill: Progress of the bill](#)', 19 January 2024
- '[Media Bill: Policy background](#)', 10 October 2023
- '[Channel 4: A change of ownership?](#)', 20 February 2023
- '[Draft Media Bill: A reading list](#)', 19 April 2023



#### 4.4 House of Lords Library briefings

- [‘King’s Speech 2023: Culture, media and sport’](#), 1 November 2023; see also [Debate on the ‘King’s Speech: Day 4’](#), HL Hansard, 14 November 2023, cols 395–476
- [‘Future of public service broadcasting’](#), 31 October 2022; see also [Debate on ‘Public service broadcasting: BBC centenary’](#), HL Hansard, 3 November 2022, cols 394–439
- [‘Public service broadcasting: Communications and Digital Committee report’](#), 21 May 2021; see also [Debate on ‘Public Service Broadcasting \(Communications and Digital Committee report\)’](#), HL Hansard, 27 May 2021, cols 1114–55
- [‘Legislative Reform \(Renewal of Radio Licences\) Order 2020’](#), 25 November 2020; see also [Debate on ‘Legislative Reform \(Renewal of Radio Licences\) Order 2020’](#), HL Hansard, 27 November 2020, cols 453–62
- [‘Public service broadcasting: Impact on the economy and creative culture’](#), 26 February 2020; see also [Debate on ‘BBC and public service broadcasting’](#), HL Hansard, 5 March 2020, cols 737–80

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