



BRIEFING PAPER

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Broadcasting: listed sporting events

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Summary

The *Broadcasting Act 1996* (as amended) gives the Secretary of State for Digital, Culture, Media and Sport the power to draw up a list of sporting events of national interest. This means that the broadcast rights to these events must be offered to the main free-to-air terrestrial broadcasters on “fair and reasonable terms”. The aim is to make sure that the events are made available to all television viewers.

The current list was compiled in June 1998 and consists of two groups:

- Group A events - full live coverage must be offered. This group includes the FA Cup Final, the Grand National and the Olympic Games;
- Group B events - these can have live coverage on subscription television provided that secondary coverage is offered to the free-to-air broadcasters. This group includes the Six Nations rugby union tournament, the Ryder Cup, and cricket test matches played in England.

The Secretary of State can, after consultation, add and delete events from the list at any time.

Paralympic Games to be added to the list

In July 2019, the then Secretary of State, Jeremy Wright, [announced](#) a “limited consultation” on adding the Paralympic Games to the listed events regime. On 27 January 2020, the DCMS [announced](#) that the Games would be added to Group A.

Further additions to the list?

A consultation on adding the women’s equivalents of men’s events already on the list closed on 11 December 2019. The Government is analysing the responses.

In a November 2019 [report](#), the Lords Select Committee on Communications and Digital recommended that the Secretary of State should consult on “increasing modestly” the number of listed events. This could include the Ashes and the Open Golf. In its February 2020 [response](#), the DCMS said that the current regime struck “an appropriate balance between retaining free-to-air sporting events for the public while allowing rights holders to negotiate agreements in the best interests of their sport”. It therefore had no plans to review the list.

1. Listed events

[Part IV](#) of the *Broadcasting Act 1996* (as amended) gives the Secretary of State the power to draw up a list of sporting events of national interest.¹ 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”.²

The listing of an event ensures that the broadcast rights to that event, if offered, must be made available on “fair and reasonable terms” to the free-to-air channels that are received by 95% of the UK population.³ The inclusion of an event in the list does not mean it has to be shown on television. Sports rights holder are not obliged to offer events and broadcasters are not obliged to bid for coverage of them.⁴

No definition of “national interest” has been included in the legislation.⁵ However the Department for Digital, Culture, Media and Sport (DCMS) has said that a “listed event” is “one which is generally felt to have special national resonance” and which contains “an element which serves to unite the nation, a shared point on the national calendar, not solely of interest to those who follow the sport in question.”⁶

Under section 97 of the 1996 Act, the Secretary of State can add and delete events from the list at any time, but only after consultation with:

- the BBC;
- the S4C Authority;
- the broadcasting regulator [Ofcom](#);
- the holder of the rights for the event in question.

Further detail on the current system is available in Ofcom’s Code on Sports and Other Listed and Designated Events.⁷

Current listed events

The current list was compiled in June 1998 and is divided into two categories: Group A and Group B.

For Group A events, full live coverage must be offered to qualifying broadcasters.

Events listed in Group B may have live coverage on subscription television provided that secondary coverage is offered to qualifying broadcasters.

¹ Part IV of the *Broadcasting Act 1996* (as amended)

² DCMS, [Coverage of sport on television](#), Undated, p4

³ Ibid, p4

⁴ Ibid, p5

⁵ [Review of free-to-air listed events](#), Report of the Independent Advisory Panel to the Secretary of State for Culture, Media and Sport, November 2009, para 15

⁶ DCMS, [Coverage of sport on television](#), p4

⁷ Ofcom, [Code on Sports and Other Listed and Designated Events](#), July 2014

Group A: full live coverage protected

- The Olympic Games
- The FIFA World Cup Finals Tournament
- The European Football Championship Finals Tournament
- The FA Cup Final
- The Scottish FA Cup Final (in Scotland)
- The Grand National
- The Derby
- The Wimbledon Tennis Finals
- The Rugby League Challenge Cup Final
- The Rugby World Cup Final

Group B: secondary coverage protected

- Cricket Test matches played in England
- Non-Finals play in the Wimbledon Tournament
- All other matches in the Rugby World Cup Finals
- Six Nations Rugby matches involving home countries
- The Commonwealth Games
- The World Athletics Championship
- The Cricket World Cup - the final, semi-finals and matches involving home nations' teams
- The Ryder Cup
- The Open Golf Championship⁸

Qualifying services

Ofcom maintains a list of the television channels that are free-to-view and received by 95% of the UK population – the “qualifying services”.

In October 2018, Ofcom published a [consultation](#) on reviewing its methodology for determining the qualifying services and updating the list. This was needed because of changes in the way people access television (e.g. the increase in online viewing and the use of devices other than television sets). The proposed methodology had two key aspects:

- assessing whether a channel meets the 95% reception threshold by taking account not only of broadcast platforms, but also of IPTV.
- measuring reception of a television channel not on a television set, but on a household’s main screen for watching tv channels

⁸ Ofcom, [Code on Sports and Other Listed and Designated Events](#), Annex 1; [HC Deb 25 June 1998 c600-1W](#)

– for many households this will be the television set, but this may also be a computer or handheld device.

According to a July 2019 Ofcom [statement](#), respondents to the consultation were “broadly supportive” of the proposals.⁹ The statement summarised Ofcom’s methodology to determine the revised list of qualifying services and, having applied it, the updated list of channels that are free-to-view and received by 95% of the UK population:

To determine whether a television channel is received by 95% of the population, **we take into account whether individuals can receive television channels by means of broadcast TV (DTT, satellite or cable), as well as the internet (IPTV, internet protocol television) on their main screen** - the household’s principal television screen, or, in the absence of that, a computer or handheld device. **We use data from the BARB establishment survey and the UK Planning Model to inform our assessment.**

Currently, a television channel will only be a qualifying service if it is available on satellite and cable, can be viewed by all DTT viewers, and is streamed on IPTV. It should also be provided either without charge or in a “basic” subscription package.

The following channels currently meet these conditions: BBC1, BBC2, BBC Four, CBBC, CBeebies, BBC News, BBC Parliament, Channel 3 Network (broadcast as ITV, STV and UTV), ITV2, ITV3, ITV4, Channel 4, More 4 and Film 4.¹⁰

On 4 October 2019, Ofcom [announced](#) that it had added Channel 5 to the list of qualifying services. This followed information supplied by Viacom about changes to the availability of its service through IPTV streams.¹¹

Power to amend the qualifying criteria

Under [section 97](#) of the *Digital Economy Act 2017*, the Secretary of State can amend the 95% figure in the qualifying criteria. The power was added to the *Digital Economy Bill 2016-17* through a Government amendment at [Report stage](#) in the Lords. This followed concerns, raised during earlier debates on the Bill, that the 95% figure did not take into account the impact of new technology on the way people watch TV.¹² Baroness Buscombe explained the purpose of the Government’s amendment:

(...) In the UK, the listed events regime operates to protect free-to-view access to the coverage of sports events with a national significance. Sport is a key element in our national identity, part of the glue that binds us together as a society, and we want to ensure that as far as possible everyone across the country is able

⁹ Ofcom, [Listed Events: Identifying services that are free-to-view and widely available](#), 4 July 2019, para 1.6; Responses to the consultation, and other documents, are available from Ofcom’s [website](#)

¹⁰ Ibid, p1, emphasis in original

¹¹ Ofcom, [Update on list of qualifying services](#), 4 October 2019

¹² See p49 of the Library’s [Committee Stage Report](#) on the Bill (CBP 7799, 24 November 2016) and p19 of the Library’s [Paper](#) on Lords amendments (CBP 7953, 24 April 2017); See also [HL Deb 8 February 2017 cc1763-9](#)

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to watch live broadcasts of the sporting events that matter most to society.

To be clear, the listed events regime is not under any immediate threat. However, modern viewing trends mean that the requirement for a television service to be received by at least 95% of the population may, depending on how this is interpreted in the future, become increasingly hard to meet...With everyone's changing viewing habits, this has to remain under review and as flexible as possible. As more people, especially the young...watch television content on phones and other streaming services, this could put the regime at risk in the future.

We want to safeguard against this and ensure the ongoing viability of the listed events regime. This clause will confer a power on the Secretary of State to ensure that, as media consumption habits change, the Government's policy objective to ensure that listed events are widely available on free-to-view services continues to be met. The clause confers a power on the Secretary of State to amend the percentage of the population by which a channel must be received in order to qualify...It will enable the Secretary of State to lower the relevant percentage to ensure that there continues to be a list of channels which meet the qualifying conditions. It also provides that any amendment to the percentage does not affect the validity of any existing contract to broadcast a listed event...There is no intention at this stage to review or revise the list of events itself.¹³

The amendment was agreed without division.¹⁴

In the Commons, Matt Hancock, the then Minister of State for Digital and Culture, said that the amendment would "ensure that the [listed events] regime is future-proofed as the way people watch TV changes with new technologies".¹⁵

¹³ [HL Deb 29 March 2017 cc640-1](#)

¹⁴ [HL Deb 29 March 2017 c653](#)

¹⁵ [HC Deb 26 April 2017 c1126](#)

2. The future of listed events

Consultations on adding the Paralympics and women's events to the list (July 2019)

In July 2019, the then Secretary of State, Jeremy Wright, [announced](#) a "limited consultation on adding the Paralympic Games to the listed events regime." Mr Wright said that he had asked consultees to consider:

- whether the Paralympic Games should be added to the list;
- whether the Paralympic Games should be listed under group A or group B of the list;
- other factors affecting the likely costs and benefits to the sport concerned, to the broadcasting industry and to viewers, as set out in the guidance on the criteria for listing; and
- any other factors relevant to the final decision.

Mr Wright said that the Government did "not wish to reopen the list of events for a full review". However, it was "committed to supporting more equality in the coverage of sport on TV, and in particular, disability and women in sport". Mr Wright said that a consultation on adding women's events to the list would be held later in the year.¹⁶

In a [speech](#) to the Royal Television Society on 18 September 2019, Nicky Morgan, the then Secretary of State, announced that she had written to the relevant rights holders to seek their views about adding women's events to the list: "So where a men's event is listed, the women's equivalent would be too".¹⁷

January 2020: Paralympics to be added to Group A

In a Written Ministerial Statement of 27 January 2020, the Sports Minister, Nigel Adams, [announced](#) that the Paralympic Games would be added to Group A:

(...) The Secretary of State and I are satisfied that the Paralympic Games meets the criteria for listing as it is an event of 'special national significance' and provides a 'shared moment on the national calendar' that serves to unite the whole of the United Kingdom. Having started in Stoke Mandeville in the 1940s, the event has a unique relationship with the UK. The increasing audience figures also demonstrate its clear importance to the UK. It is the pre-eminent international event in disability sport, involves the national team, commands a large television audience and has a history of broadcast on free-to-air channels.

¹⁶ Written Statement on Equality and Listed Events, [HC Deb 18 July 2019 cc46-7WS](#); see also [PQ 278362](#) [on the Women's World Cup Football Finals], answered 2 September 2019

¹⁷ ["Nicky Morgan's speech to the Royal Television Society"](#), Gov.UK, 18 September 2019

The Secretary of State has also written to the European Commission to notify them of the change to the list as she is required to do under Audiovisual Media Services Directive...¹⁸

The statement also said that the consultation on adding women's events to the list had closed on 11 December 2019 and that the Government was analysing the responses.

Lords Select Committee report (November 2019)

In November 2019, the Lords Select Committee on Communications and Digital published a [report](#) on the future of public service broadcasting. This concluded, among other things, that the listing of major sporting events helped to bring the nation together.¹⁹ This was particularly important at "a time of division".²⁰

The Committee recommended that the Secretary of State should consult on "increasing modestly" the number of listed events. This could include the Ashes and the Open Golf.²¹

In its February 2020 [response](#), the DCMS agreed that "part of the remit of public service broadcasting is to foster shared national experiences and that this delivers wider social benefits for the whole country". According to the Government, the current listed events regime struck "an appropriate balance between retaining free-to-air sporting events for the public while allowing rights holders to negotiate agreements in the best interests of their sport". It therefore had no plans to review the regime. On the Committee's specific recommendation, the DCMS commented:

(...) the list already includes The Ashes and The Open Golf Championship, which are both listed as group B events. This ensures that delayed coverage and/or highlights packages are available for qualifying free-to-air channels.

Six Nations Rugby

[EDM #237](#), tabled by Gavin Newlands on 2 March 2020, calls on the Government to give the Six Nations Group A protection. The EDM states:

That this House notes with concern that Six Nations organisers have refused to rule out the possibility of the tournament going behind a £300 million pay per view paywall in 2022 following the start of a new broadcast rights period; believes that by ruling out joint bids by terrestrial broadcasters Six Nations officials are making it inevitable that the rights to broadcast the tournament will be secured by a pay-to-view subscription service; is concerned that this move risks losing an audience that has been built up and will stymie the ability of the sport to attract young players to the game; notes that the Six Nations tournament has a long tradition of being aired on free-to-view television in the UK and that any decision that would limit access would be a retrograde step; calls on the Six Nations organisers to reconsider their decision on

¹⁸ [Written Statement on Sport Broadcasting](#), HCWS66, 4 February 2020

¹⁹ House of Lords Select Committee on Communications and Digital, [Public service broadcasting: as vital as ever](#), HL Paper 16, November 2019, p3

²⁰ Ibid, p28

²¹ Ibid, p28

allowing joint broadcaster bids; and further calls on the Government to ensure that the long-cherished Six Nations tournament is given full protection under Group A listed event status.

The EDM has 39 signatures so far.

In a March 2020 parliamentary response, the DCMS said that it had no plans to move the Six Nations from the category B list to the category A list:

(...) As a Group B event, live coverage of the Six Nations Rugby tournament may be broadcast by a subscription television service provided that secondary coverage is offered to the eligible free-to-air broadcasters.²²

²² [PO 25133](#) [on Six Nations Rugby], answered 12 March 2020

Appendix: Labour government review (2008-09)

In December 2008, the Labour Government announced a review of listed events, to be carried out by an Independent Advisory Panel chaired by David Davies.²³ The review looked at three areas:

- the principle of having a list;
- the criteria against which events should be listed;
- the content of any list.

Report published (November 2009)

The Panel's report was published in November 2009²⁴ and supported the principle of protecting some major sporting events for the widest possible television audience, if necessary by means of listing them.²⁵

The Panel said that guaranteeing only the highlights of a major event could no longer be seen as a sufficient substitute for live coverage²⁶ and that there should be a single list of live events protected for free-to-air television.²⁷

Decisions on which events to include in a single list should be based on the following criteria:

(...) an event must have a special national resonance and not simply a significance to those who ordinarily follow the sport concerned.

Such an event is likely to fall into one or both of the following categories:

- it is a pre-eminent national or international event in sport;
- it involves the national team or national representatives in the sport concerned.

It should also be likely to command a large television audience.²⁸

Given the changing media landscape, the Panel observed that listed events might not have a "long-term future."²⁹ It also said that the list should be reviewed more regularly than it had been so far.³⁰

The Panel recommended the following single list of protected events:

- The Summer Olympic Games
- FIFA World Cup Finals Tournament
- UEFA European Football Championship Finals Tournament

²³ Archived DCMS website, [Free-to-air listed events review](#) [dated 7 April 2010]

²⁴ "[David Davies publishes his review of free-to-air listed events](#)", DCMS press release, 13 November 2009

²⁵ [Review of free-to-air listed events](#), Report of the Independent Advisory Panel, November 2009, para 124

²⁶ *Ibid*, para 145

²⁷ *Ibid*, para 170

²⁸ *Ibid*, para 138

²⁹ *Ibid*, para 168

³⁰ *Ibid*, para 169

- The Grand National
- The FA Cup Final (in England, Wales and Northern Ireland only)
- The Scottish FA Cup (in Scotland only)
- Home and away qualification matches in the FIFA World Cup and UEFA European Football Championships (listed in the Home Nation to which they relate)
- The All-England Wimbledon Lawn Tennis Championship (listed in its entirety)
- The Open Golf Championship
- Cricket's Home Ashes Test matches
- The Rugby Union World Cup Tournament
- Wales matches in the Six Nations Rugby Championship (in Wales only)³¹

The Panel acknowledged that this represented a "significant de-listing of events currently in Groups A and B".

Reaction to the report

According to some commentators, the review panel "adopted an antiquated approach that any event containing elements of importance to society should be listed":

...the report does not explain how the entire FIFA World Cup, UEFA European Football Championship, Rugby World Cup and Wimbledon tennis championship are of major importance to UK society. The Panel discounts the damaging impact listing has for competition and the value of such events for funding sport.³²

The Sport and Recreation Alliance argued that individual national governing bodies were best placed to make decisions about how their sporting events should be televised. It also expressed concern about the potential impact of the recommendations on the funding of sport, particularly at grassroots level:

A number of sports governing bodies and their ability to invest in grassroots sport are likely to be deeply affected if these recommendations are adopted and the Secretary of State should consider that carefully.³³

The Alliance said that a debate was needed on the future broadcasting of sport on television:

...the speed at which the broadcasting landscape is changing means that these recommendations may only be an interim measure. What is more important is that we secure a consensus on how sport is broadcast in the digital age, particularly after digital switchover in 2012. Widespread access to digital TV for the vast majority of households will change forever the way sports

³¹ Ibid, para 170

³² Benoît Keane and Francesco Savino, "The Davies report on UK listed events – a question of sport or television?", *Entertainment Law Review*, vol 21(2), 2010, p69

³³ "Listed events review needs to kick-start longer term debate about sport on TV", CCPR press release, 13 November 2009

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rights are bought, shared and broadcast. And that is only three years away. That's what we now need to plan for.³⁴

A BBC [article](#) gives further reaction to the review's recommendations.³⁵

Consultation on the report's recommendations (December 2009)

In December 2009, the Labour Government published a consultation document on how to move forward following the Independent Advisory Panel's report.³⁶

The Secretary of State's provisional conclusion was to accept the recommendations put forward by the Panel relating to:

- the retention of a list in principle
- the use of the Major Event Test as part of the criteria for drawing up a final list
- the events identified as having passed the Test³⁷

The consultation sought views on:

- the formulation of the Major Event Test to identify which events could be listed - subject to consideration of the economic impact of so doing;
- which events (whether the Candidate Events identified by the Panel or other events) satisfy the Major Event Test;
- the use of an impact assessment to identify which events should be listed. Views are sought upon the necessity for such an assessment, and on the alternative formulations of such an assessment;
- which events should be listed based on the test and assessment, whether the Candidate Events identified by the Panel or other events; and
- whether other steps (such as the use of deferred coverage/highlights as used under the current listed events regime) might be used to mitigate the impact of listing.³⁸

The deadline for responses was 5 March 2010.

The Coalition Government came to power in May 2010 and said that it would not make any decision on the future of listed events until after the conclusion of digital switchover.³⁹

³⁴ Ibid

³⁵ "[Reaction to free-to-air decision](#)", BBC Sport, 13 November 2009

³⁶ DCMS, [Review of Free-to-Air Listed Events Consultation Document](#), December 2009

³⁷ Ibid, para 8

³⁸ Ibid, para 11

³⁹ "[Decision on Free-to-Air Listed Events deferred until 2013](#)", DCMS press release, 21 July 2010; The Coalition Government repeated its position in a number of PQ responses – see, for example, [HC Deb 23 October 2012 c819W](#)

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