

Broadcasting (Public Service Content) Bill

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TO

Define public service content for the purposes of public service broadcasting.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Public service content

- (1) For the purposes of the Communications Act 2003 “public service television broadcasting” shall be construed as broadcasting material with public service content, as defined in subsection (2).
- (2) “Public service content” is content which is primarily produced in the United Kingdom and which satisfies one or more of the following criteria—
 - (a) it comprises local, national, international news or current affairs which is impartial, factual and objective;
 - (b) its primary purpose is to inform, educate or entertain children;
 - (c) its primary content is charitable or religious;
 - (d) the content would not otherwise be likely to be provided by the market responding to consumer demand.
- (3) Where the only criterion of public service content is that contained in subsection (2)(d), the judgement relating to the likelihood of market failure shall be made by the National Audit Office, which must publish an opinion on any matter referred to it by the Secretary of State pursuant to this section.
- (4) No content shall be public service content if it fails to satisfy prevailing standards of good taste and decency.
- (5) Section 264 of the Communications Act 2003 is repealed.

2 Payment of licence fee

- (1) No licence fee revenue shall be paid to any broadcaster by the Secretary of State for services which do not satisfy the criteria of public service content in section 1.

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- (2) It shall be the duty of the National Audit Office to keep under review the total cost of public service television broadcasting.
- (3) In pursuance of its duty under subsection (2) the National Audit Office must conduct, in each calendar year after the year in which this Act is passed, a value for money audit of the expenditure incurred on the broadcasting of public service content that is funded by the licence fee payer. 5
- (4) The results of all audits conducted under this section shall be published in reports which must be laid before both Houses of Parliament.
- (5) The Secretary of State must by regulations provide for any costs incurred by the National Audit Office in the exercise of its duties under this Act to be reclaimed from licence fee revenue. 10
- (6) Regulations under subsection (5) shall be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.
- 3 Short title, commencement and extent 15**
- (1) This Act may be cited as the Broadcasting (Public Service Content) Act 2011.
- (2) This Act shall come into force on a day to be appointed by the Secretary of State by order made by statutory instrument provided that such date shall be no later than 1 January 2012.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland. 20

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To define public service content for the purposes of public service broadcasting.

*Presented by Mr Christopher Chope,
supported by
Mr Peter Bone, Philip Davies,
Mr Mark Field, Mark Pritchard,
Mr Philip Hollobone, Mr David Nuttall
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