

# On-demand Audiovisual Services (Accessibility for People with Disabilities affecting Hearing or Sight or both) Bill

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Require the appropriate regulatory authority of on-demand audiovisual programme services to draw up a Code relating to the provision of subtitles, signing and audio-description for persons with disabilities affecting their hearing or their sight or both; to require the appropriate regulatory authority to consult before issuing any such Code; to make provision for minimum requirements to be included in the Code; to require that on-demand programme services providers observe the requirements of the Code; to provide for regular consultation about and review of the minimum requirements; and for connected purposes.

**B**E 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:—

*Code of practice: accessibility to on-demand audiovisual services for people with disabilities affecting hearing and/or sight*

## **1 Duty to establish a mandatory code**

The Secretary of State shall by regulations establish a code of practice for the augmentation of on-demand audiovisual programme services to improve their accessibility for people with relevant disabilities (affecting hearing or sight or both) to be known as the “video-on-demand accessibility code”. 5

## **2 Content of the code**

- (1) The video-on-demand accessibility (VODA) code shall require providers of on-demand programme services to accompany designated output with designated levels of— 10
- (a) subtitling
  - (b) signing
  - (c) audio-description, or

- (d) other forms of augmentation as may be developed in the future aimed at improving the accessibility of audiovisual output for people with relevant disabilities.
- (2) The Code shall require minimum levels of provision of one or more type of audiovisual augmentation, in relation to— 5
  - (a) one or more designated categories of programme output (for example “news” programmes),
  - (b) the proportions of one or more designated types of programme,
  - (c) a proportion of total programme output,
  - (d) a proportion of total consumption (estimated audience) of one, more 10 than one or all, programme output, or
  - (e) a combination of the criteria and calculations in this subsection.
- (3) The Code shall make provision about the meeting of obligations established, including by allocating relevant responsibilities between— 15
  - (a) broadcasters,
  - (b) platform operators, and
  - (c) any other provider or purveyor of programmes or programme services.
- (4) The Code may make provision about— 20
  - (a) requirements to provide subtitling in a language other than English,
  - (b) the setting of relevant targets to be met within specified periods of time, or
  - (c) other matters that the Secretary of State has satisfied himself, on the basis of public consultation or advice from a relevant regulatory body, are necessary.
- 3 Scope of the code** 25
- (1) The Code shall apply to any on-demand audiovisual programme service.
- (2) For the purposes of this Act, a service is an on-demand audiovisual programme service if it— 30
  - (a) falls within the definition given in Section 368A (Meaning of “on-demand programme service”) of the Communications Act 2003 (as inserted by the Audiovisual Media Services Regulations 2009), or
  - (b) is designated as such by the Secretary of State under subsection (3).
- (3) The Secretary of State may designate an audiovisual programme service or platform, including any new form of such a service or platform delivered and/ or consumed by any means, as falling within Section 368A of the 2003 Act by order. 35

*Establishment of the code*

**4 Consultation**

- (1) The Secretary of State shall, before making regulations under Section 1, conduct a public consultation to inform his determination of the elements of the Code. 40
- (2) The public consultation shall seek views on any issue that the Secretary of State satisfies himself is relevant.

- (3) The Secretary of State shall conduct and conclude the public consultation under subsection (2) within 12 months of this Act receiving Royal Assent.
- (4) The Secretary of State shall lay before each House of Parliament a report of the public consultation under subsection (2), alongside any statement he believes to be appropriate, within 6 months of the closing date of the consultation. 5

## **5 Delegated authority**

- (1) The Secretary of State may delegate such duties and powers conferred under this Act to an appropriate designated authority or agency as he thinks appropriate.
- (2) The Secretary of State may delegate, devolve or transfer duties and powers available under the Communications Act 2003 to the designated authority or agency under Subsection 1 as he thinks appropriate. 10

## **6 Introduction and review of the scheme**

- (1) The Secretary of State shall introduce the Code by the end of a period of 6 months following the laying of the report mentioned in section 4(4) before each House of Parliament. 15
- (2) The Secretary of State shall make an annual report on—
  - (a) the performance of providers of on-demand audiovisual programme services in meeting their obligations under the Code, and
  - (b) the performance of his department, or the designated authority or agency under section 5, in establishing, implementing, monitoring and reporting on progress and performance against the Code. 20
- (3) The Secretary of State shall arrange for an independent review of the Code and its implementation five years after its introduction and lay a report of the findings of the review before each House of Parliament. 25

### *General*

## **7 Regulations and orders under this Act**

- (1) The Secretary of State may by orders or regulations—
  - (a) add, remove, uprate or otherwise revise obligations contained in the Code, or
  - (b) exempt entities, services or programme, or categories of entity, service or programme, from one or more obligations of the Code. 30
- (2) Regulations or orders made under this Act shall be made by statutory instrument, and may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament. 35

## **8 Extent, commencement and short title**

- (1) This Act extends to the United Kingdom.
- (2) This Act comes into force on the day after it receives Royal Assent.
- (3) The Act may be cited as the On-demand Audiovisual Services (Accessibility for People with Disabilities affecting Hearing or Sight or both) Act 2016. 40

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