



# Communications Act 2003

## 2003 CHAPTER 21

### [<sup>F1</sup>PART 4A

#### ON-DEMAND PROGRAMME SERVICES

#### [<sup>F1</sup>/<sup>F2</sup>Accessibility

##### Textual Amendments

- F1** Pt. 4A inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), 2
- F2** Ss. 368BC, 368BD and cross-heading inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. 93(2), 118(6); S.I. 2017/765, reg. 2(y)

#### **368BC Accessibility for people with disabilities**

- (1) The Secretary of State may by regulations impose requirements on providers of on-demand programme services for the purpose of ensuring that [<sup>F3</sup>such services] are accessible to people with disabilities [<sup>F4</sup>, including, in particular, people with disabilities affecting their sight or hearing, or both].
- (2) The requirements that may be imposed include—
- (a) requirements for programmes included in the services to be accompanied by subtitling;
  - (b) requirements for such programmes to be accompanied by audio-description for the blind;
  - (c) requirements for such programmes to be presented in, or translated into, sign language;
  - [ requirements for providers of on-demand programme services to report
- <sup>F5</sup>(d) annually to the appropriate regulatory authority about the accessibility of such services.]

*Changes to legislation: Communications Act 2003, Cross Heading: Accessibility is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) The steps set out in subsections (4) to (6) must be taken before regulations are made under this section.
- (4) The Secretary of State must ask the appropriate regulatory authority to consult such persons as appear to the authority likely to be affected by regulations under this section, including—
  - (a) providers of on-demand programme services, and
  - (b) representatives of people with disabilities <sup>F6</sup>....
- (5) The appropriate regulatory authority must inform the Secretary of State of—
  - (a) the outcome of the consultation, and
  - (b) any other matters that they think should be taken into account by the Secretary of State for the purposes of the regulations.
- (6) Where OFCOM are not the appropriate regulatory authority, the Secretary of State must consult OFCOM.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F3** Words in s. 368BC(1) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **27(a)(i)** (with Pt. 7)
- F4** Words in s. 368BC(1) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **27(a)(ii)** (with Pt. 7)
- F5** S. 368BC(2)(d) inserted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **27(b)** (with Pt. 7)
- F6** Words in s. 368BC(4)(b) omitted (1.11.2020) by virtue of [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **27(c)** (with Pt. 7)

### 368BD Enforcement of regulations under section 368BC

- (1) Where the appropriate regulatory authority determine that a provider of an on-demand programme service is contravening or has contravened regulations under section 368BC, they may do one or both of the following—
  - (a) give the provider an enforcement notification under this section;
  - (b) impose a penalty on the provider in accordance with section 368J.
- (2) The appropriate regulatory authority must not make a determination as mentioned in subsection (1) unless there are reasonable grounds for believing that a contravention of the regulations is occurring or has occurred and they have allowed the provider an opportunity to make representations about that apparent contravention.
- (3) An enforcement notification under this section is a notification which specifies the determination made as mentioned in subsection (1) and imposes a requirement on the provider to take all such steps for complying with the regulations and for remedying the consequences of the contravention of the regulations as may be specified in the notification.
- (4) An enforcement notification must—

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- (a) include reasons for the appropriate regulatory authority's decision to give the enforcement notification, and
  - (b) fix a reasonable period for taking the steps required by the notification.
- (5) It is the duty of a provider to whom an enforcement notification is given to comply with it.
- (6) That duty is enforceable in civil proceedings by the appropriate regulatory authority—
- (a) for an injunction,
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
  - (c) for any other appropriate remedy or relief.
- (7) If a provider to whom an enforcement notification has been given does not comply with it within the period fixed by the appropriate regulatory authority in that enforcement notification the appropriate regulatory authority may impose a financial penalty on the provider in accordance with section 368J.]]

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)