
Changes to legislation: Communications Act 2003, Cross Heading: Programme standards 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

SCHEDULES

SCHEDULE 12

CORRESPONDING OBLIGATIONS OF THE BBC AND WELSH AUTHORITY

PART 2

THE WELSH AUTHORITY

Programme standards

- 12 It shall be the duty of the Welsh Authority in relation to their public television services to observe the standards set under section 319.

Commencement Information

- I1** Sch. 12 para. 12 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

- 13 It shall be the duty of the Welsh Authority to comply with a direction given to them by OFCOM with respect to the establishment of procedures for the handling and resolution of complaints about the observance by the Authority of standards set under section 319.

Commencement Information

- I2** Sch. 12 para. 13 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

- 14 (1) It shall be the duty of the Welsh Authority to comply with directions given to them by OFCOM with respect to any of the matters mentioned in sub-paragraph (2).
- (2) Those matters are—
- the exclusion from any of the Authority's public television services of a particular advertisement, or its exclusion in particular circumstances;
 - the descriptions of advertisements and methods of advertising to be excluded from the services so provided (whether generally or in particular circumstances);^{F1} ...
 - the methods of sponsorship to be excluded from those services (whether generally or in particular circumstances) [^{F2}; and
 - the forms and methods of product placement to be excluded from those services (including descriptions of products, services or trade marks product placement of which is to be excluded) (whether generally or in particular circumstances).]

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Textual Amendments

- F1** Word in Sch. 12 para. 14(2)(b) omitted (16.4.2010) by virtue of [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), [regs. 1\(1\)](#), 10(3)(a)
- F2** Sch. 12 para. 14(2)(d) and word inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), [regs. 1\(1\)](#), 10(3)(b)

Modifications etc. (not altering text)

- C1** Sch. 12 para. 14(1) modified (20.7.2004) by [Contracting Out \(Functions relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\)](#), [art. 1](#), [Sch. para. 1\(d\)](#) (with [art. 5](#))

Commencement Information

- I3** Sch. 12 para. 14 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 15 (1) This paragraph applies if OFCOM are satisfied—
- [^{F3}(a) that the Welsh Authority have failed in any respect to perform any of their duties under—
- (i) paragraphs 12 to 14,
- (ii) paragraph 23A,
- (iii) section 368D(1) except so far as it relates to advertising,
- (iv) section 368D(2),
- (v) section 368D(3)(zza), (zb), (a) or (b), or
- (vi) section 368E(4) except so far as it relates to advertising; and]
- (b) that the failure can be appropriately remedied by the inclusion in any or all of the Authority’s public television services [^{F4}or on-demand programme services] of a correction or a statement of findings.
- (2) OFCOM may direct the Welsh Authority to include a correction or a statement of findings (or both) in any one or more of their public television services [^{F5}or on-demand programme services] .
- (3) A direction may require the correction or statement of findings to be in such form, and to be included in programmes at such time or times, as OFCOM may determine.
- (4) OFCOM are not to give a direction under this paragraph unless they have given the Welsh Authority a reasonable opportunity of making representations to them about the matters appearing to OFCOM to provide grounds for the giving of the direction.
- (5) Where the Welsh Authority include a correction or a statement of findings in any of their public television services [^{F6}or on-demand programme services] in pursuance of a direction under this paragraph, the Authority may announce that they are doing so in pursuance of such a direction.
- (6) For the purposes of this paragraph a statement of findings, in relation to a case in which OFCOM are satisfied that the Welsh Authority have failed to perform a duty [^{F7}mentioned in sub-paragraph (1)(a)] , is a statement of OFCOM’s findings in relation to that failure.

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Textual Amendments

- F3** Sch. 12 para. 15(1)(a) substituted (1.11.2020) by [The Audiovisual Media Services Regulations 2020 \(S.I. 2020/1062\)](#), regs. 1(2), **45(b)** (with Pt. 7)
- F4** Words in Sch. 12 para. 15(1)(b) inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), **4(2)(b)**
- F5** Words in Sch. 12 para. 15(2) inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), **4(2)(b)**
- F6** Words in Sch. 12 para. 15(5) inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), **4(2)(b)**
- F7** Words in Sch. 12 para. 15(6) substituted (18.3.2010) by [The Audiovisual Media Services Regulations 2010 \(S.I. 2010/419\)](#), regs. 1(1), **14(3)**

Modifications etc. (not altering text)

- C2** Sch. 12 para. 15(2) modified (20.7.2004) by [Contracting Out \(Functions relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004 \(S.I. 2004/1975\)](#), art. 1, **Sch. para. 2(d)** (with art. 5)

Commencement Information

- I4** Sch. 12 para. 15 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

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\(1\)](#)