



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES [F1ETC]

^{F1F1}CHAPTER 4

REGULATORY PROVISIONS

Programme and fairness standards for television and radio

321 [F1Objectives for advertisements, sponsorship and product placement]

- (1) Standards set by OFCOM to secure the objectives mentioned in section 319(2)(a) and [F2(fa)] to (j)—
- (a) must include general provision governing standards and practice in advertising and in the sponsoring of programmes [F3and, in relation to television programme services, general provision governing standards and practice in product placement] ; F4 ...
 - (b) may include provision prohibiting advertisements and forms and methods of advertising or sponsorship (whether generally or in particular circumstances)[F5; and
 - (c) in relation to television programme services, may include provision prohibiting forms and methods of product placement (including product placement of products, services or trade marks of any description) (whether generally or in particular circumstances).]
- (2) For the purposes of section 319(2)(g) an advertisement contravenes the prohibition on political advertising if it is—
- (a) an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature;
 - (b) an advertisement which is directed towards a political end; or

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- (c) an advertisement which has a connection with an industrial dispute.
- (3) For the purposes of this section objects of a political nature and political ends include each of the following—
- (a) influencing the outcome of elections or referendums, whether in the United Kingdom or elsewhere;
 - (b) bringing about changes of the law in the whole or a part of the United Kingdom or elsewhere, or otherwise influencing the legislative process in any country or territory;
 - (c) influencing the policies or decisions of local, regional or national governments, whether in the United Kingdom or elsewhere;
 - (d) influencing the policies or decisions of persons on whom public functions are conferred by or under the law of the United Kingdom or of a country or territory outside the United Kingdom;
 - (e) influencing the policies or decisions of persons on whom functions are conferred by or under international agreements;
 - (f) influencing public opinion on a matter which, in the United Kingdom, is a matter of public controversy;
 - (g) promoting the interests of a party or other group of persons organised, in the United Kingdom or elsewhere, for political ends.

[^{F6}(3A) For the purposes of section 319(2)(fa) the product placement requirements are the requirements set out in Schedule 11A.]

- (4) OFCOM—
- (a) [^{F7}shall—
 - (i) in relation to programme services, have a general responsibility with respect to advertisements and methods of advertising and sponsorship; and
 - [^{F8}(ii) in relation to television programme services, have a general responsibility with respect to methods of product placement; and]
 - (b) in the discharge of that responsibility may include conditions in any licence which is granted by them for any such service that enable OFCOM to impose requirements with respect to any of those matters that go beyond the provisions of OFCOM's standards code.
- (5) OFCOM must, from time to time, consult the Secretary of State about—
- (a) the descriptions of advertisements that should not be included in programme services; ^{F9} ...
 - (b) the forms and methods of advertising and sponsorship that should not be employed in, or in connection with, the provision of such services [^{F10}; and
 - (c) the forms and methods of product placement that should not be employed in the provision of a television programme service (including the descriptions of products, services or trade marks for which product placement should not be employed).]
- (6) The Secretary of State may give OFCOM directions as to the matters mentioned in subsection (5); and it shall be the duty of OFCOM to comply with any such direction.
- (7) Provision included by virtue of this section in standards set under section 319 is not to apply to, or to be construed as prohibiting the inclusion in a programme service of—

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- (a) an advertisement of a public service nature inserted by, or on behalf of, a government department; or
- (b) a party political or referendum campaign broadcast the inclusion of which is required by a condition imposed under section 333 or by paragraph 18 of Schedule 12 to this Act.

(8) In this section “programme service” does not include a service provided by the BBC ^{F11}(except in the expression “television programme service”).

Textual Amendments

- F1** S. 321 heading substituted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(2)**
- F2** Word in s. 321(1) substituted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(3)(a)**
- F3** Words in s. 321(1)(a) inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(3)(b)**
- F4** Word in s. 321(1)(a) omitted (16.4.2010) by virtue of [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(3)(c)**
- F5** S. 321(1)(c) and word inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(3)(d)**
- F6** S. 321(3A) inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(4)**
- F7** Words in s. 321(4)(a) substituted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(5)(a)**
- F8** S. 321(4)(a)(ii) inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(5)(b)**
- F9** Word in s. 321(5)(a) omitted (16.4.2010) by virtue of [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(6)(a)**
- F10** S. 321(5)(c) and word inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(6)(b)**
- F11** Words in s. 321(8) inserted (16.4.2010) by [The Audiovisual Media Services \(Product Placement\) Regulations 2010 \(S.I. 2010/831\)](#), regs. 1(1), **3(7)**

Commencement Information

- I1** S. 321 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\(1\)](#)