Draft Regulations laid before Parliament under section 278(9) and 278C(10) of, and paragraph 8(9) of Schedule 12 to, the Communications Act 2003 (c. 21), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. ****

BROADCASTING

The Broadcasting (Regional Programme-making and Original Productions) (Amendment) Regulations 2025

Made - - - -	***
Coming into force - -	*1st January 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 278(6), 278(7A), 278C(2) and 278C(5) of, and paragraph 8(6) and (7A) of Schedule 12 to, the Communications Act 2003(**a**).

The Secretary of State has consulted OFCOM, the BBC and S4C in accordance with sections 278(8) and 278C(9) of, and paragraph 8(8) of Schedule 12 to, the Communications Act 2003(**b**).

A draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with sections 278(9) and 278C(10) of, and paragraph 8(9) of Schedule 12 to, the Communications Act 2003.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Broadcasting (Regional Programme-making and Original Productions) (Amendment) Regulations 2025, and come into force on 1st January 2026.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(**a**) 2003 c. 21. Section 278(7A) was inserted by section 9(4) of the Media Act 2024 (c. 15) and section 278C was inserted by section 12 of that Act. Paragraph 8(6) of Schedule 12 was amended, and paragraph 8(7A) of that Schedule was inserted, by paragraph 3 of Schedule 1 to the Media Act 2024.

(**b**) Section 278(8) was amended by paragraph 36 of Schedule 4 to the Media Act 2024 and paragraph 8(8) of Schedule 12 was amended by paragraph 56 of Schedule 4 to that Act.

Regional programme-making quotas - functions conferred on OFCOM

2.—(1) OFCOM must determine whether qualifying audiovisual content(**a**) that is made available by a person in the circumstances described in paragraph (2) may be counted towards meeting a regional programme-making quota condition.

(2) Those circumstances are that the person has previously made available audiovisual content consisting of the same or substantially the same material (whether in the same year or a previous year).

(3) In this regulation, a "regional programme-making quota condition" means a condition that forms part of the regulatory regime of a licensed public service channel by virtue of the following provisions of the Communications Act 2003—

(a) section 286(1)(a) and (aa) or (3)(a) and (aa) or section 288(1)(a) and (aa) (regional programme-making quotas relating to duration)(**b**);

(b) section 286(1)(c) or (3)(c) or 288(1)(c) (regional programme-making quotas relating to expenditure)(**c**), where the condition is framed by reference to the making available of qualifying audiovisual content.

Amendment of the Broadcasting (Original Productions) Order 2004

3.—(1) The Broadcasting (Original Productions) Order 2004(**d**) is amended as follows.

(2) In article 3 (meaning of "original productions" for licensed public service channels), for paragraph (a) (but not the "and" after it) substitute—

"(a) are commissioned by or for the provider of a licensed public service channel with a view to their first being made available in the United Kingdom on a service that is a qualifying audiovisual service;".

(3) After article 3, insert—

"Original productions quota conditions (licensed public service channels) - functions conferred on OFCOM

3A.—(1) OFCOM must determine whether qualifying audiovisual content that is made available by a person in the circumstances described in paragraph (2) may be counted towards meeting an original productions quota condition.

(2) Those circumstances are that the person has previously made available audiovisual content consisting of the same or substantially the same material (whether in the same year or a previous year).

(3) OFCOM may provide in an original productions quota condition that original productions of a description specified in the licence may not be counted towards meeting an original productions quota condition.

(4) OFCOM must prepare and publish guidance about the determination of whether an original production falls within a description specified in a licence by virtue of paragraph (3).

(5) OFCOM may provide in an original productions quota condition that the holder of the licence must have regard to that guidance.

(**a**) "Qualifying audiovisual content" is defined in section 278B(1) of the Communications Act 2003 (c. 21), which was inserted by section 11 of the Media Act 2024.

(**b**) Section 286(1)(a) and (aa) and (3)(a) and (aa) and section 288(1)(a) and (aa) were substituted by section 14 of the Media Act 2024.

(**c**) Sections 286(1)(c) and (3)(c) and 288(1)(c) were amended by section 14 of the Media Act 2024.

(**d**) S.I. 2004/1652, as amended by S.I. 2013/2217 and S.I. 2019/224.

(6) In this article, an "original productions quota condition" means a condition that forms part of the regulatory regime of a licensed public service channel by virtue of section 278(1) of the Communications Act 2003 (programming quotas for original productions)(**a**).".

(4) In article 4—

(a) in the heading, for "designated public services of the Welsh Authority" substitute "S4C";

(b) omit ", in relation to the designated public services of the Welsh Authority,";

(c) for paragraph (a) (but not the "and" after it) substitute—

"(a) are commissioned by or for S4C with a view to their first being made available in the United Kingdom on a service that is a qualifying audiovisual service;".

(5) After article 4, insert—

"Original productions duties (S4C) - functions conferred on OFCOM

4A.—(1) OFCOM must determine whether qualifying audiovisual content that is made available by S4C in the circumstances described in paragraph (2) may be counted towards meeting any S4C original productions duty.

(2) Those circumstances are that S4C has previously made available audiovisual content consisting of the same, or substantially the same, material (whether in the same year or a previous year).

(3) OFCOM may give a direction to S4C that original productions of a description specified in the direction may not be counted towards meeting a S4C original productions duty.

(4) Before giving such a direction, OFCOM must consult S4C.

(5) OFCOM must prepare and publish guidance about the determination of whether an original production falls within a description specified in a direction given by virtue of paragraph (3).

(6) S4C must have regard to that guidance.

(7) In this article, a "S4C original productions duty" means a duty of S4C under or by virtue of paragraph 8(1) of Schedule 12 to the Communications Act 2003(**b**).".

[Name]
Minister of State
Department for Culture, Media and Sport

[Date]

(**a**) Section 278(1) was substituted by section 9 of the Media Act 2024.
(**b**) Paragraph 8(1) of Schedule 12 was substituted by paragraph 3 of Schedule 1 to the Media Act 2024.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create new provisions in relation to quotas for regional programme-making and amend the Broadcasting (Original Productions) Order 2004 (S.I. 2004/1652) ("the 2004 Order") in order to implement provisions set out in the Media Act 2024 (c. 15) ("the 2024 Act") relating to programme-making quotas for original and regional productions for Channels 3, 4 and 5, and for S4C.

Regulation 2 confers functions on OFCOM in relation to regional programme-making quotas in relation to whether content already made available in the same or substantially the same form ("repeats") may be counted towards meeting a programme-making quota.

Paragraph (2) of regulation 3 amends the definition of "original productions" for the purposes of section 278 of the Communication Act 2003 (c. 21) (programming quotas for original productions) in article 3 of the 2004 Order, in order to take account of changes made by the 2024 Act.

Paragraphs (3) and (5) of regulation 3 insert two new articles into the 2004 Order. These require OFCOM to determine whether "repeats" may be counted towards meeting an original production quota of a licensed public service channel or S4C, respectively. These new articles also confer further functions on OFCOM regarding how such a determination is made.

Paragraph (4) of regulation 3 amends the definition of "original productions" for the purposes of paragraph 8 of Schedule 12 to the Communications Act 2003 (programme quotas for original productions: S4C) in article 4 of the 2004 Order, in order to take account of changes made by the 2024 Act, and replaces references to "the Welsh Authority" with references to S4C.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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