EXPLANATORY MEMORANDUM TO

THE TELEVISION SELECTION SERVICES (DESIGNATION) REGULATIONS 2026

2026 No. 531

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Ian Murray, Minister of State for Creative Industries, Media and Arts at the Department for Culture, Media and Sport confirms that this Explanatory Memorandum meets the required standard.

2.2 Mark Griffin, Deputy Director for TV and Broadcasting, at the Department for Culture, Media and Sport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Aimee Bell at the Department for Culture, Media and Sport can be contacted by email at the following address with any queries regarding the instrument: enquiries@dcms.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations designate 15 television selection services as regulated television selection services for the purpose of the new Prominence regime in Part 3A of the Communications Act 2003 - introduced by the Media Act 2024.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

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5. Policy Context

What is being done and why?

5.1 One important objective of the UK's public service broadcasting (PSB) system is to ensure that public service content is easy to find. This is currently achieved for linear (live) broadcasting where the public service broadcasters' (PSBs) main linear channels currently benefit from holding the first five slots of regulated electronic programme guides (or TV guides/channel listings) (i.e. BBC One, BBC Two, ITV1 etc). PSBs get this benefit of prominence in exchange for additional obligations, e.g. news provision. However, more and more viewers are choosing to watch programmes

on-demand. Ofcom's Media Nations report in 2025 found that two-thirds of UK households subscribe to at least one of Netflix, Amazon Prime Video or Disney+[1]. The linear regulatory framework for prominence under the Communications Act 2003 does not extend to the PSBs' on-demand services.

5.2 A new bespoke online prominence regime has now been introduced into the Communications Act 2003 via the Media Act 2024 which will require regulated television selection services to carry and give an appropriate degree of prominence to designated PSB internet programme services (or DIPSs) - such as BBC iPlayer and ITVX - within their user interfaces (UI), as well as making sure their UIs are accessible for those with hearing and visual impairment. The Government believes that securing prominence in the new TV ecology is an important regulatory reform required for the future sustainability of the PSBs, given the growing challenges they are experiencing in negotiations with TV platforms over carriage on their services.

What is a television selection service?

5.3 A television selection service (or TSS) is a service that presents programme services or programmes provided by those services to a user, and allows them to select between those services and programmes and to access them. For example a user can select between on-demand apps, or between programmes provided by those apps on a UI on a smart TV. In other words, a TSS is the underlying software of the TV device (e.g. Sky OS (operating system) for Sky Glass TVs) as well as the UI which enables the user to interact with the homescreen and menus.

What is a regulated television selection service?

5.4 For a television selection service to become a regulated television selection service (or RTSS), and therefore captured by the new prominence regime, it must be designated by the Secretary of State by secondary legislation. Before regulations can be made, the Secretary of State must have first received a report from Ofcom setting out its recommendations. Ofcom is required to assess certain factors in making its recommendations which may include: the number of UK users, including an assessment of whether that number is significant; manner of use; and technical functionality. Ofcom published its draft advice for consultation on 22 July 2025[2]. Following this, Ofcom issued its final advice on 16 December 2025, and recommended the designation of 15 individual TSS provided by Amazon, Apple, Freely, Google (including Android), LG, Roku, Samsung, Sky, VIDAA (now V), YouView and Virgin Media.[3]

5.5 Ofcom's recommendations are based on the following:

1) the TSS must have at least 700,000 annual active users in the UK;

2) the designations should apply only to the versions of the TSS currently available on the market as of July 2025 - and any future versions;

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[1] Ofcom's Media Nations report in 2025 (https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/multi-sector/media-nations/2025/media-nations-2025-uk-report.pdf?v=401287)

[2] Designation of Television Selection Services Consultation on our draft report to the Secretary of State (https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/consultation-on-draft-report---designation-of-television-selection-services/consultation-on-draft-report---designation-of-television-selection-services.pdf?v=403557)

[3] Designation of Television Selection Services Final report to the Secretary of State (https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/consultation-on-draft-report---designation-of-television-selection-services/statement-designation-of-television-selection-services-final-report-to-the-secretary-of-state.pdf?v=409491)

3) TSS must be able to function as a RTSS (or with appropriate modification(s) can be made capable of functioning) - in that it is capable of carrying DIPS; presenting internet programme services and programmes with different levels of prominence; and including features to ensure it is accessible to people with disabilities.

5.6 DCMS Minister of State Ian Murray confirmed the Government has agreed to Ofcom's recommendations via a Written Ministerial Statement on 24 February 2026 and to bring forward this instrument to make the designations[4].

What was the previous policy, how is this different?

5.7 The existing regulatory framework for ensuring carriage and prominence of PSB channels, set out in the Communication Act 2003, does not extend to the PSBs' online services, including on-demand and livestreamed programme services, nor services that enable viewers to navigate and select TV programmes beyond the TV guide (electronic programme guide), such as the UIs on smart TVs, set-top boxes and streaming sticks.

5.8 The prominence regime introduced by the Media Act 2024 is a new regulatory framework and addresses this by giving designated PSB services prominence on RTSSs. In many cases this is the first time the TSS providers are being regulated in relation to prominence.

5.9 However, the new prominence regime builds on the existing linear prominence regime in relation to electronic programme guides (EPGs) (as set out at para 5.1), where some TSS providers are already subject to prominence requirements where their TV guides are regulated. The providers of currently regulated EPGs are: Everyone TV, Sky, Virgin Media, and YouView.

6. Legislative and Legal Context

How has the law changed?

6.1 Part 3A of the Communications Act 2003 introduces a new prominence framework for television selection services. Providers of RTSS will be under a duty to include and provide an appropriate degree of prominence to designated internet programme services included in their services and secure that people with disabilities are able to use their services for the same purposes as people without disabilities (section 362AO).

6.2 Section 362AE of the Communications Act 2003 defines a "television selection service" as a service provided by means of the internet in connection with internet television equipment or ("ITE") which consists of the presentation of internet programme services (IPS) and a facility that enables a user to select between IPS (or programmes provided by those IPS) and to access the IPS (or programme) selected. Specified ITE includes Smart TVs, set-top boxes and streaming sticks only - as confirmed by the Internet Television Equipment Regulations 2024[5].

6.3 Section 362AF of that Act confers on the Secretary of State the power to designate a TSS as a RTSS. The Secretary of State may not designate a service unless she considers that the service is used by a significant number of members of the UK

[4] Written Ministerial Statement: Updates to the regulation of TV and video-on-demand services (https://questions-statements.parliament.uk/written-statements/detail/2026-02-24/hcws1354)

[5] The Internet Television Equipment Regulations 2024 (https://www.legislation.gov.uk/uksi/2024/1056/made)

public and only after she has received a report from Ofcom under section 362AG of that Act recommending the services to be designated.

6.4 This instrument therefore designates each of the 15 TSSs in accordance with Ofcom's recommendations set out in their report published on 16 December 2025.

Why was this approach taken to change the law?

6.5 There were two possible approaches to designate TSS as regulated TSS:

1) individual designation - listing individual TSS in regulations. This requires new regulations to be made to add or remove TSS providers from the list of designated regulated TSS, or

2) designation by description - specifying descriptions of TSS in regulations by reference, for example, to the number of users of the service in the UK. A provider of a TSS would then be required to notify Ofcom if their service fell under a description (see section 362AH of the Communications Act 2003).

6.6 Ofcom recommended that we individually designate TSS and list them in regulations, due to the challenges of giving effect to its proposals by designating using a description. This included the absence of suitable data measuring individual TSS users or usage, which led Ofcom to identify a proxy based on first party data verified against third-party sources; and because providers differ in how they manage different versions of their TSS. Ofcom further considered it to be particularly important to provide clarity and certainty for TSS providers, PSBs and other stakeholders in the first regulations that will establish this new regime. The relatively small number of TSS that Ofcom recommended be designated means that it is practicable to specify each TSS in the regulations and Ofcom considered that the individual services which it identified as suitable for designation were likely to remain so for a reasonable time period.

6.7 DCMS has agreed to take this approach and this instrument individually lists the regulated TSS and providers in the Schedule. In taking this approach it not only captures the key TV platform providers in the UK and ensures PSBs receive the maximum benefit of being prominent on their UIs, the approach also provides regulatory clarity. E.g. If your service is listed in these Regulations it is in scope of the regime.

6.8 Ofcom also recommended in their report that designations should apply only to currently available versions of the TSS (e.g. those versions available on the market in July 2025), as well as any versions made available while the designations are in place. TSS tends to be updated from time to time to introduce new features to improve user experience, fix bugs, enhance security settings, and/or adapt to new hardware and user needs. To implement this Ofcom suggested that a TSS could be defined by reference to the ITE the service is carried on and the date the ITE was first made available to members of the UK public. This approach avoids capturing older (or legacy) TSS versions which may not have the technical capability to comply with the prominence and accessibility requirements and their designation would come at a cost to both PSBs and TSS providers. DCMS has also agreed to take this approach.

7. Consultation

Summary of consultation outcome and methodology

7.1 Before the Secretary of State can designate which TSS are in scope of the prominence regime, they must first have received advice from Ofcom setting out its recommendations as to which TSS providers should be designated, according to certain criteria. Ofcom is required to consult on this advice.

7.2 In April 2025, Ofcom published their statement of principles and methods they would use when preparing a report to the Secretary of State making these recommendations across certain factors they are required to consider in preparing their advice - this includes: 1) the number of users, and whether that number is significant; the manner in which the TSS is used; 3) whether the TSS is capable of functioning as a RTSS (or can be made so capable); and 4) such matters as Ofcom considers relevant.[6]

7.3 Ofcom launched their consultation on their draft advice (and draft list of recommended TSS for designation) on 22 July 2025, which ran until 16 September 2025. Following this consultation, and having considered responses to their consultation, on 16 December, they published their final report to the Secretary of State, recommending that 15 TSS should be designated.

7.4 Ofcom remained of the view that 700,000 annual active users was the correct threshold for a "significant number of users", as well as only capturing those services available on the market in July 2025, and any subsequent versions. They also looked at demographic factors such as platform usage between age groups, income levels, and concluded that there is no significant usage difference among these groups and should not therefore affect their recommendations.

7.5 The Department has therefore used this engagement with industry and Ofcom's advice to inform the drafting of these Regulations. The Department did not receive any substantive comments following the publication of Ofcom's draft and final advice, nor following the WMS published on 24 Feb 2026 confirming DCMS Ministers have agreed to Ofcom's advice. However, as DCMS was drafting the Regulations, a query was raised about the inclusion of a specific version of a TSS, but we did not consider it necessary to make any changes to the TSS Ofcom recommended for designation.

8. Applicable Guidance

8.1 Ofcom are in the process of developing their Code of Practice under section 362AP of the Communications Act 2003 describing the recommended actions that RTSS providers can take to demonstrate compliance with their duties to deliver appropriate prominence for designated PSB services across their UIs and to make their RTSS accessible for disabled users. Ofcom is also in the process of developing guidance under section 362AL of that Act to support RTSS providers and PSBs in acting consistently with the agreement objectives when entering into commercial arrangements for inclusion of designated PSB services on a RTSS. As required by sections 362AR and 362AL of the Communications Act 2003, Ofcom consulted on

[6] Designation of Television Selection Services Statement of Principles and Methods (https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/consultation-designation-of-television-selection-services/main-documents/statement-of-principles-and-methods.pdf?v=394557)

their draft Code of Practice and guidance between 14 January and 25 March 2026[7]. We are therefore awaiting Ofcom's final drafts of their Code and guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen. This instrument is likely to entail some costs for businesses. On this basis, proportionate analysis has been undertaken by the Department of Culture, Media and Sport to assess the costs and benefits of these Regulations. A De Minimis Assessment (DMA) has therefore been prepared.

9.2 Costs and benefits have also been assessed in the Department's Impact Assessment[8] for the Media Act 2024.

Impact on businesses, charities and voluntary bodies

9.3 This instrument is likely to entail some costs for businesses. The legislation does not impact small or micro businesses. The aim of the prominence regime is not to capture all TSS providers that are capable of carrying on-demand content. Rather the policy intention is to only capture those used by a significant number of viewers to watch TV content in the UK (where delivery of TV content is the core feature of the service), and those providers that can technically comply with the prominence requirements.

9.4 Ofcom has set a numerical threshold of 700,000 annual active users in the UK as "significant" and this threshold has been applied to all those TSS designated by this instrument. In setting this threshold at 700,000 we believe this only captures the major platforms which viewers are using in the UK to watch TV content, which both ensures PSBs get the maximum benefit of prominence for their content. but also ensures regulation is targeted and proportionate. Therefore, it is expected that no small or micro businesses will fall in scope of this regime, and no exemption is therefore needed.

9.5. The instrument, and the wider prominence regime, is likely to entail some costs to Ofcom as the regulator, given they will be enforcing the new prominence regime and dispute resolution mechanism. In the DMA we include the potential transition costs to Ofcom associated with start-up activities, enforcement functions and day-to-day running costs, and then the on-going costs associated with monitoring and advising DCMS Ministers on which TSS providers to designate or designate, resolving disputes and/or taking formal enforcement action.

[7] Consultation: Prominence and accessibility on connected TV platforms - Draft code of practice and draft guidance on the agreement objectives (https://www.ofcom.org.uk/tv-radio-and-on-demand/digital-tv/prominence-and-accessibility-on-connected-tv-platforms-consultation-on-our-draft-code-of-practice-and-draft-guidance-on-the-agreement-objectives)

[8] Media Act 2024 Impact Assessment: Modernising the UK's system of public service broadcasting impact assessment. (https://assets.publishing.service.gov.uk/media/65426bb49e05fd000dbe7b72/PSB_Reform_IA_-_Published_Version__1_.pdf)

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Ofcom, as the independent media regulator, has a statutory monitoring role under the new prominence regime (section 362AZ9 of the Communications Act 2003). This will include monitoring new entrants to the connected TV platform market (which may need to be designated as a regulated TSS via a further statutory instrument) or if they need to advise the Secretary of State needs to remove a designated service.

10.2 DCMS will, however, monitor the implementation and impact of these changes on an ongoing basis through engagement with stakeholders and reference to relevant data sources. The department meets with a wide range of stakeholders, including PSBs, TV manufactures, commercial broadcasters, and representatives of viewers regularly and will continue to do so throughout the implementation and post-implementation phases.

10.3 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Ian Murray, Minister of State for Creative Industries, Media and Arts at the Department for Culture, Media and Sport has made the following statement:

"A statutory review clause is not necessary because the impact of the measures are not expected to be significant and there are no factors that would make it particularly desirable to include a review clause. In particular, there is a statutory monitoring role for Ofcom who will be regularly assessing the list of designated television selection service providers and if they need to advise DCMS Ministers on changes that need to be made to the list of services designated as RTSSs."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").