PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

MEDIA BILL

Sixth Sitting

Tuesday 12 December 2023

(Afternoon)

CONTENTS

Clause 48 agreed to, with amendments.
Schedule 9 agreed to.
Clause 49 agreed to.
Schedules 10 and 11 agreed to.
Clauses 50 and 51 agreed to.
Schedule 12 agreed to.
New clauses considered.
Clauses 52 to 56 agreed to.
Bill, as amended, to be reported.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 16 December 2023

The Committee consisted of the following Members:

Chairs: Judith Cummins, † Martin Vickers

† Baynes, Simon *(Clwyd South)* (Con)
† Blackman, Kirsty *(Aberdeen North)* (SNP)
Bradshaw, Mr Ben *(Exeter)* (Lab)
† Butler, Rob *(Aylesbury)* (Con)
† Carter, Andy *(Warrington South)* (Con)
† Collins, Damian *(Folkestone and Hythe)* (Con)
Efford, Clive *(Eltham)* (Lab)
† Foster, Kevin *(Torbay)* (Con)
† Green, Chris *(Bolton West)* (Con)
† Hunt, Tom *(Ipswich)* (Con)
† Owen, Sarah *(Luton North)* (Lab)
† Peacock, Stephanie *(Barnsley East)* (Lab)
† Tuckwell, Steve *(Uxbridge and South Ruislip)* (Con)
† Western, Andrew *(Stretford and Urmston)* (Lab)
† Whittingdale, Sir John *(Minister for Media, Tourism and Creative Industries)*
† Williams, Hywel *(Arfon)* (PC)
† Wood, Mike *(Lord Commissioner of His Majesty's Treasury)*

Huw Yardley, Kevin Candy, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 12 December 2023

(Afternoon)

[Martin Vickers *in the Chair*]

Media Bill

Clause 48

Regulation of radio selection services

Amendment proposed (this day): 12, in clause 48, page 102, line 11, after "service" insert

", or

(b) a person who was but is no longer a provider of a relevant internet radio service,".—*(Sir John Whittingdale.)*

This amendment and Amendment 13 enable OFCOM to give a provisional notice of contravention to a former provider of a relevant internet radio service.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Government amendments 13 to 15

Clause stand part.

Schedule 9.

Stephanie Peacock (Barnsley East) (Lab): It is good to see you back in the Chair, Mr Vickers. I am pleased to finally address clause 48, which I am happy to support. I will begin by outlining why this part of the Bill is so important.

The introduction of the Digital Markets, Competition and Consumers Bill was welcomed by Labour, which has led the way in calling for large tech companies to be properly regulated and for the need to ensure competition in digital markets. However, although the DMCC Bill contains a package of measures to protect consumers, enhance innovation and unlock growth, it is cross-economy legislation that is not tailored to the unique challenges faced by UK radio services.

The Government have recognised that in an age of shifting consumption habits, there is a need for provisions that protect our public service broadcasters, so it was absolutely vital that the Media Bill did not miss the opportunity to provide protections for radio, too. As has been mentioned, radio stations are of great importance to 50 million weekly listeners from all corners of the country, so it is vital that as technology rapidly evolves, people in the UK are guaranteed access to the radio services they know and love. The new regime set up by the Bill does not seek to give radio undue benefits, but rather looks to preserve the current state of play, in which such services can be listened to at first request and without unneeded interruption. That is for the benefit of listeners.

That means that voice-activated platforms cannot play their own playlists or services when a customer requests an Ofcom-licensed radio service, or overlay their own advertising into radio broadcasts without the permission of the broadcaster. Interruptions will be allowed only if a listener has explicitly made a request to be notified, for example through an alarm or call. That is important if radio services are to reach their listeners and continue to secure advertising revenue, and important for platforms, which will be able to ensure that their customers' requests are dealt with precisely. Indeed, it hardly seems favourable to platforms to allow their customers to become frustrated after not receiving a service that they have requested multiple times through a voice command.

Importantly, the Bill has retained the requirement on designated radio selection services to use a broadcaster's preferred way of delivering their station to listeners —for example, they might want it delivered via the BBC Sounds app, or through the Global Player. That vital safeguard will ensure that radio services can access the valuable data they need to improve their services, innovate and best serve their audiences. However, I recognise that platforms have been concerned about the number of routes they might be expected to deliver. Google said in evidence to the Culture, Media and Sport Committee that it can take around a year of engineering and tech work to onboard a preferred route, particularly because listeners can ask for a station in various ways; for example, a listener could refer to the same service as "6 Music", "BBC 6" or "BBC Radio 6", or use one of a number of nicknames. However, as Radiocentre has argued, the vast majority of stations are covered by a small number of apps.

The explanatory notes to the Bill clarify that a preferred route may be ruled out if it is "unduly burdensome". That balances radio services' needs with platforms' ability to realistically cater for those needs. I am hopeful that this clarification will provide a solid basis on which the regime can be built.

On radio selection services, the definition in the Bill is designed to capture smart speakers, but it can be amended by the Secretary of State via the affirmative procedure. We discussed why an ability to amend the definition is so important during our debate on the inclusion of car entertainment systems. I am also pleased that there is now a requirement for the Secretary of State to consult Ofcom when making regulations to alter this definition, as the Culture, Media and Sport Committee recommended. However, there has been some confusion about the existing definition and whether the regulations will apply to smart TVs and streaming players using voice activation. Can the Minister confirm whether such devices will be included? If not, could they be in future?

Turning to designated radio selection services, as I said in debate on my amendments 32 and 33, it is a shame that the CMS Committee's recommendations on delegated legislation were not accepted. I am pleased, however, that it seems that there will be mechanisms for de-designating devices, to ensure the exclusion of legacy devices. That is beneficial for platforms and broadcasters, who would find it quite a burden if requirements applied where devices were no longer supported.

I do not have any particular problems with the lines in the Bill relating to the meaning of "internet radio service", or the list of relevant internet radio services,

particularly as there is now a power in the Bill to amend that definition through the affirmative procedure. However, as has been discussed, the Bill misses the opportunity to bring within scope podcasts and IP-only services.

Finally, I would like to raise concerns passed on to me by TuneIn, a radio aggregator that allows listeners to easily access online the radio stations that they want to listen to. It worries that without an explicit "must offer" requirement, the Bill risks unintentionally making it legal for a radio station to deny its service to any platform or device. TuneIn warns that, without a requirement on radio broadcasters to ensure that their services are always offered to platforms, devices and apps, there can be no guarantee that radio will be freely accessible across those platforms. That could threaten the entire premise of the regime outlined in this clause and, of course, potentially damage TuneIn's business as a radio aggregator. I therefore ask the Minister whether the Department has considered the concerns of TuneIn, and whether he can guarantee that the Bill will ensure that radio is freely accessible across all platforms, rather than just a handful of platforms.

To conclude, there has been lots of contention over this part of the Bill, but I am pleased with its intent to protect radio services, and with the changes that have already been made to improve it and make it more workable. There are a few changes to delegated legislation that I would have liked to have seen, and a few questions to be asked around scope, particularly when it comes to the exclusion of podcasts and the devices covered. However, overall, I welcome the inclusion of this part in the Bill, and I look forward to seeing the regime in action, so that listeners across the country can continue to enjoy their favourite, trusted radio services.

The Minister for Media, Tourism and Creative Industries (Sir John Whittingdale): We have had a useful debate on one of the central parts of the Bill, and although the hon. Lady described it as one of the more contentious parts, I think there is widespread agreement on it. We were very grateful to the CMS Committee for strongly supporting the inclusion of these measures in the Bill, and since then, we have had extensive consultations with both the radio sector and the platforms. Some of the concerns expressed by platforms were not entirely justified, and I hope that we have been able to reassure them.

This part is focused on live radio broadcast, but obviously we will monitor the development of consumers' listening habits, and there are powers available to broaden the scope of the Bill if it becomes clear that that is necessary. However, in summation, I am most grateful to the hon. Lady for her support, and to the rest of the Committee, and commend clause 48 to the Committee.

Amendment 12 agreed to.

Amendments made: 13, in clause 48, page 102, line 12, after "service" insert

"or (as the case may be) a relevant internet radio service"

See the explanatory statement to Amendment 12.

Amendment 14, in clause 48, page 103, line 12, after "service" insert

", or

(b) a person who was but is no longer a provider of a relevant internet radio service,"

This amendment and Amendment 15 enable OFCOM to give a confirmation decision to a former provider of a relevant internet radio service.

Amendment 15, in clause 48, page 103, line 13, after "service" insert

"or (as the case may be) a relevant internet radio service"—*(Sir John Whittingdale.)*

See explanatory statement to Amendment 14.

Clause 48, as amended, ordered to stand part of the Bill.

Schedule 9 agreed to.

Clause 49

PENALTIES UNDER PARTS 3A AND 3B OF THE COMMUNICATIONS ACT 2003

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss schedules 10 and 11.

Sir John Whittingdale: Clause 49 inserts proposed new schedules 16A and 16B, as set out in schedules 10 and 11, into the Communications Act 2003. These new schedules make further provisions about financial penalties and the liability of joint entities in relation to designated internet programme services, regulated television selection services, relevant internet radio services and designated radio selection services. In particular, schedule 16A sets out the principles by which Ofcom will assess penalty amounts and maximum penalties for non-compliance with the requirements on providers of those services set out in parts 2 and 6 of the Bill. For the BBC, S4C or a person who fails to comply with an information notice, the maximum penalty is £250,000. In all other cases, the maximum penalty that Ofcom can impose against providers of services is the greater of £250,000 or 5% of the provider's qualifying worldwide revenue.

As is the case under the existing prominence regime, Ofcom will have responsibility for enforcing the new online prominence framework and that relating to radio selection services. It is therefore important that the regulator has a range of enforcement tools at its disposal for tackling contraventions, including the ability to impose a financial penalty. We believe that these provisions ensure that Ofcom can take enforcement action against the relevant provider in a proportionate and effective manner.

Stephanie Peacock: Clause 49 introduces schedules 10 and 11, which provide further information about enforcement and how it relates to the new prominence regime for our public service broadcasters, as well as the new regime for radio services on smart speakers and voice-activated platforms. I will speak briefly about both schedules in turn.

Schedule 10 sets out how penalties for failure to comply with the relevant regimes will be calculated. The ability to issue penalties is an important backstop that will ensure compliance with the regime while incentivising mutually beneficial commercial partnerships. However, to secure the integrity of the regime, it is important that there is consistency and fairness in how the backstop can be used, so it is good to see set out in legislation the principles that Ofcom must apply when determining the amount of any penalty, as well as how maximum penalties will be calculated. It is right that these should have the potential to be significant—they

[Stephanie Peacock]

can amount to either £250,000 or 5% of the person's qualifying worldwide revenue—so that they can serve their purpose as an effective deterrent. I am also pleased that the schedule allows for those amounts to be adjusted, should they need future-proofing in any way. Any change would be subject to the affirmative procedure, which would allow for scrutiny. Overall, I believe that schedule 10 is a necessary consequence of the regimes that the Bill sets up, and I have no particular issues to raise with the way that they have been drafted.

Schedule 11 is an important extension of the backstop powers awarded to Ofcom. It sets out the liability of parent entities and subsidiaries, and explains how confirmation decisions, penalty notices or provisional notices may be issued to them. Having that clarification in the Bill will hopefully make for a clear enforcement framework for Ofcom, and will make clear the responsibilities on those to whom the rules apply, so I welcome the inclusion of the schedule, which is necessary to the introduction of the two prominence regimes.

Question put and agreed to.

Clause 49 accordingly ordered to stand part of the Bill.

Schedules 10 and 11 agreed to.

Clause 50

AWARDS OF COSTS

Kirsty Blackman (Aberdeen North) (SNP): I beg to move amendment 41, in clause 50, page 112, line 33, at end insert—

> "(4) This section does not have effect until both Houses of Parliament have passed a motion in the form 'That this House is satisfied that an effective alternative method is in place of persuading publishers to become members of an approved regulator; and therefore approves the repeal of Section 40 of the Crime and Courts Act 2013.'"

The Chair: With this it will be convenient to discuss clause stand part.

Kirsty Blackman: I will speak fairly briefly. Clause 50 is contentious. Members on both sides of the House are concerned about the lack of accountability of the press, particularly the national press. After the Leveson inquiry, independent regulation of the press was recommended. Impress was set up, and that system is working well; over 200 newspapers signed up to it, but not one of the national ones did. The whole point of section 40 of the Crime and Courts Act 2013 was to ensure that newspapers signed up to Impress, and were regulated by that independent regulator—it is not the Independent Press Standards Organisation, which is not an independent regulator.

2.15 pm

The intention was that section 40 would affect only those newspapers that refused to sign up to Impress. If they signed up, they would not be bound by its terms. That was a way to push newspapers into signing up. Unfortunately, it never worked. The section has never been enacted properly, and never had the intended effect of ensuring that newspapers signed up to Impress. The public are poorly served as a result.

A number of journalists are concerned about the lack of independent regulation. It is not just the general public who are struggling with this issue. We have the least trusted press in Europe as a result of what has happened over the years. The Leveson inquiry made clear where some of the shortcomings are, but it seems that very little has been done to try to fix them. Amendment 41 says that clause 50 cannot have effect, and section 40 of the 2013 Act cannot be removed—the stick cannot be taken away—until both Houses are satisfied that an effective alternative method is in place of persuading publishers to become members of an approved regulator. Only then can section 40 be repealed. Basically, the amendment says that there needs to be alternative provision if we are not using section 40 to convince newspapers to sign up to the independent regulator.

Rob Butler (Aylesbury) (Con): I am listening carefully to the hon. Lady, and I hope, time permitting, to speak on clause stand part. The amendment refers to "persuading". Does she have any suggestion that she can share with the Committee on how publishers might be persuaded, given that although this sword of Damocles has been hanging over them for a very long time, none of them has signed up? Has she had any conversations with publishers of the national or regional press about how her ends might be achieved?

Kirsty Blackman: It is incredibly difficult to find a way forward. The hon. Gentleman is right that the issue has been left hanging. Perhaps the press never believed that the Government would implement section 40 and make it work. Maybe the sword hanging over them was not big enough. Whatever has happened, it has not persuaded them to sign up. My key request is that the Government persuades them to sign up, using whatever methods are at their disposal. It is important that we have independent regulation, and that newspapers sign up.

To illustrate the point, IPSO upholds fewer than 1% of complaints that are brought to it. I do not know whether the hon. Gentleman has ever been through the IPSO process, but it is incredibly complex and difficult. It is supposedly set up in such a way that anybody can access it, but without the advice of a lawyer, it is very difficult for a person to ensure that their concerns are heard and their complaint is upheld by IPSO.

The Government should use all the tools at their disposal. They should be having conversations and doing everything that they can to persuade newspapers to sign up. Section 40 should be removed only when there is an alternative—unless, of course, the Government are going to totally dump the idea of having independent press regulation and just give up on this.

Hywel Williams (Arfon) (PC): Surely one of the reasons for what my hon. Friend describes is that IPSO exists as an alternative. As she says, less than 1% of complaints are ultimately upheld—the figure I have is 0.3%--with cases taking on average almost six months to reach a ruling. There is a disincentive effect, and the turnout says it all.

Kirsty Blackman: That is absolutely the case. It is very difficult for people to interact with IPSO in the first place, so a significant number of complaints never even

get to IPSO, never mind going through the process and then not being upheld. The current situation is concerning, but it is for the Government to ensure that the newspapers are properly regulated. It is for the Government to enact and ensure compliance with the outcomes of the Leveson inquiry. I would like to hear more from the Government about what they plan to do to ensure that newspapers are properly held to account and properly regulated, and thus increase the level of trust in our media and, as a result, in our democracy. Those two things are inextricably linked.

Amendment 41 is about trying to find a way forward. The Government will have to persuade the newspapers to sign up, and they will have to persuade the Houses of Parliament that they have done enough to ensure that the newspapers will sign up. If all the newspapers signed up, it would be easy to persuade the Houses that whatever method the Government put in place had actually worked. That is the outcome I would like to see: everybody signed up. Then neither House would have any problem passing this clause to get rid of section 40 of the Crime and Courts Act 2013.

Rob Butler: I have listened very carefully to the hon. Member for Aberdeen North, but, with great respect, I disagree with her. I will outline why I disagree with her and why I support clause 50. I do so from a couple of perspectives: first, as the current chairman of the all-party parliamentary group on media freedom, which my right hon. Friend the Minister for Media, Tourism and Creative Industries chaired before me, with rather more success and aplomb, I suspect; and, secondly, as one who spent the first 15 years of his career as a journalist. I also strongly supported the print media in its original campaign against state regulation, it is fair to say, including the provision of some professional advice at the time.

Section 40 of the Crime and Courts Act has never been commenced. I suggest that, to some extent, that shows it is not necessary and it is therefore appropriate to repeal it. However, there is also an important point of principle here: freedom of the press is sacrosanct and must be seen to be sacrosanct. I am quite sure that each and every one of us on this Committee has seen articles about ourselves in newspapers or online that we disagreed with, that were not wholly accurate, and that we really did not like, but if those articles are fundamentally wrong or harmful, legal sanctions are already available to deal with them, notably the laws of libel. There is also IPSO, which I will come on to in a moment. The fact that newspapers publish articles that are sometimes uncomfortable is not in itself reason to impose the draconian sanction that section 40 would have wielded.

The hon. Member for Aberdeen North suggests persuading newspapers to participate, but we have had a very long period in which it has been clear that they are not persuadable; any persuasion would therefore effectively be enforcement, which in turn is effectively state regulation. That is why we have been in this difficulty for a long time. When I spoke about this on Second Reading, I was asked why newspapers did not avoid the prospect of paying huge court expenses by signing up to an approved regulator under our royal charter, which is what the hon. Lady is suggesting. The answer is simple: not a single national or regional newspaper or magazine of any significance is willing to do that as a matter of principle, because they see it as state regulation. I have a great deal of sympathy with that perspective.

The secretariat for our APPG on media freedom is provided by Reporters Without Borders, which is a highly respected advocate for freedom of the press worldwide that campaigns tirelessly for journalists' voices to be heard, sometimes at considerable risk. Reporters Without Borders was calling for the repeal of section 40 as long ago as 2016, and it continues to do so today. Its submission to the Government's consultation on repealing section 40, which was held way back in 2016-17, stated:

> "Section 40 would introduce an unprecedented chilling effect for publishers and journalists in the UK, leading to self-censorship and a reduction in public interest reporting. The essential role of the press in our democracy would therefore be undermined, as well as the scope for any writer to investigate matters of concern and national interest for the public."

When the public were asked in that same consultation, they expressed a resounding desire for section 40 to be repealed: 79% of direct responses favoured full repeal, and the most common reason given was the "chilling effect" it would have on the freedom of the press.

Kirsty Blackman: When I was a councillor back in 2007, there was an article in the local newspaper that said that a fellow councillor and I had requested that Irn Bru be provided in the Members' Tea Room. In fact, all that had happened during the course of that meeting was that a Conservative councillor had asked for Earl Grey to be provided. We went to IPSO, which said that the newspaper was allowed to write that story because it was just the cut and thrust of political discussion, even though it was blatantly false. If IPSO is so unable to uphold the truth, is there any point in anyone going to it?

Rob Butler: Strictly speaking, I would suggest that that was libel, so there were legal routes available, but—to pre-empt the point that the hon. Lady might make—I accept that that is a very lengthy and expensive process, and that it might be a case of using a sledgehammer to crack a nut. I would say that IPSO was wrong in the case. I am very open about it: if something is said that is patently untrue, IPSO needs to hold its members to account, and what the hon. Lady said to some extent undermines that. That is what IPSO needs to take on.

The News Media Association has provided us all with a briefing, much of which is compelling. I will not risk the wrath of Committee members by reading it out in its entirety, but I highlight a couple of points. For example:

> "Section 40 would cost the national and local press an estimated £100 million a year to tell the truth. This would be particularly devastating for local publishers."

In my earlier contributions in Committee, I have been clear that I am concerned to ensure that local news is genuinely local; I got very close to the position of His Majesty's loyal Opposition on that point at one stage. We should not do anything that makes local news coverage more difficult.

There are perfectly legitimate concerns about behaviour of the press and opportunity for redress, but the regulatory landscape has fundamentally changed since section 40 was introduced. I worked with some newspapers at the time, and they sat up and took notice when the threat of this legal sanction was over them. Publishers and editors

[Rob Butler]

have recognised that they have to face up to their responsibilities, and IPSO is much tougher than what was there before. There are serious sanctions, including, ultimately, the £1 million penalty. I completely hear what the hon. Members for Aberdeen North and for Arfon have said about the difficulties of getting through that. There may be more to do to make IPSO effective and easily accessible, but that does not mean that we have to have state regulation, which would be going much too far.

Hywel Williams: How does the hon. Gentleman expect IPSO to be persuaded to be more amenable?

Rob Butler: What is influential is the understanding of where public opinion is. The thought that the public had had enough was effectively what played a very big part in influencing the regulation of the press. The press did not ignore Leveson; they were very conscious of what was going on. I would certainly have no hesitation in telling people in the media, "You need to recognise that what you have is not quite enough to satisfy legitimate public concern." Particular examples are helpful; hon. Member for Aberdeen North has given me one, which I shall not hesitate to quote if I have such a conversation.

It is worth also saying that there have been two independent reviews of IPSO. They stated that it was effective and independent, notwithstanding hon. Members' comments. The second found that IPSO's

"supportive, but challenging engagement to improve standards"

was

"exactly what an effective regulator should be doing".

There is an argument that, even if it is not perfect, the press has cleaned house itself.

Kirsty Blackman: I appreciate the case being made by the hon. Gentleman and I understand his position. However, on his point, he is sort of blurring the lines between a state regulator and an independent regulator. He is using the term "state regulator" for Impress when the whole idea, outcome and recommendation from Leveson was to have an independent regulator.

2.30 pm

Rob Butler: That is not how the press has seen Impress, because it is set up by statute. The press's argument has always been that it is effectively state-sanctioned and state-imposed. We can call it independent, but the press has never believed that Impress truly would be independent.

As I said, I have to be brief as, with the Committee's permission, I have been summoned to an important meeting in a few moments, so I apologise for a short absence. My final comment is that at a time when we see freedom of the press under ever-increasing threat around the world, not least in Russia, repealing section 40 and demonstrating that the state should have no direct role would be a powerful sign of the UK's commitment to a media free of Government shackle or interference. I consequently oppose the hon. Lady's amendment and fully support the clause standing part of the Bill.

Damian Collins (Folkestone and Hythe) (Con): Following my hon. Friend's speech, I want to speak briefly on the issue, in which I have taken an interest over many years. The Minister is nodding and he will remember that I served as a member of the Committee he chaired in 2011 looking at the phone hacking issue and the inquiry that was held at that time. Twelve years or more have passed since then, and the media landscape now is very different.

I agree with my hon. Friend the Member for Aylesbury that having a statutory regulator for the press is not compatible with our media traditions in this country. The threat of commencing section 40, with newspapers having to pay their own costs and those of the claimant even if they won the case—such a provision does not exist elsewhere in English law—would impose an onerous burden, yet the threat of commencement has not forced newspapers to seek to create or go into regulatory bodies for the press. The debates we have here on statutory regulation of the media and the debates we continually have when BBC charter renewal comes up show that whenever we create a structure, no matter how arm's length or benign, Members of this House have points of view about how it is operated, what goes in it and how it should change or be improved. That will continue to be the case. A statutory regulator is not compatible with having a free press.

When we had the Leveson inquiry, the idea of newspapers' business models being hollowed out by big tech platforms that would destroy their ad-funded business model was not something we considered. Newspapers were then seen as being all-powerful, extremely wealthy and well able to pay whatever charges were levelled at them. The situation is very different now.

The other issue, which I am familiar with as a former chair of the APPG on media freedom, is the issue of lawfare, whereby wealthy people, particularly oligarchs, take spurious legal action against newspapers because of content they do not like, without worrying about whether the case meets any kind of threshold. The libel laws are not absolute; they are not an absolute true-or-false test. To win, the claimant has to demonstrate that what a journalist reported has materially damaged them and their reputation, but very wealthy people do not care about that. They are quite happy to enter into such legal cases now, and even the threat of such actions deters editors from publishing stories that might be in the public interest, for fear of the almost certain legal challenge that will come back against them from people with bottomless pits of money who do not care whether they win or lose. They just seek to grind the publication into the ground with ongoing legal costs.

Commencing a regime that may open the door to yet more litigation from people who, on the whole, can easily afford it anyway, which makes the chances of success greater and which makes the cumulative impact of the costs on those publications even greater, would diminish the power of the press considerably. That would lead to a chilling effect, which was never envisaged when the Leveson report was commissioned, of inhibiting the press for fear of the cost that would come from simply doing their job and reporting the truth.

Of course, the press make mistakes and get things wrong. Newspaper editors have legal liabilities for what they publish. Members of the Committee know from our lengthy debates on measures such as the Online Safety

Act 2023 that it is easy now for people to publish all sorts of stuff for which they have no legal liability—and, before the Act was passed, nor did the platforms that pursued it. The challenge that many people face, be they in the public eye or members of the community, is far more likely to be harassment and intimidation through co-ordinated attacks on social media than reporting a newspaper they do not like.

Kirsty Blackman: Does the hon. Gentleman not understand that the online world is now regulated differently from newspapers as a result of the Online Safety Act? I agree with the Online Safety Act and agree that there should be more regulation online of things that are illegal, but we do not have a change in the regulation of newspapers to ensure truthfulness and lack of harm, whereas we do have some more of that in the online world.

Damian Collins: That is why it was important that there is an exemption for media organisations from the regulatory powers that Ofcom will have through the Online Safety Act. The reason those exemptions were there was that newspapers already have liability for not only the copy printed, but the adverts they accept and run. The newspaper or magazine editor is legally liable for advertising as much as they are for the articles they commission. Those liabilities and that transparency just did not exist for a lot of online publications, and it could be difficult to see who was behind it.

The challenge with the Online Safety Act was to recognise that the platforms were acting as distributors and promoters of the content—even for a lot of the content that is spam-related or comes from misinformation networks and hostile foreign states. If companies like Facebook are actively promoting that content and highlighting its existence to its users, they should have a liability for it. Newspapers and magazines already had those liabilities because it was clear who was publishing them. In the Online Safety Act, to qualify for the media exemption, it has to be clear who they are, where they are based and who the editor is, and therefore the transparency, liability and risks exist already. They did not in the online world, where many of the publishers were hidden and used that anonymity to spread lies and disinformation.

With that, the onerous costs that lawfare brings to newspapers, and the hollowing out of their business model by the ad platforms that distribute their content for nothing, there is an urgent need to have some sort of compensation mechanism for news organisations, so that local newspapers, national newspapers and magazines get fair compensation for the free distribution of their content across the web. Those are the challenges we face now, and those were things that were never envisaged at the time of Leveson.

As the hon. Member for Aberdeen North has said many times in the debate, things move pretty fast between media Bills. This is another example of how things have moved fast again. This amendment to the law and removing section 40 from the statute books reflects the need for us to change the law to reflect the media world that exists today.

Stephanie Peacock: When Leveson produced his report over 10 years ago, he attempted to strike a careful balance between two important competing objectives: enforcing press standards and protecting the free press. As such, although the inquiry paved the way for the existence of an approved press regulator, it was decided that membership in such a regulator would be voluntary rather than mandatory for news publishers, with incentives put in place to encourage active take-up of membership. One of the major incentives to encourage membership was introduced in the form of section 40. Where papers had not signed up to an approved regulator, they would be vulnerable to paying their legal opponents' costs where the judge considered it reasonable to do so, even if they were to win the wider case. If they were signed up to a recognised regulator, however, they would be protected from that.

Despite being introduced in the Crime and Courts Act 2013, section 40 has never been commenced and would be repealed by clause 50. We appreciate that section 40 is not a particularly well-drafted piece of legislation. Representatives from and of the press, including the NMA, have long argued that it is morally wrong to attempt to persuade them to sign up to external regulation on the basis that they would have to pay the legal fees of both sides, even when they had won the case. They say if the section was commenced, it would prove financially ruinous to them as on principle they would never sign up to such a regulator.

With over a decade passed, the media landscape has changed significantly since the Leveson report was published, as we have discussed. Almost every major press news outlet has introduced some form of regulation, whether individually or through the Independent Press Standards Organisation, which was not anticipated when the law was drafted. Publishers face significant new challenges that threaten the ability of the industry to carry out its vital work, from inflation and falls in advertising revenue to the rise of social media and the ability to share disinformation more easily online.

Amendment 41, tabled by the hon. Member for Aberdeen North, acknowledges what we will do when section 40 is repealed. It remains important that we have a press that is accountable for its reporting and meets the highest ethical and journalistic standards, but given the poor drafting of section 40 and the fundamental imbalance of costs, I believe that those questions are best answered outside the matter of repeal itself. On that basis, I will not stand in the way of this Bill as a result of the Government's decision to repeal section 40.

Sir John Whittingdale: My hon. Friends the Members for Folkestone and Hythe, and for Aylesbury, set out some of the background to this issue in two extremely well argued speeches. This is an issue that my hon. Friend the Member for Folkestone and Hythe and I have been living with for over 10 years.

The Leveson inquiry came out of what was undoubtedly a serious abuse by the press, which resulted in criminal prosecutions and some convictions, and a general acceptance that the existing system of press regulation by the Press Complaints Commission had failed. However, the royal charter and section 40 were constructs of the then Liberal-Conservative Government; they were an attempt to find another way of dealing with the issue that would be acceptable to the press but did not represent state regulation. A royal charter was created, and the Press Recognition Panel was created, which would authorise an independent regulator and confer on it the advantages that section 40 gave.

[Sir John Whittingdale]

The understanding was that the vast majority of the press would sign up to the independent regulator, and that perhaps one or two of the more recalcitrant, hard-line—probably red-top—tabloids might stand out and would need persuasion, as the hon. Member for Aberdeen North said when speaking to her amendment. Section 40 was about persuading those one or two remaining outliers to join the system. I must say that I still feel slightly ashamed, because I was persuaded to support the establishment of section 40 after a long discussion with the then Prime Minister.

What none of us, or at least hardly anybody, anticipated was that there would be unanimity across the whole of the media—across all the national newspapers, including those that were certainly not sympathetic to the Government, nor had committed any particular sins of the kind being looked at by Leveson. The *Financial Times*, *The Guardian*, *The Independent*—none of them was prepared to go along with that. It was not just the national newspapers that did not join, but all the local and regional papers; the big groups such as Newsquest, Reach and Johnston Press did not join.

The number of publications that chose to sign up to the regulator, which was created in order to qualify for recognition by the panel, was and is pretty small as a proportion of the industry. I think that the hon. Member for Aberdeen North said that there were 200 publications now signed up. Most of them are niche and very small. There is nothing wrong with them; they are doing a good job, and it was their choice to join, but I am afraid that the system has failed to persuade the vast majority of publications to go along with it.

The opposition of the vast majority of publications meant that the system had failed to deliver what was intended. It was my choice, when I was Secretary of State, not to implement section 40. We announced that the Government would not bring in the order required for the powers in section 40 to come into effect. Ever since then, it has been sitting on the statute book unused, and in its place we have a new system of self-regulation.

The hon. Member for Aberdeen North kept talking about the need for independent regulation. Some may have criticisms of IPSO, but IPSO is an independent regulator. It is a self-regulator, and it is outside the statutory framework. There will be decisions taken by IPSO that I do not agree with, as there were by the Press Complaints Commission, and one will never be entirely satisfied, but as I think my hon. Friend the Member for Aylesbury pointed out, IPSO has been considered quite carefully by an independent assessor, and was found to be independent and delivering the kind of principles in the editors' code that it was set up to enforce.

2.45 pm

The system is not perfect, but the alternative—some kind of state-sponsored regulation—is hugely dangerous. Two of my successors as chair of the all-party parliamentary group on media freedom are on this Committee, and it is a matter of great pride to me that it was the UK that led the establishment of the global Media Freedom Coalition.

It has been something of a blot on our reputation that section 40 sits on our statute book. As my hon. Friend the Member for Aylesbury said, it is widely perceived by international bodies such as Reporters Without Borders and Index on Censorship as being an unjustified and dangerous interference by the state in the freedom of the media. There is no doubt that countries that hold media freedom in far less high regard than we do look at it and say, "Even in the UK, you've got this system. You're going to impose this potentially draconian punishment on newspapers that fail to join your approved regulator." That is the problem with section 40.

As my hon. Friend the Member for Folkestone and Hythe said, there has been a huge change since the measure was passed. The days are long gone when politicians used to regard as the determining factor in an election Rupert Murdoch's verdict on whether his papers would support the Conservative or Labour party. The real giants in the media now are the big platforms, and more and more people get their media from them. That is why the Government are right to focus on their power, as we did through the Digital Markets, Competition and Consumers Bill. However, section 40 has remained on the statute book, and in my view it is right that we now repeal it.

It has been a pledge in my party's manifesto at two successive elections to repeal section 40. It is with some pride that I can, I hope, expunge the stain of having originally supported it by agreeing to the clause that will remove it. However, I am slightly unclear and would like clarification. The hon. Member for Barnsley East said that the clause was badly drafted. She may well be right, but if section 40 is removed, I am not at all clear on whether a theoretical Labour Government would put in its place something better drafted. Or is it the Opposition's position that there should be no Government involvement in regulation of the press, and that we should leave the existing self-regulatory system in place, as the most effective way of dealing with these matters?

Stephanie Peacock: It is curious that the Minister is critiquing the Opposition's position. The Government might be in trouble on the vote in the main Chamber today, but we are not yet in government. I think I outlined quite clearly in my speech that we do not oppose the repeal of section 40, and we appreciate that it has not worked. I also acknowledge that the media landscape has significantly changed, and any future consideration of the challenges of the press should take into account advertising, misinformation and the real challenges for local news. As much as the Minister tempts me to go into more detail, I remind him that he is still in government.

Sir John Whittingdale: I am not sure that has cast any greater light on the Opposition's position, but it was helpful to hear more from the hon. Lady about her position. At least we know where the SNP stands; the hon. Member for Aberdeen North made it absolutely plain that the SNP is happy to support our removing this pressure on newspapers to join a state-approved or recognised regulator, but only if we put in its place another mechanism that will put equal pressure on them, and that might prove more successful, as she said, in persuading them to join up to the recognised regulator. She and her party may accept the criticism of the existing position, but at least we understand that she still wants Government pressure on newspapers to join

a state-recognised regulator. That is the principle we cannot support. I am afraid that in my view her amendment is no better than the existing system. It removes one point of leverage on the press, only to replace it with a yet unspecified alternative.

I do not think it is right that Government should be involved in regulation of the press; I think it is very dangerous. Even the rather convoluted and complicated mechanism of the royal charter still represents state involvement. That flies in the face of belief in the importance to democracy of the freedom of the press, which we on the Government side regard as paramount. I am therefore absolutely committed to supporting clause 50 and the repeal of section 40 of the Crime and Courts Act 2013.

Kirsty Blackman: I will take this opportunity to apologise, as I might have said something wrong. I might not have, but I will apologise in case I did. It might not have been a legacy press regulator that made the Irn Bru comment; it might have been the Standards Commission for Scotland. Unfortunately, it was so long ago that I cannot find online who said it. My apologies if I did get it wrong. I thought I would try to make that clear as mud for the Committee.

Turning to the Minister's points on regulation, I completely understand his discomfort with section 40. I feel that we are in ideologically different positions. It would be slightly better if the Prime Minister had less of a hand in appointing senior figures at the BBC. We do not want to see things like that happen. If the Government want the press to be entirely Government-regulation free, that is the key point of the BBC charter that I would look to change.

Sir John Whittingdale: I am very interested in that, because it has long been established that while the board of the BBC consists of some individuals who are independently appointed, the chair is a Government appointment and, of course, the BBC board member for Scotland is appointed with the approval of the Scottish Government. All the Administrations in the UK are involved in appointments to the board. The BBC is a state-owned and state-funded broadcaster, and therefore is in a completely different position from a free press.

Kirsty Blackman: I was trying to highlight the inconsistencies in the Minister's position. He is now saying that the BBC is a different case and therefore needs to be regulated differently. That is fine, but I had not received that clarity from what he said before; he pretty much said he was uncomfortable with some things to do with the BBC charter because of the level of Government involvement. Now I understand that he rationalises that on the basis that the BBC is a different case because of its state funding. It is helpful to have that clarity.

A number of different words are being used in relation to the regulator. We have heard "independent regulator", "state regulator" and "self-regulator". It would be helpful to go back to the Leveson recommendations, which I understand were for an independent regulator—that is the way it was phrased. If the Minister and other Government Members are making the case that Impress is not an independent regulator but a state regulator, state-approved regulator or state-sanctioned regulator—all phrases that have been used here—then I am not sure that they can make the case that IPSO is an independent regulator, as well as saying it is a self-regulator. I am happy enough for them to suggest that IPSO is a self-regulator. That is fine, but I do not think it can claim the title of independent regulator. If the Government also believe that Impress cannot claim the title of independent regulator, I think there is a clear disparity in that position. The Government should be happy enough to say, "Neither of these are independent regulators, but we are happy with the self-regulation mechanism currently in place, and we are happy to continue with the self-regulation system." If that is the Government position, that is absolutely fine, but painting Impress as a state regulator or painting IPSO as an as an independent regulator is wrong: IPSO is a self-regulator, and Impress is an independent regulator.

I understand the Minister's concerns, but I do not necessarily agree with him. He summed up our position really well. We are concerned about the lack of recourse for the public, and about the current regulation system. We do not feel that it is strong enough. I understand the Minister's position on media freedom, and his feeling that the Government should not intervene to set up even an independent regulator that would require newspapers to sign up to regulation.

I absolutely agree that things are a bit better than they were pre-Leveson. Things may tip over again. Should an issue like the phone hacking scandal emerge, or should members of the public be harassed or struggling as a result of newspaper attention, another inquiry should be set up to determine what an independent regulator should look like. A recommendation for an independent regulator is not enough; there must be clarity on how that should be set up, and that should take into account what has happened on section 40. If a properly constituted inquiry requires that an independent regulator be set up, that must be done with an awareness of the fact that Impress was not able to get national newspapers to sign up.

I appreciate that we have had a debate on amendment 41. I appreciate all the points of views from Members. It is important to discuss the issue, whether or not the repeal was in the manifesto of the Minister's party. I will not push amendment 41 to a vote in this sitting, but I may do so on Report.

Sir John Whittingdale: I want to be clear: I am not criticising Impress. Impress is an independent regulator. It has a code of conduct that its members subscribe to. It adjudicates and carries out the function of a regulator, just as IPSO does. The only difference is that IPSO decided not to apply for recognition from the Press Recognition Panel, whereas Impress did apply and achieved that recognition. It is the principle that divides the two, not in any way their performance as regulators.

It is arguable—this has not been put to the test—that IPSO might qualify for recognition, if it chose to apply. In many ways, it is already compliant with the conditions. However, it decided that it did not wish to achieve recognition, so it remains outside the system. To be honest, that is why the system has failed: because the regulator that the vast majority of newspapers belong to decided that it simply could not apply, even though

[Sir John Whittingdale]

there was a good chance it might have been recognised. The carrot and stick in section 40 have clearly failed to provide the persuasion that the hon. Lady was looking for. I just want to be clear that I am not in any way suggesting that Impress is not a perfectly proper and independent regulator; it is the system that has failed.

Kirsty Blackman: I beg to ask leave to withdraw amendment 41.

Amendment, by leave, withdrawn.

Clause 50 ordered to stand part of the Bill.

Clause 51

AMENDMENTS OF BROADCASTING LEGISLATION: UK'S WITHDRAWAL FROM EU

3 pm

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to debate schedule 12.

Sir John Whittingdale: The clause introduces schedule 12, which sets out minor and technical amendments to existing broadcasting legislation in relation to retained EU law. These are straightforward fixes to ensure that legislation does not become inoperable following the UK's exit from the EU.

Part 1 of this schedule removes references to the audiovisual media services directive from the Broadcasting Act 1990 and the Broadcasting Act 1996. Part 2 of schedule 12 amends part 4A of the Communications Act 2003 to remove references to the European Commission, obligations under the audiovisual media services directive, and to other European legislation.

Stephanie Peacock: It is important that our legislation addresses issues of retained EU law. As such, I have no particular issues with the contents of the clause or with schedule 12.

Question put and agreed to.

Clause 51 accordingly ordered to stand part of the Bill.

Schedule 12 agreed to.

New Clause 1

DELIVERY OF PUBLIC SERVICE CONTENT ON RELEVANT TELEVISION SERVICES

"After section 264A of the Communications Act 2003, insert—

"**264B Delivery of public service content on relevant television services**

(1) Ofcom must monitor the extent to which the public service remit for television in the United Kingdom is met in respect of relevant television services.

(2) If Ofcom considers that the public service remit for television in the United Kingdom is not being met in respect of such services, it may set whatever programming quotas it considers necessary to ensure that the remit is met.

(3) For the purposes of this section, 'relevant television services' means—

(a) the television broadcasting services provided by the BBC;

(b) the television programme services that are public services of the Welsh Authority (within the meaning of section 207);

(c) every Channel 3 service;

(d) Channel 4;

(e) Channel 5.""—*(Stephanie Peacock.)*

This new clause would give Ofcom powers to measure the delivery of public service content on the linear services of the public service broadcasters, and set quotas if it considered the current level to be unsatisfactory.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 9.

Division No. 5]

AYES

Blackman, Kirsty	Western, Andrew
Owen, Sarah	
Peacock, Stephanie	Williams, Hywel

NOES

Baynes, Simon	Hunt, Tom
Butler, Rob	Tuckwell, Steve
Collins, Damian	Whittingdale, rh Sir John
Foster, Kevin	Wood, Mike
Green, Chris	

Question accordingly negatived.

New Clause 2

DIGITAL RIGHTS TO LISTED EVENTS

"(1) The Secretary of State may by regulations amend the Broadcasting Act 1996 to make provision for coverage of listed events which is not live coverage.

(2) 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."—*(Stephanie Peacock.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 9.

Division No. 6]

AYES

Blackman, Kirsty	Western, Andrew
Owen, Sarah	
Peacock, Stephanie	Williams, Hywel

NOES

Baynes, Simon	Hunt, Tom
Butler, Rob	Tuckwell, Steve
Collins, Damian	Whittingdale, rh Sir John
Foster, Kevin	Wood, Mike
Green, Chris	

Question accordingly negatived.

New Clause 4

REVIEW OF CHILDREN'S ACCESS TO PUBLIC SERVICE BROADCAST CONTENT

"Within six months of the passage of this Act, the Secretary of State must prepare and publish a report on how to ensure that children have access to public service broadcast content."—*(Stephanie Peacock.)*

This new clause would require a review of how to ensure children have access to public service content, given their viewing habits which include using smartphones and social media rather than traditional methods of linear and even on-demand television.

Brought up, and read the First time.

Stephanie Peacock: I beg to move, That the clause be read a Second time.

I am very pleased to speak to this new clause. As the shadow Secretary of State outlined in her speech on Second Reading, the Bill is welcome but misses the opportunity to consider how we can secure the future of UK public service media for school-age children. The issue was brought to my attention by the Children's Media Foundation, which I have been pleased to meet more than once. It has done a huge amount of work on understanding patterns of media consumption by children, and how those patterns might impact their chances of viewing public service media. I place on record an explicit thank you to the foundation for that work, and I hope that it will be picked up further as a result of the new clause.

If we all agree that public service content is important for adults, as I believe we have done time and again throughout the Bill's passage, I think we can agree that it is equally, if not more important for children. Certainly, the kind of high-quality public service content that our public service broadcasters can provide for children has powerful potential and has, for the last 75 years, been the envy of the world. It can promote wellbeing, give children an understanding of where they live, teach them British values of tolerance, provide entertaining forms of education that supplement their learning at school, and show a diverse range of role models. Ultimately, public service media can encourage children to value culture and crave knowledge—valuable characteristics for citizens to have when they come of age.

However, due to several connecting factors, this sort of content is under threat. As technology has rapidly evolved, the children's content landscape has fundamentally changed forever. Children as young as toddlers have access to new devices and platforms. They can navigate apps on tablets and choose content that they would like to watch. That gives them access not only to video on demand services such as Netflix and Disney+, but to platforms such as YouTube and TikTok. The popularity of these forms of content are such that Ofcom estimates that less than half of 3 to 17-year-olds now watch live television. Similarly, there are potentially 9 million school-age viewers, but the top-rated programme on CBBC in any one week may have as few as 50,000 viewers, and similar numbers will request that programme on iPlayer. That number is a fraction of what we would hope it to be, given the importance of children's public service content, which has been outlined.

As well as declining viewership, there has arguably been a decline in the amount of children's content produced that could genuinely be considered to be public service. When there are budget constraints, UK-focused dramas or documentaries that reflect the unique lives and concerns of British children are often the first to go. The volume of first-run, UK-originated children's programming on PSB channels dropped to its lowest level in 2022; it was down to 518 hours, compared to 640 hours in 2019. Furthermore, producers can save money by localising animated and puppet shows; what might initially appear to be a British programme with wider societal value may in fact be an international production, with personalised snippets to attract a bigger pool of funders.

It is not that the industry is unaware of the problems surrounding children's public service content. Certainly in 2022, when the Government brought the young audiences content fund to an end, more than 750 creatives and executives from the UK children's content industry signed an open letter, and campaigned to extend the fund for another three years. The likes of Channel 5 and Paramount are also working hard to keep up their Milkshake! offering. They are increasing their spend on children's programming year on year, just to keep provision at the same level, but where there is a need to meet commercial demands, valuable children's content will inevitably continue to suffer.

There is almost nothing in the Bill to show that this combination of concerning trends—declining viewership alongside declining content quality—has been identified, and there are no meaningful measures to stop the problem escalating. Children's content is included in the new simplified remit in the very first clause, but that does little to increase accountability or individual channels' contribution to creating children's public service content, or to recognise changing trends in how children consume their media.

It is for all those reasons that the Children's Media Foundation argued that we must urgently accept that children's public service media are under threat and rethink how we can best protect them as part of the passage of the Bill. As a result, I propose that the Government conduct a review to better understand how we can secure children's content long into the future.

Such a review would be an opportunity to ask bigger questions than the Bill currently allows for. For example, do we need to go to where the children are and broaden our concept of public service media for children, encouraging and promoting such content on the likes of Netflix, YouTube and TikTok? Do we need to learn the lessons from the ambition of the Online Safety Act 2023 and consider how algorithms serve content to young people, perhaps adjusting them to ensure that they promote diversity of thought rather than simply more of the same? Should we set targets for PSBs to hit a number of hours consumed rather than a number of hours produced when it comes to public service media for children?

I do not claim to have the answers to all these sorts of questions, but I do believe that they need to be explored. The UK must address the reality of the matter and accept that a new approach will be needed if we are to ensure that valuable content reaches the eyes and ears of young people across the country. I hope that is something that the Minister can acknowledge and I look forward to hearing his response.

Kirsty Blackman: Specifically on this issue, I agree with the points made by the shadow Minister. I think that asking for a report into this issue is the most sensible way forward, rather than saying that we have got all the answers. Looking at this issue in the whole would be very important.

When my children were younger, we relied a lot on CBeebies; the kids spent a lot of time watching CBeebies rather than anything else. Now that they are a bit bigger, they have forayed into the world of YouTube; when we are considering content on these platforms, at least with CBeebies parents know for certain that there will be no swearing and nothing inappropriate on that channel. Not everything on it is necessarily educational, but it is all funny or good, whereas on YouTube there is an absolute load of nonsense at times, and there are a number of shows on Netflix or Disney+ about which I have had to say to my daughter, "No, you can't watch that. It's just nonsense."

There is value in ensuring that children have access, and easy access, to appropriate content and in encouraging parents to ensure that their children are—well, having gone through the Online Safety Bill, I know that we need to ensure that parents are aware of what their children are consuming on the internet and aware of what they are watching, and that they are taking decisions to manage that content and to ensure that children have good access to it. If the public service broadcasters' shows for children are more easily accessible, parents will have fewer issues in ensuring that those are the shows that their children see.

Lastly, I will give a wee plug for "Newsround", which a significant number of schools show in school. It is incredibly important and a really key way in which children are able to access news content in an age-appropriate way that explains the background and the information that they are being provided with. Therefore, I agree entirely with the shadow Minister that it would be sensible to have a report on this issue, and that a watching brief definitely needs to be kept on it.

Sarah Owen (Luton North) (Lab): Just to add to those points and those made by the shadow Minister, I have often relied on the third parent that is CBeebies, as I imagine many other Members and many of our constituents have as well. I want to talk about the quality of such television and about its educational impact on children, ranging from young children to teenagers.

As has been alluded to, the quality of the BBC's programmes, particularly on CBeebies, is just a trusted fact. I know as a parent that I could quite happily leave my three-year-old in front of CBeebies. She does not love Peter Rabbit, but I know that it is a safe and secure watch for her. I know that there will be no inappropriate advertising or any inappropriate life lessons or swearing, which I cannot guarantee on other services or channels. There are brilliant CBeebies programmes and characters, such as Mr Tumble, "Bluey", "Newsround", which has already been mentioned, and "Dog Squad", which is a new firm favourite.

As the shadow Minister said, most children now know their way around an iPad, a tablet, a computer or a phone like the back of their hand, and they access all this content in a way that we could not when we were younger, including through Netflix or YouTube. That is a particular concern, because the adverts on YouTube and other online streaming platforms are not always age appropriate. Particularly during the cost of living crisis and in the run-up to Christmas, that is another burden for parents to deal with. It is a huge annoyance that there is this reliance on advertising, and sometimes product placement, which is not always healthy for children, in movies and TV shows.

On the educational impact, I have concerns about how young children watch these programmes. There will need to be access to repeated viewings for the educational impact to be fully felt when it comes to things such as GCSE "Bitesize" or learning letters. One episode of "Yakka Dee!" or "Sesame Street" will not teach my child the entire alphabet. With that in mind, it is important that we have a review of the impact on young people to protect the quality and standards of children's television.

3.15 pm

Sir John Whittingdale: I suspect that the entire Committee agrees that it is important that children have access to public service broadcast content. The educational value of children's television is hugely important, and it is indispensable for happy parenthood. It is for that reason that proposed new subsection 264(5)(c) of the Communications Act 2003 puts children's television front and centre of the public service broadcasting regime. That will ensure that the public service remit can be fulfilled only by the public service broadcasters collectively producing a wide range of children's content, including original content that reflects the lives and concerns of children and young people in the UK, and helps them to understand the world around them. The inclusion of children's content as part of the remit will ensure that the needs of children feature prominently in Ofcom's regular reporting. That will also complement its strengthened powers in respect of under-served content areas.

Although the provision of public service children's programming is key, children—and especially older children—do of course watch other kinds of public service content as well, whether with their parents or on their own. As the hon. Member for Luton North set out, children access public service content via a wide range of devices. The Government agree that internet access and streaming services have fundamentally changed how audiences access TV, and that certainly applies to younger audiences, perhaps even more so than for any other group. On online advertising, I have recently been chairing a separate initiative—the online advertising taskforce—whose purpose is to ensure that online advertising does not advertise illegal products, and that children do not see advertising of inappropriate products.

The Bill tries to create flexibility by allowing our PSBs to deliver their remits across a wider range of services, including in new on-demand and short formats. We have made it clear that our PSBs must serve all audiences, and that extends not just to the content they make, but to how they choose to distribute it. These changes will ensure that our public service remit stays relevant and continues to reflect how audiences, including children and young people, are accessing PSB content.

We have to remember that PSB content has to be funded. All speakers paid tribute to the BBC's output in this area, including CBBC and CBeebies, which are a

core part of its output. Of course, the BBC receives public funding and is required under the charter to deliver content of that kind. It is more challenging for commercial television, as those broadcasters are dependent on advertising funding. I merely observe that the more we impose restrictions on what can be advertised to children, the more there is a detrimental impact on the amount of revenue gain by commercial broadcasters, which will influence their decisions about how much they invest in children's programming.

That was one of the reasons why we previously established the young audiences content fund, which was designed to address the fact that almost all the children's content was being produced by the BBC. The fund was there to support the commissioning of children's content on other channels, and it proved very successful. It was a three-year pilot, but the Government continue to remain committed to the principle. I hope that, one day, it might be possible to resurrect something of that kind.

Stephanie Peacock: If it was a successful pilot, why did the Government not continue it?

Sir John Whittingdale: It was a successful pilot funded by the BBC, because it was licence-fee funded. Personally, I would have liked it to continue, but the BBC obviously was under financial pressure and put up a strong case that it could not continue to fund it. The principle that it was seeking to address remains an important one, and the Government have tried to provide alternative support, through things such as tax relief, for the production of children's content. I share the hon. Lady's sadness that it was brought to an end after three years, but it was always intended to be a pilot, and viewers will still be able to see content produced by the fund for some years to come.

Kirsty Blackman: On a point of order, Mr Vickers. I have to leave for a very important meeting, and I know that a number of new clauses in my name are coming up. I want to advise the Chair that I have to leave and am happy for those new clauses not to be pushed to a vote in Committee. Hopefully, making this point of order will mean that the sitting can end slightly earlier.

The Chair: Point of order noted. Thank you.

Sir John Whittingdale: I hope that the sitting can end very soon in any case; I think we have pretty much concluded the debate, and the remaining clauses are relatively technical.

I think the best people to conduct the review that the hon. Member for Barnsley East has called for are Ofcom. Ofcom has given a commitment in its planning work to take an in-depth look at how the market is best serving the interests of children, which I think will give us the insight that she wants. For that reason, I do not think her new clause is necessary.

Stephanie Peacock: I appreciate the Minister's point about it being harder for commercial stations than it perhaps is for the BBC—of course, I made a point of praising Channel 5 and Paramount in my comments. I asked a number of quite broad questions about children's television. I hope that Ofcom will consider them, but I am not sure that the Bill mandates it to do that. For those reasons, I would like to push the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 4, Noes 8.

Division No. 7]

AYES

Owen, Sarah	Western, Andrew
Peacock, Stephanie	Williams, Hywel

NOES

Baynes, Simon	Hunt, Tom
Butler, Rob	Tuckwell, Steve
Collins, Damian	Whittingdale, rh Sir John
Green, Chris	Wood, Mike

Question accordingly negatived.

New Clause 5

GAELIC LANGUAGE SERVICE

"The Secretary of State must, within six months of the passage of this Act, review whether a Gaelic language service should be given a public service broadcast remit."—*(Stephanie Peacock.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 4, Noes 7.

Division No. 8]

AYES

Owen, Sarah	Western, Andrew
Peacock, Stephanie	Williams, Hywel

NOES

Baynes, Simon	Tuckwell, Steve
Butler, Rob	Whittingdale, rh Sir John
Carter, Andy	Wood, Mike
Collins, Damian	

Question accordingly negatived.

Clause 52

POWER TO MAKE CONSEQUENTIAL PROVISION

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to debate clauses 53 to 56 stand part.

Sir John Whittingdale: I do not intend to detain the Committee at great length. Clause 52 gives the Secretary of State a regulation-making power to make amendments to other existing legislation, which is needed as a result of changes contained in the Bill. If the proposed changes are to other primary legislation, the regulations will be subject to debate in both Houses. If the proposed changes are to secondary legislation, the regulations will be subject to the negative procedure.

[Sir John Whittingdale]

Clause 53 authorises expenditure from the Bill. It covers the possibility that increased spending by Ofcom might require the payment of grants to incur or meet liabilities in respect of capital and revenue expenditure, or the possibility that the Secretary of State makes a grant to S4C.

Clause 54 sets out the Bill's territorial extent. The Bill will extend and apply to the United Kingdom, except for the repeal of section 40 of the Crime and Courts Act 2013, which will extend and apply to England and Wales.

Clause 55 provides for the commencement of the provisions in the Bill. The majority of the provisions will be brought into force by regulations made by the Secretary of State. The provisions that come into force on the day on which this Bill is passed will be the regulation-making powers in relation to the prominence of television selection services and the general provisions in the Bill, such as the clauses dealing with the power to make consequential provisions, financial provision, extent, commencement, and the title of the Bill. Clause 50, which repeals section 40 of the Crime and Courts Act 2013, will come into force two months after the Bill receives Royal Assent. The rest of the Bill will come into force when the Secretary of State decides.

Finally, clause 56 establishes the short title of this legislation, which, when enacted, will be the Media Act 2024. I commend clauses 52 to 56 to the Committee.

Stephanie Peacock: I am pleased to have reached the final stages of our Committee. I have no issue with the clauses in this group. Perhaps I could seek your guidance, Mr Vickers, on whether it would be appropriate to say a few words in conclusion, or perhaps on a point of order.

The Chair: There will be an opportunity later.

Question put and agreed to.

Clause 52 accordingly ordered to stand part of the Bill.

Clauses 53 to 56 ordered to stand part of the Bill.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Stephanie Peacock: I would like to make some concluding remarks. Overall, the Media Bill is a piece of legislation that we very much look forward to seeing on the statute book as soon as possible, and I hope there is no further delay in its passage. There are, of course, some areas where I would have liked further progress, but I am really pleased to have welcomed through many of the measures, from the prominence regime to the establishment of the first video-on-demand code and rights.

I conclude by putting some thank yous on the record. I thank the Chairs, the hon. Member for Cleethorpes and my hon. Friend the Member for Bradford South, the Clerks of the Committee and all members of the Committee. It is particularly worth noting the work done before the Bill was introduced, by the CMS Committee and all the stakeholders, and in particular by Anna Clingan from my office, who has worked incredibly hard on all the speeches. I look forward to continuing the process of scrutiny on the Floor of the House, probably after Christmas.

3.30 pm

Sir John Whittingdale: I join the hon. Lady in expressing my thanks. This is a very important Bill that has been in the making for a long time. There has been a lot of support for its provisions from right across the media sector. The fact that the Committee has spent just three days debating it in no way suggests that it is not an essential and important piece of legislation; instead, I think it shows that there is remarkable agreement across the Committee. While we may differ on specific detail in general—even on the repeal of section 40 of the Crime and Courts Act—it appears that there is pretty much cross-party agreement. I hope that that will continue when the Bill moves up to the other place.

I wish to thank all the members of the Committee for their contributions and support. I thank you, Mr Vickers, and the hon. Member for Bradford South for chairing so effectively. I thank the Clerks for doing an excellent job in preparing the amendments and keeping the whole thing on schedule. I also thank my officials in the Department, who have been working on this Bill for quite a long time. It is a great tribute to them that we have managed to get it through this part of its passage through Parliament so smoothly.

With that, I thank the Committee once again, and wish everyone a happy Christmas.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

3.32 pm

Committee rose.

Written evidence reported to the House

MB 22 Virgin Media O2

MB 23 COBA (further submission)

MB24 Digital Entertainment and Retail Association