

A6. Draft Code

Draft EPG Code section on appropriate prominence for public service channels

A6.1 We propose to replace the section on appropriate prominence in the current Code of practice on electronic programme guides¹ (paragraphs 2 to 4 of the Code) with the following text. The changes we propose will require other sections of the Code to be updated with minor editorial amendments, for example in relation to paragraph numbering and cross-references to the section on appropriate prominence. We propose that these modifications would take effect from 12 months after publication of the final statement on our review of the prominence regime.

Appropriate prominence for public service channels

A6.2 Section 310(2) of the Act provides that Ofcom's EPG code require EPG providers to follow practices giving the degree of prominence that Ofcom considers appropriate to:

- a. the listing and promotion of the programmes included in each public service channel, for members of the intended audience²; and
- b. the facilities, in the case of each such channel, for members of its intended audience to select or access the programmes included in it.

A6.3 The Secretary of State may add to, or subtract from, the list of relevant public service channels. As at [insert date of statement publication], these channels are all BBC channels, Channel 3 services, Channel 4, Channel 5, S4C, local digital television programme services and simulcast local services (the "Designated Channels").³

A6.4 Ofcom has set out in paragraphs 6 to 14 the practices that Ofcom considers will give the appropriate degree of prominence to the Designated Channels.⁴

A6.5 For the avoidance of doubt, these provisions do not impose any requirements on EPG providers in respect of the following channels:

- PSBs' commercial portfolio channels (such as CITV, E4 or 5USA);

¹ See Annex 4 of Ofcom's Statement *EPG Accessibility – Improvements for people with visual impairments* dated 27 June 2018: https://www.ofcom.org.uk/data/assets/pdf_file/0016/115261/statement-epg-accessibility.pdf.

² Section 310(7) of the Act provides that "intended audience" in relation to a service means:

- (a) if the service is provided only for a particular area or locality of the UK, members of the public in that area or locality;
- (b) if it is provided for members of a particular community, members of that community; and
- (c) in any other case, members of the public in the UK.

³ The public teletext service is included in the statutory list of designated services, but it is no longer broadcasting.

⁴ A summary table of these provisions is set out in the appendix to this Code. This summary is provided as a reference guide and does not form part of the Code.

- PSBs' +1 channels;
- PSBs' video-on-demand services; and
- PSBs' online only services (such as BBC Three).

Practices in respect of the main five PSB channels

A6.6 EPG providers must ensure that the main five PSB channels are listed in these specific channel numbers:

- BBC One – channel number 1 (or 101 where the relevant EPG numbering begins at 100 or 101);
- BBC Two – channel number 2 (or 102 where the relevant EPG numbering begins at 100 or 101);
- Channel 3 services – channel number 3 (or 103 where the relevant EPG numbering begins at 100 or 101);
- Channel 4 – channel number 4 (or 104 where the relevant EPG numbering begins at 100 or 101), except on regionalised EPGs in Wales where Channel 4 should be listed on the first page; and
- Five – channel number 5 (or 105 where the relevant EPG numbering begins at 100 or 101).

Practices in respect of area specific channels

A6.7 In respect of non-regionalised (i.e. UK-wide) EPGs, EPG providers must ensure that the following channels are listed on the first three pages:

- S4C
- BBC Alba
- BBC Scotland.

A6.8 Where an EPG provider provides a regionalised version for Wales of its EPG, it must ensure that S4C is listed at channel number 4 (or 104 where EPG numbering begins at 100 or 101).

A6.9 Where an EPG provider provides a regionalised version for Scotland of its EPG, it must ensure that BBC Alba and BBC Scotland are listed on the first three pages.

A6.10 A provider of an EPG with a coverage area that includes an area or locality for which a local digital television programme service or simulcast local service is provided must ensure that the local digital television programme service or simulcast local service is listed in the first three pages of the EPG. With regard to simulcast local services, EPG providers are only required to comply with this rule to the extent that the simulcast local service is available on the platform to which the EPG relates.

Practices in respect of other UK-wide PSB channels

A6.11 EPG providers must ensure that:

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- BBC News and BBC Parliament are listed on the first page of the news genre or grouping within the EPG;
- CBeebies and CBBC are listed on the first page of the children's or kids genre or grouping within the EPG; and
- BBC Four is listed in the first three pages of the EPG.

General provisions

- A6.12 In complying with the requirements of paragraphs 6 to 11, EPG providers must enable viewers in a region to select the appropriate regional versions of those channels through the primary listings for those channels, where the channel provider in question has secured services that enable this.
- A6.13 The prominence requirements of paragraphs 6 to 11 may be satisfied in respect of an HD TV version of a Designated Channel instead of the SD TV version of that same channel, where the HD TV version is an exact simulcast of the SD TV version.
- A6.14 The prominence requirements of paragraphs 6 to 11 may be satisfied as regards a BBC channel in respect of either the HD TV version or the SD TV version of that channel.

Definitions

In this Code, the following definitions shall apply:

- the “**Act**” means the Communications Act 2003;
- “**BBC channels**” means BBC One, BBC Two, BBC Four, BBC News, BBC Parliament, CBBC, CBeebies, BBC Alba and, once it has been launched, BBC Scotland (due in 2019);
- “**EPG**” means Electronic Programme Guide, a service as defined in section 310(8) of the Act, which consists of-
 - the listing or promotion, or both the listing and the promotion, of some or all of the programmes included in any one or more programme services the providers of which are or include persons other than the provider of the guide; and
 - a facility for obtaining access, in whole or in part, to the programme service or services listed or promoted in the guide;
- “**HD TV**” means high definition television, a digital television format which displays pictures with a resolution of 1920 pixels horizontally x 1080 lines vertically (also 1280 x 720). It has a higher resolution (more detail) than SD TV and hence has a better picture quality. In the UK, HD TV channels are broadcast using MPEG4 and DVB-T2 technologies;
- “**Local digital television programme service**” means any service which falls within a description of service in relation to which provision is for the time being made under section 244 (local digital television services) of the Act⁵;
- “**PSB**” means public service broadcaster, namely those broadcasters providing Channel 3 services, Channel 4, Channel 5, S4C and the BBC;
- “**Simulcast local service**” means a service provided in digital form and corresponding to a local digital television programme service. It corresponds to a local digital television programme service if all of the programmes included in the simulcast service are provided at the same time on both services;⁶ and
- “**SD TV**” means standard definition television, a digital television format which displays pictures with a resolution of 720 pixels horizontally by 576 lines vertically and an aspect ratio of 16:9. It has a lower resolution (less detail) than HD TV. In the UK, SD TV channels are broadcast using MPEG2 and DVB-T technologies.

⁵ Definition taken from section 310(9) of the Act.

⁶ Definition taken from section 310(10) and (11) of the Act.

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Summary table of the rules on appropriate prominence for the Designated Channels

Designated Channel	England	Wales	Scotland	Northern Ireland
Main five PSB channels				
BBC One	1, or 101 where EPG numbering begins at 100 or 101			
BBC Two	2, or 102 where EPG numbering begins at 100 or 101			
Channel 3 services	3, or 103 where EPG numbering begins at 100 or 101			
Channel 4	4, or 104 where EPG numbering begins at 100 or 101	Area-specific EPGs: First page UK-wide EPGs: 4 (or 104 where EPG numbering begins at 100 or 101)	4, or 104 where EPG numbering begins at 100 or 101	4, or 104 where EPG numbering begins at 100 or 101
Channel 5	5, or 105 where EPG numbering begins at 100 or 101			
Area-specific designated channels				
S4C	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages	Area-specific EPGs: 4 (or 104 where EPG numbering begins at 100 or 101) UK-wide EPGs: First three pages	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages
BBC Alba	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages	First three pages	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages
BBC Scotland (due to launch in 2019)	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages	First three pages	Area-specific EPGs: No prominence requirements UK-wide EPGs: First three pages
Local TV channels	First three pages for the local digital television programme service that is broadcast within the relevant coverage area			
Other UK-wide PSB channels				
BBC News	First page of news genre/ section of the EPG			
BBC Parliament	First page of news genre/ section of the EPG			
CBeebies	First page of children or kids genre/ section of the EPG			
CBBC	First page of children or kids genre/ section of the EPG			
BBC4	First three pages			

This summary table is provided as a reference guide only and does not form part of the Code.