
Listed Events

Rugby League Challenge Cup Finals 2020 and 2021

STATEMENT AND CONSULTATION:

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1. Overview

What we have decided and what we are consulting on

Ofcom has received a request from the BBC for consent to broadcast exclusive live coverage of the Rugby League Challenge Cup Final in 2020 and 2021. The 2020 Final is due to take place on Saturday 17 October 2020.

The Rugby League Challenge Cup Final has been designated as a Group A Listed Event. In accordance with section 101 of the Broadcasting Act 1996, Ofcom's consent is needed for exclusive live coverage of Group A events.

The BBC explained that, due to the Coronavirus outbreak, their request for consent was delayed. The consent request was therefore submitted too late for Ofcom to consult publicly on the request ahead of the 2020 Final. Given the specific circumstances, Ofcom has decided to grant consent to the BBC for exclusive live coverage of the 2020 Final. The reasons for this are set out below.

Ofcom is now consulting publicly on granting consent to the BBC for exclusive live coverage of the 2021 Final. Ofcom is provisionally minded to grant this consent, subject to any comments received from interested parties.

2. Rugby League Challenge Cup Finals 2020 and 2021

- 2.1 Ofcom has received a request from the BBC for consent to broadcast exclusive live coverage of the Rugby League Challenge Cup Final in 2020 and 2021 (“the Finals”). The 2020 Final is due to take place on Saturday 17 October 2020 and the 2021 Final is scheduled to take place on Saturday 17 July 2021.
- 2.2 The Rugby League Challenge Cup Final has been designated as a Group A Listed Event. In accordance with section 101 of the Broadcasting Act 1996, Ofcom’s consent is needed for exclusive live coverage of Group A events.
- 2.3 The BBC plans to broadcast live coverage of the Finals on BBC One or BBC Two, and on one of their national radio networks (BBC Radio 5 Live or BBC Radio 5 Live Sports Extra).
- 2.4 Paragraphs 1.13-1.17 of the Ofcom [Code on Sports and Other Listed and Designated Events](#) (“the Code”) explain that in deciding whether to give consent to a broadcaster for exclusive live coverage of a Group A Event where no second broadcaster has acquired the same rights, or where the area for which it has acquired rights is a smaller area than the primary broadcaster, Ofcom will wish to be satisfied that broadcasters have had a genuine opportunity to acquire the rights on fair and reasonable terms.
- 2.5 Ofcom notes that the BBC has acquired the rights to live radio coverage of the Finals on one or more of its radio services designed for audiences across the UK.
- 2.6 Ofcom understands that, due to the Coronavirus outbreak, the marketing of non-exclusive rights and the BBC's subsequent request for consent has been delayed and submitted less than three months ahead of the 2020 Final. The BBC has provided information and contact details for the parties they have contacted in marketing the non-exclusive rights as evidence that broadcasters have had a genuine opportunity to acquire the rights to the Finals on fair and reasonable terms.
- 2.7 Paragraph 1.20 of the Code makes provision for situations which may arise where a second service is unable or unwilling to provide adequate secondary coverage of a Listed Event, in which case Ofcom may consider whether to consent to exclusive live coverage without secondary coverage.

The 2020 Final

- 2.8 The BBC explained that, due to the Coronavirus outbreak, their request for consent was delayed. The consent request was therefore submitted too late for Ofcom to consult publicly on the request ahead of the 2020 Final.
- 2.9 Given the specific circumstances and the nature of the Final being played without spectators this year, Ofcom contacted the parties involved in the marketing of the non-

exclusive rights for their comments ahead of making a decision on consent, instead of a public consultation.

- 2.10 Two responses were received, one of which supported the request and one of which had no comments to provide. Based on the information provided by the BBC and the responses from other parties, Ofcom has decided to grant consent to the BBC for exclusive live coverage of the 2020 Final.

The 2021 Final

- 2.11 The 2021 Final is scheduled to take place on Saturday 17 July 2021.
- 2.12 Based on the information provided by the BBC, Ofcom is provisionally minded to grant consent to the BBC for exclusive live coverage of the 2021 Final, subject to any comments received from interested parties.

Responding to this consultation

- 2.13 If interested parties would like to make any comments about the request from the BBC for consent, these should be sent to Ofcom by email no later than 13 November 2020. Details about how to respond to this consultation can be found below.

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 13 November 2020.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/rugby-league-challenge-cup-finals-2020-2021>. You can return this by email.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to listedevents@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 It would be helpful if you could explain your views why you hold them, and what you think the effect of Ofcom's proposed decision would be. We also welcome joint responses.
- A1.8 If you want to discuss the issues and questions raised in this consultation, please contact the Broadcast Licensing team by email to listedevents@ofcom.org.uk.

Confidentiality

- A1.9 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.
- A1.10 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.

- A1.11 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.12 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A1.13 Following this consultation period, Ofcom plans to publish its decision on consent for the 2021 Final.
- A1.14 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.15 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.16 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.17 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)