
Listed Events

FA Cup Final - 2022, 2023, 2024 and 2025

CONSULTATION:

Publication date: 14 March 2022

Closing date for responses: 11 April 2022

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1. Overview

What we are consulting on

Ofcom has received a request from the BBC and ITV (on its own behalf and on behalf of STV) for consent to broadcast live coverage of the FA Cup Final in 2022, 2023, 2024 and 2025 (“the FA Cup Finals”). The FA Cup Finals would be broadcast simultaneously on BBC One, ITV and STV.

The FA Cup Final is a listed event for the purposes of the Broadcasting Act 1996 (“the Act”). The Act’s rules on listed events aim to secure that certain events of national interest are available to view live, and for free, by the widest possible audience.

In accordance with section 101 of the Act, Ofcom’s consent is needed for the BBC and ITV’s proposed live coverage of the FA Cup Finals. The FA Cup Finals are “Group A” listed events and the process by which consent for coverage of such events is decided is set out in the Code on Sports and Other Listed and Designated Events.

Ofcom is provisionally minded to grant consent to the BBC and ITV for the FA Cup Finals, subject to any comments received from interested parties in response to this consultation.

2. 2022 – 2025 FA Cup Finals

- 2.1 Ofcom has received requests from the BBC and ITV (on its own behalf and on behalf of STV) for consent to broadcast live coverage of the FA Cup Final in 2022, 2023, 2024 and 2025.
- 2.2 The FA Cup Final is designated as a listed event for the purposes of the Broadcasting Act 1996 (“the Act”). The Act’s rules on listed events aim to secure that certain events of national interest are available to view live, and for free, by the widest possible audience.
- 2.3 The Act distinguishes between television services which are “qualifying services” and television services which are “non-qualifying services”. “Qualifying services” are those channels which meet certain qualifying criteria – that they are free-to-view and received by more than 95% of the UK population.¹
- 2.4 The BBC and ITV intend to broadcast the FA Cup Finals simultaneously on BBC One and the Channel 3 services (ITV, STV and UTV). As both BBC One and Channel 3 are a “qualifying service”, Ofcom’s consent is required in accordance with section 101 of the Act. Ofcom’s consent to broadcast live coverage is required in all cases except where a “qualifying service” and a “non-qualifying service” both have the rights to a listed event for the same geographical area.
- 2.5 The FA Cup Finals are designated as “Group A” listed events by the Secretary of State. Paragraphs 1.13-1.17 of the Ofcom [Code on Sports and Other Listed and Designated Events](#) (“the Code”) set out matters to be taken into account in deciding whether to give consent for exclusive coverage of a Group A listed event. They explain that Ofcom will wish to be satisfied that broadcasters have had a genuine opportunity to acquire the rights on fair and reasonable terms. Although in this case neither broadcaster will be showing exclusive coverage of the FA Cup Finals, we consider it is also appropriate to take these matters into account where two broadcasters jointly hold the rights to live broadcast of a listed event and propose to broadcast it simultaneously (insofar as Ofcom’s consent is required under the Act).
- 2.6 As set out in paragraph 1.29 of the Code, an application to Ofcom for consent should be accompanied by full reasons and justification for the request and all relevant supporting information. The BBC and ITV have provided information about the tender process as evidence that broadcasters had a genuine opportunity to acquire the rights to the Events on fair and reasonable terms.
- 2.7 We have considered the information provided by the BBC and ITV, and note that their proposals would secure that the FA Cup Finals are available to view live and for free by audiences across the UK. Accordingly, and subject to any comments received from

¹ Ofcom is required to publish a list of qualifying services. The list was last updated on 24 January 2022 and can be found here: <https://www.ofcom.org.uk/consultations-and-statements/category-1/listed-events>

interested parties, Ofcom is provisionally minded to grant consent to the BBC, and ITV and STV, for live coverage of the FA Cup Finals.

Responding to this consultation

- 2.8 If interested parties would like to make any comments about the requests from the BBC and ITV for consent, these should be sent to Ofcom by email no later than 5pm on 11 April 2022. 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 11 April 2022. If you are unable to respond by this date, please contact us (listedevents@ofcom.org.uk) as soon as possible to discuss.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/consultation-listed-events-fa-cup-final>. 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 (“**BSL**”) 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.
- 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 in April 2022.
- A1.14 If you wish, you can [register to receive email 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)