



Sky response to Ofcom's consultation on the designation of radio selection services

Sky is the UK's leading entertainment and telecoms business, employing more than 26,000 people across the country and contributing £20 billion annually to the UK economy. Sky is an integral part of the broadcast ecology and makes a huge contribution to the UK's cultural economy.

Sky services should not be considered as radio selection services

We believe Sky's internet-enabled TV services are not in scope of the Radio Selection Service (RSS) regime due to the definition of an RSS in the Media Act encompassing only devices that are used to primarily access internet radio service by voice command¹. We would welcome formal clarification from Ofcom in any forthcoming guidance that the scope of the regime will be as intended by the Media Act – i.e. one in which TV services are not included.

Sky services, by definition, are not RSSs

The definition of an RSS in the Media Act² is "a service provided via the internet which enables (or among other things enables) the user" to do the following things by giving "spoken commands" recorded by equipment connected to the internet:

- a. to make a selection between internet radio services provided by different providers; and
- b. to cause a selected internet radio service to play."

Whilst Sky platforms (Sky Q, Sky Stream, Sky Glass) do host internet radio service platforms, and users are able to voice search from the remote control for an internet radio service, a user has to manually select and play content once in the internet service radio provider's app to play its content. For example, where a user uses the Sky Glass remote to search for "Radio 2" the search function will bring up the BBC Sounds app, but the user then needs to manually navigate that app using their remote (not voice search) to select and listen to Radio 2.

As noted by the Media Act³ and Ofcom's consultation document⁴, the inability to *directly* play content in response to a voice command from a user means Sky's service should not meet the definition of RSS under the Act, and, as such, should not be designated.

Sky platforms are overwhelmingly used for watching TV content

The Media Act states that Ofcom must consider four key factors when making recommendations on the designation of Radio Selection Services. This includes the number of people using a service, the manner in which a service is used by people and whether the level of use is significant.⁵

¹ Section 362BA Media Act 2024; Section 362BC(3) Media Act 2024

² Ibid

³ Ibid

⁴ Paragraph A1.10, Consultation: Designation of Radio Selection Services – Principles and Methods for Ofcom's Recommendations

⁵ Section 362BC(3) Media Act 2024

Listening to internet radio services is not the primary function of Sky's platforms, even if it is possible on some services. Therefore, again by definition, Sky's platforms cannot be an RSS and should not be considered for designation (regardless of whether or not they enable a user to use voice control to directly select between different internet radio services) given the overwhelming majority of users use Sky services to watch content, not listen to internet radio services.

We hope this response is helpful and would encourage Ofcom to confirm formally that services which are used primarily to watch TV content, like Sky's, will not be considered to be in scope in the forthcoming process of RSS designation.

Sky

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