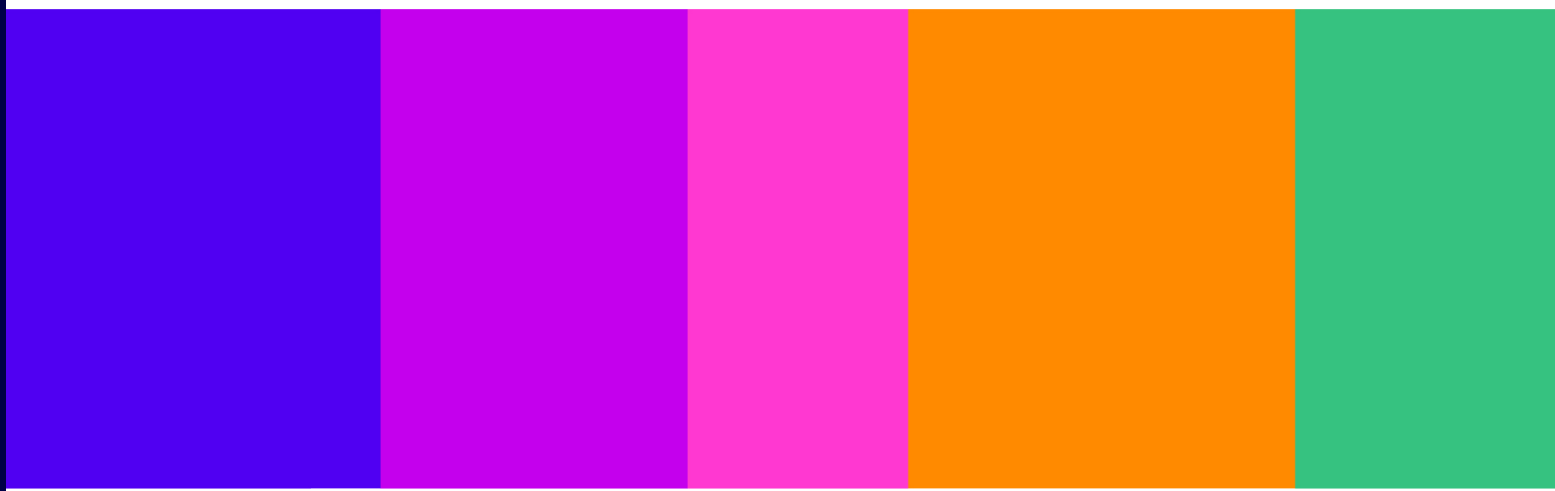


Designation of Television Selection Services

Statement of Principles and Methods

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Statement of Principles and Methods

About this document

- 1.1 This document is the Statement of Principles and Methods to be applied by Ofcom when preparing a report which makes recommendations to the Secretary of State regarding the designation of television selection services (TSS) under section 362AF(1)(a) or (b) in Part 3A of the Communications Act 2003 (the Act).¹ Section 362AG(9) of the Act requires Ofcom to produce this statement.

Legal framework

- 1.2 The aim of the prominence regime in Part 3A of the Act is to ensure that public service content is available, prominent, and easily accessible on widely used TSS. To achieve this, the providers of designated TSS (referred to as regulated TSS or RTSS) must ensure that the designated internet programme services (designated IPS or DIPS)² of the public service broadcasters (PSBs),³ and their public service content, are made available and prominent on the service.
- 1.3 The Secretary of State may make regulations which designate TSS either by: (a) naming individual TSS to be designated under section 362AF(1)(a) (individual designation); or (b) specifying a description of TSS to be designated under section 362AF(1)(b), in which case TSS that meet the description will be designated (designation by description).⁴
- 1.4 The Secretary of State must have received a report from Ofcom before making or amending designation regulations.⁵ Our report must set out recommendations on how the Secretary of State should exercise their regulation making powers.⁶ We may decide to prepare such a report on our own initiative.⁷ Alternatively the Secretary of State may ask us to prepare a report, in which case we must do so as soon as practicable.⁸
- 1.5 The Act provides Ofcom with information gathering powers that can be used to obtain information that we consider necessary to inform our report to the Secretary of State.⁹

¹ Part 3A of the Act was inserted by Part 2 of the Media Act 2024.

² “IPS” is defined in section 362AA(10) and (11) of the Act and “DIPS” is defined in section 362AA(1) of the Act.

³ The BBC’s IPS is automatically designated. Ofcom has the power to designate the IPS of the other PSBs: the providers of the Channel 3 services (currently ITV and STV), Channel 4, S4C, and Channel 5 (section 362AA(2) of the Act). Designated on-demand players will be referred to as designated internet programme services or DIPS.

⁴ Providers of TSS whose TSS is or becomes a service of the description specified will have to notify Ofcom (section 362AH of the Act).

⁵ Section 362AG(2) of the Act

⁶ Section 362AF(4) of the Act.

⁷ Section 362AG(1) of the Act.

⁸ Section 362AG(2) and (3) of the Act.

⁹ Section 362AS of the Act.

These powers allow Ofcom to require information to be obtained or generated by the person receiving the request.¹⁰

1.6 Ofcom must publish a statement about the principles and methods it will apply when preparing a report for the Secretary of State. This document is that statement. We may revise or replace this statement.¹¹

1.7 A more detailed legal framework is set out in **Annex 1**.

Principles and methods for preparing our report on designation of regulated TSS (RTSS)

What is a TSS?

1.8 A TSS is a service, or a dissociable section of a service, which:

- a) is provided via the internet;
- b) is provided in connection with internet television equipment (ITE);
- c) consists of the presentation of IPS; and
- d) enables the user to select between and access those IPS or programmes provided by those IPS, or both.¹²

1.9 A TSS is not the device on which IPS, or programmes are accessed – the device is ITE. A TSS is the service which enables the user to access the available IPS and to discover programmes provided by those IPS.

1.10 When making recommendations Ofcom will refer to the definition of ITE as set out in the most recent regulations made by the Secretary of State under section 362AE(2) of the Act.¹³

1.11 As at the date of this statement, the most recent regulations are the Internet Television Equipment Regulations 2024.¹⁴ These define ITE as:

- a) Smart televisions; and
- b) Streaming devices, which includes streaming sticks and set-top boxes.

Secretary of State's designation powers

1.12 As set out above, there are two powers under which the Secretary of State may designate TSS as RTSS: regulations under section 362AF(1)(a) (individual designation) or regulations under section 362AF(1)(b) (designation by description).

1.13 As the Act does not prescribe the circumstances in which the powers should be used, we may make recommendations in relation to either or both powers. To ensure transparency, we will explain why we have recommended a particular designation power.

¹⁰ Section 362AS(3) and (4) of the Act.

¹¹ Section 362AG(9) and (10) of the Act.

¹² Section 362AE(1) and (2) of the Act. The Secretary of State may modify the definition of “television selection service” under section 362AE(7) of the Act. Ofcom will apply the definition in force at the time of preparing a report.

¹³ The Secretary of State may modify the definition of “internet television equipment” under section 362AE(7) of the Act. Ofcom will apply the definition in force at the time of preparing a report.

¹⁴ [The Internet Television Equipment Regulations 2024](#) (2024/1056).

Principles and methods when preparing a report on exercising the power in section 362AF(1)(a) (individual designation)

- 1.14 Section 362AG(4)(a) to (d) set out the matters Ofcom must consider when preparing a report under section 362AF(1)(a) (individual designation):
- a) The number of members of the public in the UK using a TSS and whether that number is significant;¹⁵
 - b) The manner in which the TSS is used;
 - c) Whether the TSS is capable of functioning as an RTSS, and whether it can be made so capable; and
 - d) Such matters as Ofcom considers likely to affect the above matters.

- 1.15 We set out below the principles and methods we will apply when assessing these matters.

(a) The number of members of the public in the United Kingdom using the service and whether that is significant

- 1.16 In order to assess this matter, Ofcom will need to assess the number of members of the public in the UK using the service. To achieve this, we:
- a) Will use the best available evidence to provide an objective and reliable basis to measure the number of people in the UK using a service;
 - b) May use a proxy for user numbers if we consider individual user numbers cannot be measured reliably; and
 - c) Will apply a consistent methodology to our assessment of each TSS to ensure fair treatment.
- 1.17 Using the measure developed according to the principles and methods in paragraph 1.16, we will set a threshold that we consider to be significant:
- a) When setting this threshold, we will seek to ensure that public service content is widely available.
 - b) We will generally consider what level of use is significant every time we prepare a report. We will consider any relevant factors which may affect what is significant at that particular time, recognising that significance is context dependent. As such, where we have previously given recommendations, we will consider if the threshold used in that report is still appropriate.
 - c) We will determine the threshold in a proportionate way. We will seek to ensure that our recommended designations benefit a wide range of audiences. We will take into account that designation of an RTSS will impose regulatory obligations on the RTSS provider and on providers of designated IPS (DIPS) but may also bring benefits to both in terms of ensuring availability and prominence of DIPS and their programmes.
- 1.18 Generally, we will recommend the designation of TSS at or above what we consider to be a significant number of users. However, taking into account the other principles and methods in this statement, we may consider it appropriate not to recommend the designation of such a TSS. For example, we may not recommend the designation of such a TSS if evidence suggests that its user numbers are declining and are unlikely to be over the threshold for a

¹⁵ The Secretary of State must consider that a TSS is used by a significant number of people in the UK in order to specifically designate it (section 362AF(2) of the Act).

reasonable period of time after designation. We will explain why we have or have not recommended the designation of TSS that are at or above the threshold.

(b) The manner in which that service is used by such persons

- 1.19 We will generally take account of the extent of active use of the TSS. We may consider available data or estimates of how regularly particular TSS are accessed by users in addition to the overall number of users.
- 1.20 If different approaches for assessing use of TSS on different types of ITE are more suitable, we will seek to take the most appropriate approach.

(c) Whether that service is capable of functioning as a regulated television selection service and the modifications, if any, that are needed to make it so capable

- 1.21 We will generally consider a TSS to be capable of functioning as an RTSS if it is capable of:
 - a) Carrying DIPS, as defined in section 362AA(1) of the Act;¹⁶
 - b) Presenting IPS and programmes with different levels of prominence; and
 - c) Including features to ensure it is accessible to people with disabilities.
- 1.22 In considering if a TSS is capable of functioning as an RTSS, we will take into account its current capabilities and any modifications that may be needed for the TSS to carry out the functions above.

(d) Such matters as Ofcom considers likely to affect the matters referred to in (a) to (d)

- 1.23 We will consider whether it would be appropriate to assess any other factors that are likely to affect the matters referred to above, taking into account our relevant statutory duties.¹⁷
- 1.24 These matters may include level of use by different audience groups, market indicators such as growth projections or other market factors contributing to the way in which public service content is accessed. The relevance of these factors is likely to depend on the circumstances at the time we are preparing a report.

Principles and methods when preparing a report on the exercise of the power in section 362AF(1)(b) (designation by description)

- 1.25 The Secretary of State may prepare a description of TSS that they consider should be an RTSS or ask Ofcom to do so. In either case, Ofcom must produce a report containing recommendations about the exercise of the power in section 362AF(1)(b).
- 1.26 Section 362AG(5) sets out the matters Ofcom must consider when preparing a report under section 362AF(1)(b):
 - a) Which TSS are likely to fall within the description in question; and
 - b) Such matters as Ofcom considers relevant to that assessment.

¹⁶ If we are preparing a report before any IPS have been designated then we will consider an appropriate alternative, which may include assessing whether the TSS is capable of carrying the public service broadcasters' IPS.

¹⁷ Our relevant statutory duties are set out in Annex 1.

- 1.27 Section 362AF(3) states that regulations made under section 362AF(1)(b) may refer to:
- a) A TSS being used, or being used in a manner specified in the regulations, by no fewer than such number of members of the public in the UK as may be specified in the regulations;
 - b) The date on which a TSS is first made available to members of the public in the UK; and
 - c) The functions that a TSS is capable of carrying out or may be made capable of carrying out.
- 1.28 We set out below the principles and methods we will apply when assessing these matters.

(a) Which TSS are likely to fall within the description of TSS in question

- 1.29 Where the description refers to the matter in paragraph 1.27a), Ofcom will need to assess the number of members of the public in the UK using the service, or the number of people using the service in the manner specified in the regulations. In order to do this, we will assess usage with the same principles and methods as set out at paragraph 1.16; and assess manner of use with the same principles and methods as set out at paragraphs 1.19 and 1.20.
- 1.30 If a description also or alternatively refers to the matter in paragraph 1.27b), we will use the best available evidence to determine the TSS that meet that description.
- 1.31 Where a description also or alternatively refers to the matter in 1.27c), we will consider whether it is capable of functioning as an RTSS, applying the principles and methods in paragraph 1.21 and 1.22 and assessing any other functions that may be specified in the description.

(b) Such matters as Ofcom considers relevant to the assessment described in paragraph (a)

- 1.32 We will consider whether it would be appropriate to assess any other factors that are likely to affect which TSS are likely to fall within the description, taking into account our relevant statutory duties.

General principles

- 1.33 We will explain why we have taken a particular approach in our report and how that approach is consistent with the principles and methods set out in this statement.
- 1.34 However, we may consider it appropriate or necessary to follow different principles and methods to those set out in this statement. If we follow different principles and methods, then we will explain why we have done this.
- 1.35 We may use our information gathering powers in section 362AS of the Act to gather evidence to inform our report.
- 1.36 We will publish the reports that we give to the Secretary of State.¹⁸

¹⁸ Section 362AG(8) of the Act.

A1. Legal Framework

Legal framework

- A1.1 This Annex sets out the statutory framework regarding the designation of television selection services (TSS) under Part 3A of the Communications Act 2003 (the Act), which was inserted into the Act by Part 2 of the Media Act 2024. This Annex is only a summary of the relevant provisions, it is not a substitute for reference to the statute.
- A1.2 Also relevant are Ofcom's general duties in carrying out its functions, to further the interests of citizens in relation to communications matters and consumers in relevant markets, where appropriate, by promoting competition.¹⁹ In doing so, Ofcom must have regard to a number of matters including the desirability of promoting the fulfilment of the purposes of public service television broadcasting in the UK, the desirability of encouraging investment and innovation in relevant markets and the needs of persons with disabilities.
- A1.3 In performing its general duties, Ofcom must have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, and any other principles appearing to Ofcom to represent the best regulatory practice.²⁰
- A1.4 As explained further below, TSS that are designated by the Secretary of State (regulated TSS or RTSS) will have to comply with various statutory obligations related to making available and prominent the internet programme services (IPS)²¹ of the UK public service broadcasters (PSB) which are designated by Ofcom (designated IPS or DIPs).²²
- A1.5 Each PSB has an individual remit which they are required to fulfil.²³ The BBC is required to fulfil its mission to act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain.²⁴ The individual remit for Channel 3 services, C4C and Channel 5 is to make

¹⁹ Section 3(1) of the Act.

²⁰ Section 3(3) of the Act.

²¹ An IPS is a reference to (a) an on-demand programme service where the programmes viewed by a user of the service are accessed by the user by means of the internet; (b) a non-UK on-demand programme service where the programmes viewed by a user of the service are accessed by the user by means of the internet; or (c) a service which satisfies the following requirements: (i) that the principal purpose of the service is the provision of programmes; (ii) that the programmes viewed by a user of the service are accessed by the user by means of the internet; and (iii) that the programmes it provides to a user of the service are contained in (1) such on-demand programme service as is described in part (a) of this footnote or such non-UK on-demand programme service as is described in part (b) of this footnote; and (2) another service which is, or two or more other services each of which is, such an on-demand programme service, such a non-UK on-demand programme service, or a service (other than those kinds of service) that consists of, or has as its principal purpose the provision of, programmes (section 362AA(10) and (11) of the Act).

²² A DIPs is (a) an IPS provided by the BBC; (b) an IPS provided by a public service broadcaster other than the BBC and designated by Ofcom; or (c) an IPS provided by a person associated with a PSB and designated by Ofcom (section 362AA(1) of the Act).

²³ For each PSB, the programmes with which they fulfil their individual remits should be capable of being taken into account for the purposes of assessing the extent to which the UK TV remit is fulfilled and should constitute an adequate contribution to the fulfilment of the UK TV remit (section 264(4) of the Act).

²⁴ Paragraph 5 of the Royal Charter for the continuance of the British Broadcasting Corporation, December 2016.

available a range of high quality and diverse programmes.²⁵ The individual remit for S4C is to make available a broad range of high quality and diverse programmes, with a substantial proportion in Welsh.²⁶

Television selection services

- A1.6 The services that may be designated are referred to as TSS. The Act defines a TSS as “a service or dissociable section of a service, provided by means of the internet and in connection with Internet Television Equipment (ITE), which consists of:
- a) the presentation of the IPS included in the service or the dissociable section of the service; and
- A1.7 a facility that enables the user: (i) to make a selection between those IPS or programmes provided by those IPS or both; and (ii) to access the IPS or programme selected or both.²⁷
- A1.8 As set out in Regulation 2 of the Internet Television Equipment Regulations 2024, ITE means smart TVs, set top boxes and streaming devices.²⁸

Regulated television selection services

- A1.9 The Secretary of State has the power to designate TSS to be regulated and therefore subject to the statutory obligations set out in the Act. The Secretary of State may make regulations which:
- a) designate individual TSS (which we refer to as ‘individual designation’); or
- A1.10 set out a description of TSS to be designated (which we refer to as ‘designation by description’).²⁹
- A1.11 The Secretary of State may not designate a TSS by individual designation unless they consider that it is used by a significant number of members of the public in the UK.³⁰
- A1.12 In regulations that designate by description, the Secretary of State may frame a description of TSS by reference to:
- a) a TSS being used by no fewer than such number of members of the public in the UK as may be specified in the regulations;
 - b) the date on which a TSS is first made available to members of the public in the UK; and
- A1.13 the functions that a TSS is capable of carrying out or may be made capable of carrying out.³¹

²⁵ Sections 265(2) and 265(3) of the Act. For C4C these programmes in particular must demonstrate innovation, experimentation, and creativity; appeal to the tastes and interests of a culturally diverse society include a significant amount of educational content; and have a distinctive character.

²⁶ Paragraph 3(2) of Part 2 of Schedule 12 to the Communications Act 2003.

²⁷ Section 362AE(1) of the Act. The Secretary of State may lay regulations to amend the definition of “television selection service” or “internet television equipment” (section 362AE(7)).

²⁸ [The Internet Television Equipment Regulations 2024](#) (2024/1056).

²⁹ Section 362AF(1) of the Act.

³⁰ Section 362AF(2) of the Act.

³¹ Section 362AF(3) of the Act.

Ofcom's report to the Secretary of State

- A1.14 Before the Secretary of State can make designation regulations, the Secretary of State must have received a report from Ofcom, containing Ofcom's recommendations on the exercise by the Secretary of State of their powers to make regulations to individually designate or to designate by description.
- A1.15 Ofcom may decide on its own initiative to provide the Secretary of State with a report, and may make recommendations in relation to the exercise of either or both powers.³² Alternatively, the Secretary of State may request a report from Ofcom, in which case we must provide one.³³ When making such a request, the Secretary of State may provide Ofcom with a description of TSS they propose to designate and seek advice on that description.
- A1.16 If recommending individual designation, Ofcom's report must include our assessment of:
- a) the number of members of the public in the UK using the TSS in question and whether that number is significant;
 - b) the manner in which that TSS is used by such persons;
 - c) whether that TSS is capable of functioning as an RTSS and the modifications, if any, that are needed to make it so capable; and
- A1.17 such matters as Ofcom considers likely to affect the matters referred to above.³⁴
- A1.18 If recommending designation by description, Ofcom's report must include our assessment of:
- a) which TSS are likely to fall within the description of TSS set out in the report; and
- A1.19 such matters as Ofcom consider relevant to that assessment.³⁵
- A1.20 Ofcom's role in preparing reports for the Secretary of State is limited to recommendations on the Secretary of State's power to designate TSS. There is no statutory power for Ofcom itself to designate a TSS.³⁶
- A1.21 Any TSS that is designated by individual designation regulations will become an RTSS. Any TSS that meets a description set out in designation by description regulations will become an RTSS, and a provider of a TSS³⁷ must give notice to Ofcom if the TSS is, or becomes, a

³² Section 362AG(1) of the Act.

³³ Section 362AG(2) and (3) of the Act.

³⁴ Section 362AG(4) of the Act.

³⁵ Section 362AG(5) of the Act.

³⁶ The position is different as regards the designation of IPS, where Ofcom has the power to designate IPS itself (section 362AA(2) of the Act).

³⁷ The only person who is to be treated as providing a TSS is the person who has general control over the way the service presents to its users the IPS that are included in the service. This is the case regardless of whether the TSS uses an algorithm to determine the prominence given to an ISP or any programmes provided by an ISP included in the service (section 362AE(5) and (6) of the Act).

TSS that falls within the description.³⁸ Likewise, any RTSS must give notice where it considers that it ceases to be covered by the description specified in the regulations.³⁹

Ofcom's Statement of Principles and Methods

- A1.22 Ofcom must prepare and publish a statement about the principles and methods we will apply in preparing a report to the Secretary of State making recommendations about the exercise of their powers to make designation regulations.⁴⁰
- A1.23 We may revise or replace that statement and must publish the revised or replaced statement.⁴¹

Effect of designation

- A1.24 Where IPS and TSS are designated, the providers of those DIPS and RTSS must comply with the new regime. The provider of a DIPS will be the relevant PSB, or person associated with that PSB.⁴² The provider of an RTSS will be the person who has general control over the manner in which the TSS presents to its users the IPS that are included in the service.⁴³
- A1.25 In order for an IPS offered by a PSB other than the BBC to be designated, Ofcom must be satisfied that it is appropriate to designate the service. Ofcom must also believe that the service makes, or would if designated be capable of making, a significant contribution to the fulfilment of the public service remit for the PSB channel; and that the public service remit content included is readily discoverable and is promoted by the IPS.⁴⁴
- A1.26 Providers of DIPS will be subject to a “must-offer” obligation, and providers of RTSS will be subject to a “must-carry” obligation:
- A1.27 The “must-offer” obligation means that a DIPS provider must offer its DIPS to every RTSS provider.⁴⁵ The DIPS provider must do its best to secure that, in relation to every RTSS, agreements are entered into and kept in force that ensure the service is included in the RTSS.⁴⁶
- A1.28 The “must-carry” obligation means that an RTSS provider must, in respect of each DIPS, enter into arrangements with the provider of the DIPS for the RTSS to include that DIPS and keep such arrangements in force.⁴⁷ RTSS providers will also be required to ensure that the DIPS and, where appropriate, content on the DIPS that contributes to the delivery of the

³⁸ Section 362AH of the Act. A TSS is designated and subject to the statutory obligations of an RTSS as soon as it meets a description in regulations, whether or not the relevant provider notifies Ofcom. Failure to notify Ofcom would be a breach of the duty in section 362AH; failure to comply with the statutory obligations would amount to a separate breach of the relevant duties.

³⁹ On commencement of the new regime, Ofcom will publish and maintain an up-to-date list of RTSS (including the RTSS providers). The lists will be published on a publicly accessible part of the Ofcom website (section 362AI of the Act).

⁴⁰ Section 362AG(9) of the Act.

⁴¹ Section 362AG(10) of the Act.

⁴² Section 362AA(2) of the Act.

⁴³ Section 362AE(5) of the Act. Section 362AE(6) of the Act says that the fact a TSS relies to any extent on algorithms to determine the prominence given to an IPS or any programme provided by the IPS does not prevent a person from having general control.

⁴⁴ Section 362AA(2) - (5) of the Act.

⁴⁵ Section 362AJ(1) of the Act. Section 362AJ(1) to (3) does not apply to the BBC.

⁴⁶ Section 362AJ(2) of the Act.

⁴⁷ Section 362AK of the Act.

PSB's remit are given an appropriate degree of prominence on their services.⁴⁸ These services must also be accessible to those with disabilities (particularly those affecting sight or hearing).⁴⁹ The Act requires Ofcom to issue a code of practice recommending actions that RTSS providers should take when seeking to ensure that the presentation of IPS to its users are compliant with those accessibility obligations.⁵⁰

A1.29 Providers of both DIPS and RTSS have a duty to act consistently with the “agreement objectives” when negotiating the arrangements required to meet the requirements of their “must carry” and “must offer” obligations.⁵¹ The agreement objectives are that: (a) DIPS are given an appropriate degree of prominence within an RTSS (which includes public service remit content and any listed channel included in the DIPS);⁵² (b) the arrangements between the providers do not adversely affect the ability of the provider of the PSB to fulfil the public service remit for its channel; and (c) arrangements do not disproportionately restrict how the provider of an RTSS may make innovations in the ways that users may select and access IPS.⁵³ The Act requires Ofcom to prepare and publish guidance about how providers of DIPS and providers of RTSS may act consistently with the agreement objectives.⁵⁴

A1.30 The Act gives Ofcom a dispute resolution function⁵⁵ and enforcement powers.⁵⁶

Economic growth duty

A1.31 Section 108 of the Deregulation Act 2015 sets out Ofcom's duty to have regard to the desirability of promoting economic growth when exercising its regulatory functions. In order to consider the promotion of economic growth, Ofcom will exercise its regulatory functions in a way that ensures that:

a) regulatory action is taken only when it is needed; and

A1.32 any action taken is proportionate.⁵⁷

A1.33 The government's statutory guidance on this duty recognises drivers of economic growth to include innovation and competition.

Public sector equality duty

A1.34 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and

⁴⁸ Section 362AO(1) and (3) of the Act.

⁴⁹ Section 362AO(4) of the Act.

⁵⁰ Section 362AP(1) of the Act.

⁵¹ Sections 362AJ(3) and 362AK(2) of the Act.

⁵² Section 362AM(2) of the Act.

⁵³ Section 362AM(1) of the Act.

⁵⁴ Ofcom's guidance must also include how the BBC may act consistently with the agreement objectives in carrying out any of its duties under the BBC Charter and Agreement that are comparable to the requirement on other DIPS providers (in section 362AL(2) of the Act) under section 362AJ(3) of the Act.

⁵⁵ Sections 362AT to 362AY of the Act.

⁵⁶ Sections 362AZ to 362Z5 of the Act.

⁵⁷ Section 108(2)(b) of the Deregulation Act 2015.

foster good relations between persons who share specified protected characteristics and persons who do not. Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

Welsh language duty

- A1.35 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language. The standards issued to Ofcom are listed in Ofcom's compliance notice⁵⁸ effective from 25 January 2017.
- A1.36 The Welsh Language Policy Making Standards require Ofcom to assess (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language, when formulating a new policy or reviewing or revising an existing policy.

⁵⁸ <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/how-ofcom-is-run/nations/wales/hysbysiad-cydymffurfio44-y-swyddfa-gyfathrebiadau-en.pdf?v=370643>