

Question 1: Do you have any comments on the drafting of the proposed amendments to the Broadcasting Code set out in Section 4? Please provide drafting suggestions where appropriate.:

I would have thought that such drafting is premature until an accurate assessment of the impact of the Ofcom proposals has been conducted. I am also aware that there are alternatives to the suggested rules changes that could prove attractive when the true impact of the Ofcom proposals are understood and i'm sure the companies involved would be pleased to address this at an appropriate time.

i.e In the case of adult chat, there is a further option of the channel becoming properly encrypted as the BCAP Ad Code does allow adult chat phone services to be advertised on encrypted adult entertainment channels.

Question 2: Do you have any comments on the draft explanatory guidance set out in Section 4? Please provide drafting suggestions where appropriate.:

Surely it is essential to await the results of a properly conducted Impact Assessment?

However, for the record, we would like to confirm at an early stage that the guidance appears more concerned with outlawing certain channels/content than truly ensuring separation or achieving correct content classifications. In short, the guidance prematurely and unfairly distinguishes between certain types of programmes when this should be considered on a case by case basis in line with the ECJ Judgement.

Question 3: Do you agree that the proposed rules should apply to radio as well as to television?:

Radio and television are similar broadcast media and should attract similar regulatory controls.

Additional comments:

it is essential that a new Impact Assessment be conducted to properly assess the consequences of Ofcom's rule changes since Part 1 of the Consultation across the entire interactive broadcast value chain.

Being that i actually work within the industry that this proposed code will ultimately kill, if allowed; without the proper assessment being carried out, I feel that i have a stake in all of this, considering it's my livelihood and how i pay my mortgage. I feel that the channels i work on are being unfairly singled out when there are other alternatives to the airing of such channels. Why i ask, can i watch shows like sexetara on Virgin 1 (july 3rd 1am) which show quite graphical sexual scenes that although glossed with a touch of editorial content are perfectly acceptable. Yet the type of show i perform on (Adult PRS) is deemed not to be.