This chapter offers a brief overview of the historical legal framework for regulation prior to the Communications Act 2003 before going on to identify the key reforms and to consider their impact on power and accountability in the regulatory regime and some significant developments since. The emphasis is on regulatory design, the location of regulatory power, and accountability in its exercise. The overall objective is to consider whether the Communications Act 2003 in general represents any significant advance on what went before.

Devolution and Communications Policy in Scotland
Philip Schlesinger

This chapter illustrates how ‘most of the Holyrood political class has been reluctant to explore the boundaries between the devolved and the reserved’, even on less life-and-death issues such as broadcasting. Conversely, it also tells of at least one post-devolution success story for classic informal pre-devolution-style ‘Scottish lobbying’ in Westminster. Scotland is presently one of the UK's leading audiovisual production centres, with Glasgow as the linchpin. The capacity of the Scottish Parliament to debate questions of media concentration but also its incapacity to act legislatively has been observed. There are both political and economic calculations behind the refusal to devolve powers over
the media via the Communications Act 2003. Ofcom now has a key role in policing the terms of trade for regional production that falls within a public service broadcaster's target across the UK. The BBC's position as the principal vehicle of public service broadcasting has come increasingly under question. The Gaelic Media Service set up under the Communications Act 2003 has a line of responsibility to Ofcom in London. Scottish Advisory Committee on Telecommunications (SACOT) determined four key regulatory issues needing future attention by Ofcom.

In Search of the Public Interest

Mike Feintuck and Mike Varney

in Media Regulation, Public Interest and the Law

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This chapter seeks to identify a meaningful, overarching rationale for regulation of the media, to clarify — or replace — what has been the nearest thing as yet to serve as a guiding principle, the concept of ‘the public interest’. It discusses competition law and the public interest in media regulation; the seductive charms of choice; resolving the tensions between competing rationales; citizenship as the public interest; the Communications Act 2003 and the ‘public interest’; and citizenship, the public interest, and the media.

Independent television producers and media rights

Richard Haynes

in Media Rights and Intellectual Property

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The arrival of digital television across three platforms — terrestrial, satellite and cable — in 1998 augured a new era of broadcasting in the United Kingdom. The UK comes a distant second to the United States in the export of television programmes worldwide, but does dominate the rest of the world in its ability to innovate new programmes that have a resonance with international audiences. The rise of television formats has provided new impetus in the UK television market, and the exploitation of secondary and tertiary rights to these programme ideas has given a
welcome fillip to UK distributors. This chapter focuses on independent television producers and media rights. It first explores digital television and global media markets and then discusses state intervention in television rights markets. It also looks at the Independent Television Commission's Programme Review and the Communications Act 2003 in the UK and the rise of television formats.