

APPENDIX I

(referred to in paragraph 2.28)

British Broadcasting Corporation Programme Summaries: copyright notice

BBC programme summaries are the copyright of the British Broadcasting Corporation. They may be carried only by the newspapers to which they are issued, and must be published in accordance with the following regulations.

1. Daily newspapers

Morning and evening daily newspapers publishing Monday to Saturday may publish programme summaries in each day's issue for a period of 24 hours commencing on the day of issue and finishing the following day. In Saturday's issue they may carry summaries for a consecutive 48 hour period commencing on Saturday.

Evening daily newspapers published Monday to Friday may carry summaries as for morning dailies, but in their Friday issue they may carry summaries for a consecutive 48 hour period commencing on Friday.

2. Weekly newspapers

Weekly newspapers published on Monday, Tuesday or Wednesday may publish programme summaries for their day of issue only. Those published on Thursday or Friday may publish summaries for their day of issue only, or for Friday and Saturday, or for Saturday and Sunday. Those published on Saturday may publish summaries for Saturday and Sunday. Newspapers with partly paid or free circulation should take their day of issue to be the day upon which any issue is first distributed.

3. Sunday newspapers

Sunday newspapers may publish programme summaries for the day of issue only.

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Source: BBC.

APPENDIX 2

(referred to in paragraph 2.28)

Independent Television Publications Limited: copyright notice

(c) Independent Television Publications Ltd, 1985

This programme summary is copyright and may be reproduced only as programme information in tabulated form by a newspaper to whom it is issued.

Daily morning newspapers may reproduce details of programmes for the day of publication only, except in the case of daily morning newspapers published on Saturdays where the programmes for the Saturday of publication and the following Sunday may be included.

Daily evening newspapers may reproduce details of programmes covering a 24-hour period from any time within the day of publication except in the case of daily evening newspapers published on Saturdays where the programmes for a 48-hour period from any time within the day of publication may be included.

Weekly newspapers may reproduce details of programmes for the day of publication only, except in the case of weekly newspapers published on Thursday or Friday where the programmes for the Friday of publication and the following Saturday or for Saturday and the following Sunday may be included.

Weekly newspapers published on Saturday may reproduce details of programmes for the Saturday of publication and the following Sunday.

Free issue newspapers may publish in accordance with the above arrangements but where distribution takes place over more than one day, the first day of distribution is to be regarded as the only day of publication to which the licensing arrangements apply.

Source: ITP.

APPENDIX 3

(referred to in paragraphs 3.11 and 3.27)

Research commissioned by the BBC and by ITP

Survey commissioned by the BBC

The survey was carried out by Telephone Research Ltd in March 1985. Interviewers telephoned a random sample of 1,499 homes, of whom 519 had video cassette recorders and 427 were readers¹ of *Radio Times* or *TVTimes* or both. The findings of the survey indicate that:

- (a) *Radio Times* and/or *TVTimes* readers watched a total of 1,527 programmes (an average of 3.6 programmes each) on the days covered by the study, and in the majority of cases the decision to watch was taken on the day the programme was broadcast—313 readers (73 per cent) decided on the day of broadcast to watch 900 programmes (59 per cent);
- (b) however, 209 programme journal readers (49 per cent) had made decisions more than two days in advance to watch, in aggregate, 466 programmes (31 per cent);
- (c) 'previous viewing/just knew' was cited as the source of information about transmission times by most (61 per cent) of those respondents who had planned to watch programmes more than two days in advance; only 17 per cent mentioned *Radio Times* and 18 per cent mentioned *TVTimes*;
- (d) over half the programme journal readers had not planned to watch any programme over the two or three days following fieldwork;
- (e) for those programmes whose viewing had been planned two or more days ahead, 'previous viewing/just knew' was again given as the major source of information about transmission times (for 57 per cent of programmes); the programme journals were mentioned for less than 15 per cent of programmes; and newspapers were given as the source of information for 10 per cent (surprisingly, since formal listings would not have been available in newspapers by then);
- (f) 76 per cent of video cassette recorder owners recorded at least one programme in the week prior to fieldwork. The vast majority of settings had occurred on the day of the broadcast, and over 90 per cent of people owning video cassette recorders had claimed never to set their recorder two or more days before a programme was due to be shown;
- (g) newspapers appeared to be the main source of information about the total of 460 programmes which had been recorded during the period covered by the survey (mentioned for 40 per cent of programmes recorded); 'previous viewing/just knew' was cited as the source of information for 33 per cent, *Radio Times* was mentioned for only 7 per cent, and *TVTimes* for only 3 per cent;
- (h) when all respondents were asked about their source of information for recorded programmes the reliance on daily newspapers was not quite so

¹Those who had recently read or looked at an issued of *Radio Times* and/or *TVTimes*.

high (mentioned by 31 per cent) but still higher than for any other source; *Radio Times* was mentioned by only 5 per cent and *TVTimes* by 3 per cent.

Surveys commissioned by ITP

I. Sources of programme information

The main findings of research commissioned by ITP during the past few years indicated that:

- (a) the programme pages in *TVTimes* were of most interest to readers, although there was a high level of interest in other pages of the magazine,¹
- (b) most readers considered *TVTimes* to be interesting, informative and good value for money;²
- (c) most viewers (over 60 per cent) used a daily morning paper to find out what was on television; only 17 per cent mentioned *TVTimes*, 16 per cent mentioned daily evening newspapers and 14 per cent mentioned *Radio Times*.³ The figures are not mutually exclusive, as some people used more than one source of information;
- (d) *TVTimes* readers tended to use the magazine as the chief source of programme information, but still made quite high use of the information in daily morning newspapers;³
- (e) reasons given for not buying *TVTimes* were that sufficient information was obtained from newspapers (57 per cent) and 'too expensive' (32 per cent).⁴

II. Video cassette recorder usage

Research was carried out by AGB Research during April 1985, and was based on a national sample of 388 households, each of which had a video cassette recorder capable of advance programming. Between them, respondents recorded a total of over 4,000 programmes during the period covered by the survey. The findings indicated that:

- (a) on nearly all occasions (94 per cent) the recorder was set on the day the programme was broadcast; in very few cases (less than 1 per cent of all recorded programmes) was the recorder set more than two days ahead;
- (b) national daily newspapers were the main source of information about the programmes recorded (39 per cent); for a further 27 per cent no source of information was required as the programme was on regularly; *Radio Times* and *TVTimes* were mentioned for only 13 per cent of the recorded programmes;
- (c) for regular readers of *TVTimes* and *Radio Times*, those magazines were the source of information regarding nearly 50 per cent of the programmes recorded, but in 23 per cent of cases the information had been obtained from daily newspapers.

Sources:

¹Gordon Simmons Research Ltd; sample of 400+ *TVTimes* readers, January 1983.

²Gordon Simmons Research Ltd; sample of 2,000 interviews representative of the United Kingdom population, November 1981.

³Survey Research Associated; sample of 2,000 interviews representative of the United Kingdom population, November 1983.

⁴Gordon Simmons Research Ltd; Survey 1984.

APPENDIX 4

(referred to in paragraphs 4.12 and 4.23)

Arrangements in New Zealand for the publication of programme information

1. Until recently the arrangements in New Zealand for publishing particulars of forthcoming radio and television programmes were similar to those in the United Kingdom. Programme information was available:

- (a) for a week ahead in the *New Zealand Listener*, the journal published by the Broadcasting Corporation of New Zealand; and
- (b) on a daily basis, through free licensing, in the press.

New legislation

2. In 1982 the New Zealand Parliament passed the Broadcasting Amendment Act 1982 which introduced various amendments to the principal Act, the Broadcasting Act 1976. Section 6(1) of the 1982 Amendment Act enacted section 30A of the Broadcasting Act 1976 which, in essence, confirmed that the Broadcasting Corporation had the right to control publication of its programme information but gave powers to the appropriate Minister to control the manner in which that right was exercised 'For the avoidance of doubt and for the purpose of ensuring that particulars of programmes are widely advertised and publicised to members of the public within New Zealand (including members of the public who do not purchase the *New Zealand Listener*)'. Accordingly, in November 1982 the then Minister of Broadcasting issued a Direction to the Broadcasting Corporation specifying the terms on which the Corporation was required to make available programme particulars to the press for publication, and giving it the right to require payment of a fee in return for the licence to publish such particulars.

3. On the change of government in 1984, the 1982 Direction was replaced by a Direction issued by the new Minister of Broadcasting on 23 November 1984. This was in almost identical terms to the 1982 Direction, save for the insertion of a sub-clause expressly revoking the 1982 Direction and a modification of the provisions regarding the fee for publication of programme particulars.

4. A new programme magazine, *Cue*, was launched in August 1984 as a direct competitor to the *New Zealand Listener*, but ceased publication after about four months. No other direct competitor has emerged so far, and the only existing publications which have consistently taken advantage of the ability to publish extended programme listings are the news weekly magazine, *New Zealand Truth*, and the Sunday newspaper, *New Zealand Times*.

The provisions of the 1984 Direction

5. The 1984 Direction directs the Broadcasting Corporation of New Zealand to make particulars of radio and television programmes available to any publisher before those programmes are broadcast and to consent to such

particulars being published before the relevant programmes are broadcast, subject to various terms and conditions which can be summarised as follows:

- (a) The Corporation is required to make particulars of the radio and television programmes (other than advertising programmes) which it intends to broadcast available to any publisher and to consent to any publisher publishing such particulars before the relevant programmes are broadcast.
- (b) Particulars are defined to include:
 - (i) titles;
 - (ii) the broadcasting stations from which the relevant programmes are to be broadcast;
 - (iii) times of broadcasts; and
 - (iv) wherever possible, brief synopses of the contents of the relevant programmes and cast lists of the main performers and actors appearing in the programmes.
- (c) Particulars must be made available to publishers at Broadcasting House in Wellington on the same day as they are made available to the Corporation's own publication, the *New Zealand Listener*.
- (d) Where particulars are for a week ahead, the week runs from Saturday to Friday.
- (e) Nothing in (c) above prevents any publisher from arranging with the Corporation for the particulars to be despatched by post at the publisher's expense.
- (f) The above obligations only bind the Corporation provided that a publisher enters into a contract with the Corporation and is not in breach of the terms of that contract.
- (g) Any such contract must contain provisions ensuring that:
 - (i) the Corporation is entitled to recover its 'administration expenses' from publishers; eg paper, duplication, postage, freight and despatch costs, but not the costs of collating the programme particulars;
 - (ii) publishers must publish particulars in substantially the same form as that in which they are supplied;
 - (iii) the Corporation is not liable for the consequences of programme changes nor for its inability to broadcast a particular programme;
 - (iv) publishers must publish particulars of radio as well as television programmes in any given area;
 - (v) publishers must pay a licence fee, at a rate to be fixed by the Corporation, on each copy of any publication containing advance particulars covering more than two consecutive days in any one issue, with some exceptions at public holidays; the fee to be between 2.5 and 3.5 cents per copy;
 - (vi) the method by which the number of copies on which the fee is based is specified;
 - (vii) publishers may be required by the Corporation to pay licence fees three months in advance;

- (viii) a publisher commits a breach of contract if he publishes any defamatory matter or malicious falsehood in respect of the Corporation or any of its officers or employees.
- (h) The Corporation remains free:
 - (i) to continue supplying programme particulars on a day to day basis free of charge to newspapers who do not have a contract as described in paragraphs (f) and (g) above;
 - (ii) to supply particulars for publication in any publication not a party to a contract as above, with or without charge; and
 - (iii) to continue publishing its own particulars in the *New Zealand Listener* or elsewhere.
- (i) The Corporation is not compelled to license any publisher who has published any defamatory material or any malicious falsehoods about the Corporation or any of its officers or employees.