



COVERAGE OF SPORT ON TELEVISION

A DCMS leaflet

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Chapter 1: Introduction

- 1.1. The Department for Culture, Media and Sport (DCMS) is the Government Department responsible for broadcasting policy.
- 1.2. The Government fully recognises the importance of access to key sporting events to many television viewers, particularly on free-to-air terrestrial television.
- 1.3. This leaflet has been compiled because the Government receives numerous requests for information, and also some complaints, about sports coverage on television. Making this leaflet widely available aims to:
 - explain the role of Government and independent regulators in relation to sports broadcasting;
 - explain how the Listed Events legislation works;
 - answer some frequently asked questions; and
 - reassure you that the Government takes viewers' access to top sporting events seriously.
- 1.4. More information about the work of the Department can be found on our website www.culture.gov.uk or via our public enquiry unit on 020 7211 6200 or fax 020 7211 6210.

Chapter 2: Sports Broadcasting Policy in Brief

- 2.1 The Government wants to make sure that key sporting events are made available to all television viewers, particularly those who cannot afford the extra cost of subscription television. This is why some events are protected by law as "Listed Events".
- 2.2 There are many different sports and sporting events which people feel passionately about. Unfortunately the Government cannot list them all. A listed event is one which is generally felt to have special national resonance. It should contain an element which serves to unite the nation, a shared point on the national calendar, not solely of interest to those who follow the sport in question.
- 2.3 The original list of events was drawn up in 1956 and has been reviewed on several occasions since then. Under current law (Part IV of the Broadcasting Act 1996) the Secretary of State can draw up and publish a list of protected events. Before doing so, the Secretary of State must first take into account the views of broadcasters, sports rights holders and regulators. The most recent revision of the list took place in 1998 when the then Secretary of State appointed an Advisory Group, chaired by Lord Gordon of Strathblane, CBE, to review the content of the list and to advise him which events should be included.
- 2.4 The Communications Act 2003 made amendments to the 1996 Act. The provisions transferring responsibility for administering the listed events regime from the Independent Television Commission to OFCOM (see paragraph 2.7 below) came into force on 29 December 2003. Other provisions, largely of a technical nature, are due to come into force in October 2005.
- 2.5 The law guarantees the availability of rights to live coverage of listed events to broadcasters who meet certain set criteria, i.e. those which reach 95% coverage of UK viewers and at no additional cost to the viewer than the television licence fee. Broadcasters currently meeting these criteria (Category A broadcasters) are the BBC1, BBC2, ITV1 and Channel 4.
- 2.6 The current list of protected events is split into two categories, Group A and Group B. Details of the list are at Appendix A of this leaflet. Full live coverage of Group A events is protected by ensuring that, where offered at all, broadcasting rights must be made available to category A broadcasters. Exclusive live coverage of Group B events is permitted on Category B channels provided that adequate arrangements are made, where sought, for delayed coverage or highlights on BBC1, BBC2, ITV1 or Channel 4.
- 2.7 This law is administered by the new communications regulator, OFCOM. OFCOM is an independent regulator and has the power to impose penalties, including fines, on any UK broadcaster in breach of the regulations. A "Code on Sports and other Listed Events," which gives guidance on the listed events regime to broadcasters, can be found on the OFCOM website. That code was drawn up by the previous regulator, the Independent Television Commission, but continues to have effect (by virtue of a transitional provision in the Communications Act 2003) as if references in it to the Commission were references to OFCOM, until OFCOM issues a new code (which they are required to do as soon as is practicable after 30 June 2004.)

Chapter 3: Frequently Asked Questions

General Questions

3.1 The Department for Culture, Media and Sport receives many letters from people concerned about the coverage of sport on television. This section answers some of the more common questions.

1. *What is the role of the Government?*

It would be wrong if the Government interfered with broadcasters' scheduling decisions, so it is a well established principle that the Government only intervenes in the sports broadcasting market to seek to ensure that all viewers, including the lower paid and the elderly, have free-to-air access to major events, known as listed events.

2. *What is a "listed event"?*

It is one which has "national resonance". It should contain an element that serves to unite the nation and not only be of significance to people who normally follow the sport in question. The Government recognises the importance of a national identity within the sporting arena, for example the shared pride and expectation of watching our representatives compete in and perform well at the Olympic Games, and it is for this reason that such events are protected by inclusion in the list.

3. *Do listed events have to be broadcast?*

No. The inclusion of an event in the list does not mean it has to be shown on television. What the law seeks to do is ensure that the rights to these events, if offered at all, are made available to free-to-air broadcasters on fair and reasonable terms. Sports rights holders (e.g. the Football Association) are not obliged to offer the events and broadcasters are not obliged to bid for coverage of them.

4. *How does the Government decide which events to list?*

For the 1998 review the Government wanted to ensure that the listing process was as open and transparent as possible. The Government achieved this by first consulting on the criteria for listing and then by appointing an independent advisory group to make recommendations on listing to the Secretary of State. Those consulted included broadcasters (e.g. the BBC, ITV, Channel 4 and BSkyB), regulators (e.g. the Independent Television Commission) and the sports regulatory bodies (e.g. the Olympic Games Committee, the Football Association, FIFA and the England and Wales Cricket Board) who own the rights to their individual events.

5. *What criteria did the 1998 Advisory Group take into account?*

Following consultation, the Secretary of State asked the Advisory Group to take the following criteria into account before making its recommendations: a listed event should have special national resonance and not simply be of significance to those who ordinarily followed the sport concerned; it should be an event which served to unite the nation; and it should be a shared point on the national calendar. Consideration should also be given to events which were likely to command a large TV audience, such as pre-eminent national or international sport events and those involving the national team or national representatives.

6. *What role did the Advisory Group play in the addition of sports to the list?*

The Advisory Group considered a number of events against the published criteria. It took account of responses to the Secretary of State's wide consultation with broadcasters, sports bodies, representatives of viewers and other interested parties and then made recommendations to the Secretary of State. The advisory group consisted of individuals with knowledge of the sporting, broadcasting and public policy issues involved in such a task.

7. *Why is the list split into two Groups, A and B?*

Public service channels must provide a wide range of programming of interest to all viewers. Free-to-air broadcasters face difficulties in scheduling some sporting events. Previous lists only protected live coverage of events but the flexible Group B approach allows us to protect more events than ever before while acknowledging that there are limits to the scope for providing live coverage. The sporting events in Group B meet all the criteria for listing but can cause practical difficulties for the terrestrial free-to-air channels to broadcast live, perhaps due to the length or breadth of the event (e.g. test cricket and Six Nations rugby).

8. *Will the list be revised?*

The Government aims to keep the list under regular review. If significant changes take place either in the public perception of what events are of national importance or in the economics of, in particular, sports rights, the Government would look at the matter again. There are no immediate plans to review the list.

9. *Does the general public have a say in what is included in the list?*

The Government takes the views of the public into consideration when formulating policy. Access to top sport on television is important to a large proportion of viewers and the Government encourages people to make their views known to the broadcasters.

10. *How is the listed events regime enforced?*

OFCOM is responsible for ensuring that broadcasting contracts comply with the listed events provisions of the Broadcasting Act 1996 and, as explained in paragraph 2.7 above, guidance is given by a Code. Any UK broadcaster that obtains the rights to live coverage of the whole or part of a listed event cannot broadcast exclusively live in the UK, without the consent of OFCOM. In accordance with the Code, OFCOM will wish to be satisfied that relevant broadcasters have had a genuine opportunity to acquire the rights on fair and reasonable terms or, in relation to group B events, that adequate provision has been made for secondary coverage by a relevant broadcaster.

11. *Is there any guarantee of free-to-air television coverage for events which are not included in the list?*

Outside the protection offered by the list, the Major Spectator Sports Division of the Central Council for Physical Recreation (CCPR) announced its voluntary code on Broadcasting in 1996. Signatories - including the FA, the FA Premier League and the Nationwide League, the Rugby Football Union, the Rugby Football League and the England & Wales Cricket Board - undertake to ensure to the best of their ability that highlights of their events are available on free-to-air television where live coverage is shown on subscription channels, and to invest at least 5% of broadcasting income in the development of their sports.

12. *Sports rights holders make a lot of money selling their broadcasting rights, shouldn't some of this money be reinvested back into sport?*

Yes. Broadcasting rights contribute significantly to the amount of money that is available for investment in sport at the grass roots level and the CCPR Voluntary Code (see Q11) ensures that at least 5% of signatories' television income finds its way back into sport where it is most needed, so that everybody can

benefit. Such an investment will help the next generation of competitors to have the support and facilities necessary to succeed at the sport in question.

13. *Why is there more and more sport on subscription television and less and less on terrestrial, it's not fair to licence fee payers?*

Rights holders are free to sell their rights to whomever they please, subject to the requirements of competition law, and broadcasters are free to show events without restrictions, subject to listed events legislation. Outside the listed events regime the Government does not have the power to force broadcasters into buying programmes. Subscription and pay per view broadcasters are often able to spend more on broadcast sports rights than free-to-air terrestrial broadcasters and this is perhaps reflected in the amount of sport their niche channels have to offer.

Individual Sports

- 3.2 Fans of particular sports often write in stating that their favourite sport should be listed or have more coverage on free-to-air television. This section answers a selection of these questions. Not every sport has been included but this should give you a chance to see what effect listing has in reality and how it impacts on everyday viewing.

Cricket

1. *Live coverage of test cricket used to be protected, why is it now in Group B?*

Test matches played in England are included in the list because they meet all the criteria for listing. Their appearance in Group B is not a sign that the sport is now less important. Public service channels must provide a wide range of programming of interest to all viewers. Free-to-air broadcasters face difficulties in scheduling some sporting events. Previous lists only protected live coverage of events but the flexible Group B approach allows us to protect more events than ever before while acknowledging that there are limits to the scope for providing live coverage. The sporting events in Group B can cause practical difficulties for the terrestrial free-to-air channels to broadcast live, perhaps due to the length or breadth of the event (e.g. test cricket and the six nations rugby).

2. *Why were highlights of the 2003 Cricket World Cup not shown on free-to-air TV in the UK, even though the event is protected under Group B?*

The inclusion of an event in either Group A or Group B of the list does not mean it has to be shown on free-to-air television. What the law seeks to do is ensure that the rights to these events must be made available to free-to-air broadcasters on fair and reasonable terms. These broadcasters are not obliged to bid for coverage of them. On this occasion, none of the free-to-air channels (BBC1 and 2, ITV1 and Channel 4) chose to take up the opportunity to acquire the rights for coverage of the Cricket World Cup. The previous regulator, the Independent Television Commission, agreed that British Sky Broadcasting could broadcast live and exclusive coverage of this year's Cricket World Cup. The ITC confirmed that it was satisfied that BSkyB had given the relevant free-to-air channels a genuine opportunity over a reasonable period to acquire the right to show highlights or deferred coverage.

Football

3. *Why aren't Premier League matches listed?*

The list must include only those events which have national importance and are of real interest to people who do not usually follow the sports concerned. Although the Premier League is of great interest to football fans, it does not strike a chord with the general viewer in the same way as the World Cup or the European Championships - both of which are listed.

4. *Why aren't all national team games, including friendly and world cup qualifying matches, listed?*

As far as national team football coverage is concerned, the finals tournaments of the World Cup and European Championship are listed, whereas friendly games and qualifying round matches are not. This is because not all of them meet the criteria for listing (e.g. early qualifying matches against weaker nations). While it is accepted that crucial matches (e.g. those towards the end of the qualifying rounds) would meet the criteria, it is impractical to list only these matches due to the fact that the broadcasters would be required to contact rights holders as and when the national teams progress. Developments in football tournaments occur rapidly. It would usually not be possible for broadcasters to conclude the necessary consultations with rights holders in good time.

5. *Who owns the rights to the football matches?*

The Football Association owns the rights to England Home Internationals. By the same token, rights to England's qualifying matches to be played in other countries are owned by the home country's football authorities, who are entitled, subject to the provisions of their own legislation, to sell them to their chosen broadcaster.

6. *What is the situation with the 2006 World Cup finals tournament?*

The whole of the World Cup Finals tournament is protected in Group A of the list. In 2001 the BBC and ITV signed an exclusive deal to broadcast the 2006 World Cup Finals tournament. This shared deal will ensure that UK viewers are able to watch the 2006 tournament live on free-to-air, terrestrial television.

Rugby

7. *Why can't we see the British Lions on free-to-air television?*

BSkyB has purchased exclusive live rights to the British Lions rugby union tours for 10 years. British Lions matches are not listed events, because they do not meet the necessary criteria, and it is therefore for BSKyB to decide who, if anyone, to sell the highlights to.

Chapter 4: Further Information

- 4.1 The Department for Culture, Media and Sport is the Government Department with responsibility for the listed events provisions. The law is administered by the independent regulator, OFCOM. Contact details for the regulatory body and the main broadcasters are included below. The Government believes it is important that broadcasters are responsive to viewers' and listeners' comments. If you have not already done so, you may wish to raise your concerns directly with them.
- 4.2 We hope that this leaflet has been informative but if you require further information please do not hesitate to contact the **Department for Culture, Media and Sport** at 2-4 Cockspur Street, London, SW1Y 5DH or via our public enquiry unit on 020 7211 6200, fax 020 7211 6210. You can access our website at www.culture.gov.uk

REGULATORY BODY

OFCOM
Riverside House
2a Southward Bridge Road
London
SE1 9HA
Tel: 020 7981 3000
www.ofcom.org.uk

TELEVISION BROADCASTERS

British Broadcasting Corporation (BBC)
Broadcasting House
Portland Place
London W1A 1AA
Tel: 0207 580 4468
www.bbc.co.uk

Independent Television (ITV) Network Ltd
200 Grays Inn Road
London WC1X 8HF
Tel: 020 7843 8000
www.itv.co.uk

Channel Four Television Corporation
124 Horseferry Road
London SW1P 2TX
Tel: 020 7306 8366
www.channel4.com

Channel Five Broadcasting Ltd
22 Long Acre
London WC2E 9LY
Tel: 020 7550 5555
www.channel5.co.uk

The Welsh Fourth Channel S4C
Parc Busnes Ty Glas
Llanishen
Cardiff CF4 5DU
Tel: 029 2074 1458
www.s4c.co.uk

British Sky Broadcasting Ltd
6 Centaurs Business Park
Grant Way
Isleworth TW7 5QD
Tel: 020 7705 3000
www.sky.com

APPENDIX A

THE REVISED LIST OF SPORTS EVENTS PROTECTED UNDER PART IV OF THE BROADCASTING ACT 1996

Group A (Full Live Coverage Protected)

The Olympic Games
The FIFA World Cup Finals Tournament
The European Football Championship Finals Tournament
The FA Cup Final
The Scottish FA Cup Final (in Scotland)
The Grand National
The Derby
The Wimbledon Tennis Finals
The Rugby League Challenge Cup Final
The Rugby World Cup Final

Group B (Secondary Coverage Protected)

Cricket Test Matches played in England
Non-Finals play in the Wimbledon Tournament
All Other Matches in the Rugby World Cup Finals Tournament
Six Nations Rugby Tournament Matches Involving Home Countries
The Commonwealth Games
The World Athletics Championship
The Cricket World Cup - the Final, Semi-finals and Matches Involving Home Nations' Teams
The Ryder Cup
The Open Golf Championship