



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 We receive numerous requests for information, and also some complaints, about sports coverage on television and that is why we have compiled this leaflet. By making this leaflet widely available we aim 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 we 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 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 BBC, the ITV network and Channel 4. Under the law any other broadcaster (Category B broadcasters) is not permitted to show exclusive live coverage of a listed event unless rights have also been made available to Category A broadcasters on fair and reasonable terms.
- 2.5 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, 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 BBC, ITV or Channel 4.
- 2.6 This law is administered by the Independent Television Commission (ITC). The ITC is an independent regulator and has the power to impose penalties, including fines, on any UK broadcaster in breach of the regulations. As required by law, the ITC has drawn up a "Code on Sports and other Listed Events" which gives guidance on the listed events regime to broadcasters.

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. In this section we answer some of the more common questions.

5. 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.

6. 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.

7. 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 must be 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.

8. How does the Government decide which events to list?

For the 1998 review we wanted to ensure that the listing process was as open and transparent as possible. We 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.

9. 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.

10. 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.

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

General 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).

12. Will the list be revised?

We aim to keep the list under regular review. It is too soon for another review, so soon after the last one. But 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, we would look at the matter again. The Government has no immediate plans to review the list.

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

We take the views of the public into consideration when formulating Government policy. We are aware how important access to top sport on television is to a large proportion of viewers and we encourage people to make their views known to the broadcasters.

14. How is the listed events regime enforced?

The ITC is responsible for enforcing the 1996 Broadcasting Act and the Sports and other Listed Events. 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 the ITC. The ITC must be satisfied that the necessary criteria have been met, including that the rights were offered on fair and reasonable terms.

15. 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.

16. *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.

17. *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.

18. *How can broadcasters get away with showing events only on their digital channels and depriving analogue subscribers of the opportunity of watching them without paying more?*

It is a long standing policy that commercial broadcasters are, in the main, independent of Government. How television broadcasters charge for their services and arrange their schedules on different channels and platforms is purely a matter for them. That said, consumer protection from anti-competitive practices is considered very seriously in the UK. Any relevant complaints should be brought to the attention of the Director General of Fair Trading (DGFT) at the Office of Fair Trading, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

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. In this section we answer 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. General 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 does BSKYB have all the cricket?

It is true that BSKYB owns broadcast rights to some live test matches and most of the county games which are not listed, but terrestrial free-to-air channels have fared well in the latest round of negotiations. The England and Wales Cricket Board's current broadcasting contract for live test match cricket is shared between Channel 4 and BSKYB and has recently been extended for another three years. For the 2001 season, Channel 4 had live coverage of the 1st test match against Pakistan, BSKYB live coverage of the 2nd test and Channel 4 live coverage of all five Ashes test matches between England and Australia.

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 qualified. 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 and has awarded broadcast rights for live coverage of early World Cup 2002 qualifying matches exclusively to BSKYB, who will be showing them on their subscription sports channels. 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 2002 World Cup finals tournament?*

UK broadcasting rights for the 2002 World Cup finals have not yet been awarded and there has been a lot of speculation in the press that they may not all be shown live on free-to-air terrestrial television as has been the custom. However, the whole of the World Cup finals tournament is protected in Group A of the list. Kirch, the German media group, owns the European rights to the 2002 and 2006 tournaments and say that they intend to sell them to UK broadcasters by holding an open auction.

7. *What is the Government doing to ensure that the tournament will be broadcast free-to-air?*

We have made the Kirch group fully aware of the extent of UK legislation, which ensures that free-to-air broadcasters must be able to bid for any live rights offered on a fair and reasonable basis. Any UK broadcaster would also be debarred from broadcasting any part of the finals tournament exclusively live in the UK without first seeking the consent of the ITC. The ITC will not grant such consent unless fully satisfied that the proper criteria have been met, including that the rights were offered on fair and reasonable terms. We are therefore confident that the whole of the World Cup finals tournament will be made available to all viewers.

Rugby

8. *Why is there so little Rugby on free-to-air television?*

In recognition of the sport's appeal, rugby was added to the list for the first time in 1998: Rugby Union's World Cup Final and the Six Nations Rugby Tournament plus Rugby League's Challenge Cup Final are listed. These events are generally considered to be the most prestigious in the sport.

9. *Why is BSKYB allowed to broadcast England's Six Nation matches?*

BSKYB were successful in their bid for the rights to show exclusive live coverage of England's home matches with the BBC able to share the other home Nation's matches. The BBC broadcasts delayed coverage of England's home matches as a consequence of the tournament being listed in Group B.

10. *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. Secondary coverage of this year's three test matches against Australia was sub-licensed to S4C and available to viewers in Wales.

Chapter 4: Further Information

- 4.1 The Department for Culture, Media and Sport sets the legal framework, but the law is administered by independent regulatory bodies. Details of the relevant 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

Independent Television Commission
ITC Offices
33 Foley street
London W1P 7LB
020 7255 3000
www.itc.org.uk

TELEVISION BROADCASTERS

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

Independent Television (ITV) Network Ltd
200 Greys Inn Road
London WC1X 8HF
020 7843 8432
www.itv.co.uk

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

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

The Welsh Fourth Channel S4C
Parc Busnes Ty Glas
Llanishen
Cardiff CF4 5DU
029 2074 7441
www.s4c.co.uk

British Sky Broadcasting Ltd
6 Centaurs Business Park
Grant Way
Isleworth TW7 5QD
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