

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.:

1.1 Clause 10.9 could be amended to make it clear that the charge is only applicable where a more than standard carriage fee is payable. We suggest that the words 'if any charges are more than standard carriage,' inserted after 'programmes' and before 'it may only charge participation..' would make it clearer

1.2 The summary of rules set out at point 1.3 of the Executive Summary notes that 'where a PRS is used in a programme for audience participation, it must not be given undue prominence within the programme'. Section 10.11 of the Broadcast Code refers to 'the service .. not given undue prominence within the programme'. There is further reference to the same in clause 4.17 (Mainstream programmes) where it notes 'broadcasters would need to take care to comply with the other requirements of the the new rules, e.g. they would need to avoid unduly prominent references to the ??'.

It is not clear what undue prominence is, and we ask Ofcom to consider a clearer definition (or example is offered) in this context.

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

2.1 S4C welcomes the clarification and support that the explanatory guidance notes offers, and accept the wording as drafted in the explanatory guidance.

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

3.1 As noted in S4C's response to the first part of the consultation process, as a principle, it seems reasonable that any rules should apply to radio services as well. This is on the basis and bearing in mind that the same problems have arisen in relation to radio programmes. We have no additional comments to add to this.

Additional comments: