

This is our summary of some of the key legal developments across a range of sectors for the week of 11 May 2009. It is intended for reference purposes only and does not constitute definitive advice. Links to the original source materials are included where there are no restrictions in terms of access. References may also be made to sources that require separate registration or subscription. A link to a source does not necessarily imply endorsement of the source or the material provided through the link.

For further information on any of the matters discussed in the summary please contact our Professional Support Lawyer, [Sarah Kirkness](#). If you have any comments, queries or suggestions please contact us at [comments](#). All suggestions and comments are most welcome. If you do not wish to receive this summary you can contact us at [unsubscribe](#).

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General

Government's Power of Information Programme - Crown Copyright Rules Amended

The Minister for Digital Engagement has outlined the next steps to be taken as part of the Government's Power of Information Programme, detailing plans for an overhaul of the current Crown Copyright rules that will make it easier for citizens to re-use Government information and introduce new standards to improve official websites. The Office of Public Sector Information (OPSI) has looked at the restrictions of Crown Copyright - a licence will automatically be granted to anyone wanting to use the information rather than having to apply beforehand. (*Cabinet Office News Release, 7 May 2009*).

Return of Property Seized by Police - Use of Property Seized in Private Prosecution

The claimants sought the trial of a preliminary issue in a claim for the return of their property, which had been lawfully seized from them by the police under the Police and Criminal Evidence Act 1984 (PACE). The issue before the court concerned the power of the police to retain property under section 22 of PACE once a decision had been made by the Crown Prosecution Service not to bring charges against the owner of the property from whom it had been seized, whilst a private body considered bringing or brings a private prosecution. The defendants, the Chief of Police for Northumbria and FACT, seized computer towers, servers, and memory sticks, and also monitors, cables, a keyboard, a mouse, mobile phones and financial paperwork - the claimants had been hosting two internet torrent sites from which copyright material was downloaded. The court said on its face, section 22(2) stated certain purposes for which anything seized for the purpose of a criminal investigation might be retained, which included for use as evidence at a trial for an offence; or for forensic examination or for investigation in connection with an offence. However, those words had to be read subject to the purposes for which the legislation contemplated that the police's powers of retention might be used. Accordingly, the police could not retain property seized under the Act for the purpose of assisting a private prosecution (whether for use as evidence at a private prosecution, or to enable the property to be forensically examined by a private body or individual or to be used in connection with an investigation by a private body or individual) any more than they could seize it for that purpose. The right to bring a private prosecution did not carry with it the automatic right to override private property rights in the absence of an order of the court. The court noted "The right of individuals or private bodies to bring private prosecutions is well-established, and is preserved by section 6 of the Prosecution of Offenders Act 1985 (which also recognises the DPP's power to take over private prosecutions). It is part of the common law right of access to the courts, which has been described as a constitutional right. Its continuing value and its prevalence has however been the subject of some judicial disagreement". To that end the court said "the right to bring a private prosecution does not carry with it the automatic right to override private property rights in the absence of an order of the court". A private prosecutor had no right to require any defendant prosecuted by them to make disclosure (as it would be understood in civil proceedings) in the course of the prosecution. The interests of the private prosecutor were therefore subordinate in those respects to the fundamental private law property and privacy rights of the private citizen, and to the fundamental rights of a defendant in any private prosecution which was brought. Accordingly, the police could not retain property seized under the PACE for the purpose of assisting a private prosecution. (*Scopelight Ltd & Ors v Chief Constable of*

Northumbria Police & Anor [2009] EWHC 958 (QB) - see <http://www.bailii.org/ew/cases/EWHC/QB/2009/958.html> for the judgment).

Second Reading for the Online Purchasing of Goods and Services (Age Verification) Bill

The Private Members Bill, the Online Purchasing of Goods and Services (Age Verification) Bill, which seeks to make provision for the providers of goods and services and the providers of specified facilities enabling the purchase of such goods and services to take reasonable steps, in certain circumstances, to establish the age of customers making such purchases, has had its Second Reading in the House of Lords. The Bill was read and committed to a Committee of the Whole House. See <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90508-0004.htm> - [09050830000266](http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90508-0004.htm) for the debate.

PhoneyPayPlus Guidance on 087 Numbers

PhoneyPayPlus has issued a Help Note for companies affected by its forthcoming regulation of 087 numbers (0871, 0872 and 0873 (but not 0870)), which it will take over responsibility for from Ofcom from 1 August 2009. The guidance looks in detail at two areas of particular concern to consumers - informing consumers about any undue delay so they can decide how long to remain on a line and price transparency. From 1 August 2009, 087 numbers will officially be reclassified as Controlled Premium Rate Services (PRS). As a result, Network Operators, Service Providers and Information Providers offering services over 087 numbers will need to follow PhoneyPayPlus' Code of Practice. See <http://www.phoneypayplus.org.uk/upload/087-Help-Note.pdf> for details.

Law Commissions - Summary of Responses to Consultation on Consumer Remedies for Faulty Goods

The Law Commission and the Scottish Law Commission have published a summary of the responses they received to their joint November 2008 consultation on consumer remedies for faulty goods. The Commissions noted that while there was general awareness that goods must conform to contract, there was less understanding about the remedies available to consumers if goods did not meet those standards. There are effectively two legal regimes in operation at present: traditional UK remedies have been overlain by the scheme set out in the EU Consumer Sales Directive (CSD). The Commissions acknowledged that this makes the law difficult for consumers and retailers to understand, and can lead to unnecessary disputes. The main theme of the responses was that respondents want to keep the right for consumers to reject faulty goods, which is potentially at risk under the consumer rights directive proposed by the European Commission in October 2008. See http://www.lawcom.gov.uk/docs/cp188_summary_of_responses.pdf for details. The Commissions plan to produce a report with their final recommendations, although they did state that this might be delayed by the developments with the European Consumer Rights Directive.

OFT Survey - Internet Shopping

Still on the topic of consumer satisfaction, the Office of Fair Trading (OFT) has published the results of their report, "Findings from consumer surveys on Internet Shopping - A comparison of pre and post study consumer research". The study looked at key areas such as awareness of consumer rights, cancellation and refund rights, seller information, consumer confidence, and security, privacy and delivery concerns amongst online shoppers and found that amongst those who shop online, there have been "significant improvements in consumers' awareness of their rights when doing so, that there has been some reduction in concerns around security and delivery, and that consumers are increasingly confident in engaging in Internet shopping". See http://www.offt.gov.uk/shared_offt/reports/Evaluating-OFTs-work/oft1079.pdf for details. The OFT is to publish further details later in the year, as part of its assessment of market developments on such key issues as awareness of cancellation rights, security concerns and consumer confidence.

Broadcasting

Ofcom's Broadcast Bulletin - Latest Issue

The latest issue of Ofcom's Broadcast Bulletin has been published with details of adjudications on breaches of Rules 1.11 (violence must be appropriately limited in pre-watershed programmes), 1.14 (the most offensive language must not be broadcast pre-watershed), 1.16 (offensive language must not be broadcast pre-watershed unless justified by context), 2.1 (generally accepted standards) and 2.3 (offensive material in broadcast must be justified by the context) of the Broadcasting Code. A complaint of unfair treatment was not upheld and a separate complaint of unfair treatment and unwarranted infringement of privacy was also not upheld. See http://www.ofcom.org.uk/tv/obb/prog_cb/obb133/issue133.pdf for the Bulletin.

Corporate

Practical Guidance on Execution of Documents at Virtual Signing/Completion

PLC have updated their very helpful note on the execution of documents at a virtual signing or closing following the High Court decision in *R (on the application of Mercury Tax Group & Anor) v HMRC* [2008] EWHC 2721 (see <http://www.bailii.org/ew/cases/EWHC/Admin/2008/2721.html> for the judgment) - the note is based on the guidance prepared by a joint working party of The Law Society Company Law Committee and The City of London Law Society Company Law and Financial Law Committees (see <http://www.citysolicitors.org.uk/FileServer.aspx?oID=571&iID=0>). See <http://corporate.practicallaw.com/1-386-0831> for the PLC note.

Defect in Convening Meetings - Whether Resulting Documents Valid

The claimant applied for a declaration as to the validity of a debenture granted to him by the defendant company to secure all liabilities owed by the defendant company to him, and an option agreement - a dispute arose as to whether the board meetings approving the debenture and option agreement had been validly convened so that the directors had been authorised to execute them. The court had to determine whether the two board meetings had been validly convened so that the two transactions were enforceable against the defendant and, if not, whether, having regard to section 40 of the Companies Act 2006, whether the resolutions passed were in favour of one of the directors and, notwithstanding the defects identified, binding on the defendant so that if the debenture was executed in accordance with the authority conferred at the first meeting and was in the terms that the meeting approved, it was to be treated as binding upon the company, and similarly as regards the execution by the company of the option agreement. The court found that in the light of the company's articles of association as regards notice of a meeting to be given to directors, the two meetings in question had not been validly convened. That meant that the resolutions passed at them to grant the debenture and option agreement and authorise any one director to execute them on the company's behalf was not binding. However, provided a company director had the company's actual or ostensible authority to sign agreements on its behalf, the resulting instruments were binding on the company - For section 40 to apply so as to validate some transaction or other act to which a company was a party, notwithstanding that the act in question was beyond the powers of the directors under the company's constitution, it was necessary that the person dealing with the company had to deal "in good faith". That was the touchstone. Good faith was presumed unless the contrary was shown and in this case, despite defects in the convening of the board meeting at which it was approved, the court found that the transaction was within the scope of the Companies Act and had been executed under the company's actual or ostensible authority by directors acting within the proper exercise of their powers. The debenture was therefore declared valid and binding however, the issue of the validity of the option agreement had to proceed to trial. (*Ford v Polymer Vision Ltd* [2009] EWHC 945 (Ch) - see <http://www.bailii.org/ew/cases/EWHC/Ch/2009/945.html> for the judgment).

Commission Pursues Infringement Proceedings for Failure to Implement Merger Directive

The European Commission is to pursue infringement procedures against five Member States for failure to implement into national law a Directive in the area of company law and corporate governance. The Commission will send reasoned opinions to Belgium, Cyprus, Greece, Hungary and Italy over their non-implementation of the Directive simplifying reporting requirements in case of a merger or a division. The Directive had to be implemented by December 2008. (*EC Press Release IP/09/766, 14 May 2009*).

Film & TV

The European Film Industry - 2008 Overview

The European Audiovisual Observatory (EAO), has published the details of its survey, "Focus 2009: World Film Market Trends" on European film production in 2008. The survey showed that a total of 1,145 feature films, including feature documentaries, were produced in the 27 Member States in 2008, an increase of 112 films from 2007. European production levels for entirely national and majority co-productions increased by 10.8% year-on-year and by an annual average of 7.1% since 2004. Production levels increased in 16 Member States and growth was primarily the result of rising production volumes in Italy (+37), Ireland (+16), France (+11) and Spain (+9). France remained the country with the highest level of production activity (196 feature films), followed by Germany (151), Spain (150) and Italy (146). The list of top European films was dominated by French and UK productions, which took the top five places. Cinema attendance in the EU also increased slightly by 0.5% to around 924 million in 2008. See http://www.obs.coe.int/about/oea/pr/mif2009_cinema_pdf.pdf for details.

EU Adopts Proposal on Support Package for European Audiovisual Industry

The EU has adopted a €15 million funding package to boost the worldwide competitiveness of the European audiovisual industry and foster collaboration with third countries. A large majority of MEPs approved the funding package for the next phase of the EU's Media Mundus programme in support of European film. The programme for 2011 - 2013 will strengthen international professional collaboration and information exchange by funding training and scholarships, with the aim of "making networking between European and third-country audiovisual professionals easier". See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0381+0+DOC+XML+V0//EN&language=EN> for details.

Gambling

Betfair's Legal Action Against Dutch Government

Betfair has launched a legal action against the Dutch Government over its attempt to ban banks in the country from processing payments made by Dutch customers on online gaming websites based in the UK. The company has also made a formal complaint to the European Commission accusing the Dutch Government of unlawfully protecting the "gaming monopoly" of operators in the Netherlands, where there is a ban on online gaming. Betfair has alleged that the Dutch Government's actions break European Union rules on the free movement of services and capital within the region.

Litigation

Law Society Announces Access to Justice Review

The Law Society has announced that it is conducting a review into the provision of publicly funded criminal and civil legal services in England and Wales. A preliminary report, which is due to be published by the end of the year, will look at four key issues: the principles of access to justice; funding of legal services; procurement of legal services; and delivery of legal services. A final report will be published by the end of next year. (*Law Society News*, 7 May 2009).

Application to Strike Out Libel Claim - Whether Words Capable of Bearing Meaning Pleaded

The claimant brought proceedings for libel on basis of two lines only from an email published in an article in local newspaper and sought aggravated damages relying on the allegedly malicious nature of publication. The article contained details about the prosecution and acquittal of the claimant under the Planning (Listed Buildings and Conservation Areas) Act 1990. The defendant applied to strike out or obtain summary judgment on parts of the claim. At issue was whether claim should be struck out or summary judgment entered - the defendant said the claimant had failed to set out a case (or a sufficiently particularised case) against any employee of the authority who was alleged to have had the relevant malicious state of mind and to have been responsible for the publication of the email. The court ruled that the meaning which the claimant had sought to rely on had fallen outside the permissible range of meanings of which the words were reasonably capable of bearing - in fact, the words were incapable of bearing the meaning as pleaded. The plea of malice as had been formulated was defective and would have to be struck out. (*Monks v Warwick District Council* [2009] EWHC [2009] EWHC 959 (QB) - see <http://www.bailii.org/ew/cases/EWHC/QB/2009/959.html> for the judgment).

Music

French Parliament Approves Internet Bill

The French Parliament has voted in favour of the controversial Creation Et L'Internet bill, which seeks to establish a Government Agency, Haute Autorité pour la Diffusion des Œuvres et la Protection des Droits sur Internet (High Authority of Diffusion of the Art Works and Protection of the (Copy) Rights on Internet) (or HADOPI) - the National Assembly voted 296 - 233 in its favour and then the Senate approved it with a 189 - 14 majority. The new agency will replace the previous agency, the ARMT (Regulation of Technical Measure Authority) and is tasked with ensuring Internet subscribers screen their Internet connections in order to prevent the exchange of copyrighted material without prior agreement from the copyright holders. It has the power, after notification by a copyright holder or their representative to start an optional "3-strike" disconnection procedure. The UMP Culture Minister drew up the bill after entertainment retail chain Fnac's Chairman, Denis Ollivier, produced a position paper, agreed on by 40 other companies. The bill has faced strong opposition from consumer and digital liberties activists. Further, the Telecoms Council Meeting has yet to decide whether to approve the proposed EU Telecoms package, which contains measures to require court authorisation before any disconnection proceedings are instigated - despite commentators noting that this is likely to cause problems, the European Commissioner for Information Society and Media has already said that there was nothing in European law that contradicted the new legislation, even if she found it "displeasing politically".

Select Committee Report - Licensing Act 2003 and Live Music

The House of Commons Culture, Media and Sport Committee have published their report on the Licensing Act 2003. Part of the report focuses on live music and entertainment and the impact of the Act on live music. The Committee said they were "concerned at the linkage of live music and public order issues by the Licensing Act and its accompanying guidance, and ... emphasise that music should not automatically be treated as a disruptive activity which will inevitably lead to nuisance and disorder". The Committee said that "the Metropolitan Police's Promotion and Event Assessment Form, Form 696, goes beyond the requirements of both the Act and its Guidance to impose unreasonable conditions on events and ... should be scrapped". They also recommended that the Government "exempt venues with a capacity of 200 persons or fewer from the need to obtain a licence for the performance of live music". They recommended the reintroduction of the two-in-a-bar exemption, enabling venues of any size to put on a performance of non-amplified music by one or two musicians. See <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcmcds/492/492.pdf> for the report, which includes the evidence given to the Committee during its investigations. Not surprisingly, the recommendations

have been warmly received by the industry - UK Music said there was "little doubt" that the Licensing Act had hindered the staging of live music events.

Publishing

Statement in Open Court - False Allegation in Submission to Ofcom

The claimant, a professional polygraph tester, brought a libel action against the defendant, following the publication of a letter by the defendant, who was also a professional polygraph tester, which alleged the claimant's work as a polygraph tester was so poor that he had been sacked from a Government-funded study. The letter was subsequently used in a submission to Ofcom. The defendant accepted that the contents of the letter were absolutely without foundation and that the claimant had never participated in such a study. The defendant apologised and agreed to pay damages and legal costs and withdraw the inaccurate wording of his communication to Ofcom. (*Burgess v Cargill, Unreported, QBD, 1 May 2009*).

Disclosure of Jury's Deliberations in Published Article - Whether Contempt of Court

The Attorney General applied for an order of committal against the defendants for their contempt of court as a result of comments they made about a trial in which the first defendant served as jury foreman. The comments were made in an article that was published by the second defendant after the accused had been convicted of manslaughter by a majority decision. The article questioned the decision. The order was sought on the ground that the defendants were in breach of section 8 of the Contempt of Court Act 1981. That section states that it is a contempt of court to obtain, disclose or solicit any particulars of statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in any legal proceedings. The court acknowledged that free, uninhibited and unfettered discussion by the jury in the course of their deliberations was essential to the proper administration of justice and that section 8 was aimed at keeping the secrets of the jury room inviolate. Further, the proper functioning of the jury system was dependent on ensuring jurors' sense of security as well as their privacy. Accordingly, the court found that the disclosures in the article crossed the line between general comment on the reliability of expert evidence and disclosures of the deliberations of a particular jury and as a result, constituted a breach of section 8 of the Act. (*Her Majesty's Attorney General v Seckerson & Anor [2009] EWHC 1023 (Admin)* - see <http://www.bailii.org/ew/cases/EWHC/Admin/2009/1023.html> for the judgment; reports indicate that *The Times*, the paper which published the article, has confirmed that it will seek leave to appeal).

Sport

EU Anti-Doping Conference Announced

The European Commission has announced that it is organising an EU Conference on Anti-Doping where representatives of EU sport governmental authorities will meet with key stakeholders involved in the fight against doping, including national anti-doping organisations of the Member States, accredited laboratories in Member States, the Council of Europe, the World Anti-Doping Agency, athlete trade unions and sport academics. They will discuss topics where the EU can provide added value by complementing the action of other parties at international, European and national levels. (*EC Press Release IP/09/734, 11 May 2009*).

WADA Adopts Revised Data Protection Standards

The Need to Know of 6 April 2009 referred to concerns of the World Anti-Doping Agency (WADA) about the recent Article 29 Working Group Opinion on privacy and data protection. The Executive Committee of WADA has now adopted a revised International Standard for the Protection of Privacy (ISPP), which replaces the Standard that entered into force on 1 January 2009 and which posed problems from the perspective of EU legislation on the protection of personal data. The European Commission welcomed the move and said that although there were still some issues to be resolved, they were pleased that the necessities of anti-doping work had been brought into harmony with EU law and the need to respect fundamental rights. (*EC Speech/09/231, 11 May 2009*).

Second Reading for Community Amateur Sports Clubs (Support) Bill

The Private Members Bill, the Community Amateur Sports Clubs (Support) Bill, has had its Second Reading in the House of Lords. The Bill, which sets out to identify financial and regulatory burdens in respect of community sports clubs, was committed to a Committee of the Whole House. See <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/index/090508.html> for the debate.

Private Members Bill - Goalpost Safety Bill

The subject matter of Private Members Bills can be wide and varied - this latest is no exception. The Goalposts Safety Bill, which makes provision for minimum standards for football goalposts, has been introduced - the Bill seeks to make the replacement of any goalposts that do not meet the BSI standard mandatory by 2012. That will include goalposts used on property owned by councils, schools and clubs. The Bill was read a first time and ordered to be printed. (*Hansard, 13 May 2009, Column 860*).

Technology

Commission Recommendation on RFID Technology

The European Commission has adopted a Recommendation on the implementation of privacy and data protection principles in applications supported by radio-frequency identification (RFID). The Recommendation provides guidance in the form of principles to Member States on the design and operation of RFID applications in a "lawful, ethical and socially and politically acceptable way, respecting the right to privacy and ensuring protection of personal data". The Recommendation acknowledges the concerns about the practical application of the technology and the impact it could have on individuals' daily lives. Member States have two years to inform the Commission about the steps they intend to take to make sure that the objectives of the Recommendation are met. Within three years, the Commission will report on the Recommendation's implementation, including an analysis of its impact on companies and public authorities using smart chips as well as its impact on citizens. See http://ec.europa.eu/information_society/policy/rfid/documents/recommendationonrfid2009.pdf for details.

Commission Fines Intel for Article 82 Breaches

The European Commission has imposed a fine of €1.06 billion on Intel Corporation for violating Article 82 of the EC Treaty antitrust rules on the abuse of a dominant market position by engaging in illegal anticompetitive practices to exclude competitors from the market for computer chips (specifically x86 central processing units (CPUs)). The Commission also ordered Intel to cease the illegal practices immediately, to the extent that they are still ongoing. The Commission found that Intel had engaged in two specific forms of illegal practice - firstly, it gave wholly or partially hidden rebates to computer manufacturers on the condition that they bought all, or almost all, their x86 CPUs from Intel and made direct payments to a major retailer on the condition it stock only computers with Intel x86 CPUs; secondly, Intel made direct payments to computer manufacturers to halt or delay the launch of specific products containing competitors' x86 CPUs and to limit the sales channels available to these products. The Commission said "The fine in this case takes account of the duration and gravity of the infringement" (five years, three months) and represents 4.15 % of Intel's turnover in 2008. The Commission could have imposed a fine of up to 10% of Intel's annual turnover (which in 2008 was over €30 billion). Intel denied all the accusations and said it will appeal the decision. (*EC Press Release IP/09/745, 13 May 2009 - the Decision (which runs to over 500 pages) has not yet been published but see <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/235&format=HTML&aged=0&language=EN&guiLanguage=en> for details about the case*).

Commission Announces MSS Selection

The European Commission has announced that it has selected two operators, Inmarsat Ventures Limited and Solaris Mobile Limited, to provide mobile satellite services (MSS) across Europe. The services, such as high-speed Internet access, mobile television and radio or emergency communications, will be provided over a specifically reserved spectrum. The Commission said both satellite operators had demonstrated an advanced level of technical and commercial ability to provide these services. (*EC Press Release IP/09/770, 14 May 2009*).

Consultations & Reports

Ofcom Report - Enforcement Report - A Report on Ofcom's Approach to Enforcement and Recent Activity - http://www.ofcom.org.uk/enforcement/enforcement_report/enforcement_report.pdf (details Ofcom's use of its various statutory powers in areas of competition and consumer enforcement, broadcasting enforcement or spectrum enforcement - the report notes that Ofcom responded to growing threats to consumers in 2008 by issuing a record number of broadcasting statutory sanctions, introducing new consumer protection programmes and investigations and targeting prolific illegal broadcasters and the manufacturers and retailers of illegal equipment - it issued fines totalling almost £7.83 million for breaches of the Broadcasting Code, fined companies over £100,000 for breaking the rules on silent calls and prosecuted 28 criminals for illegal use of the airwaves)

Ofcom Consultation - The PRS Scope Review - http://www.ofcom.org.uk/consult/condocs/prs_scope/prsscope.pdf (Ofcom's detailed review to ensure the current PRS regulatory regime meets the needs of consumers, affords an appropriate level of consumer protection and supports an innovative and changing PRS industry - Ofcom's analysis of the evidence against the characteristics set out in the review suggests there are gaps in the regulatory framework that may need to be addressed, particularly in respect of price transparency, complaints procedures and empowering PRS suppliers to act responsibly)

Ofcom Submission - Building on the Myers Review - A Submission to the Digital Britain Project - <http://www.ofcom.org.uk/radio/ifi/myers.pdf> (sets out alternative options for the future regulation of "localness" on commercial radio - the Myers Review suggested that small local radio stations should be regulated through a market research-based Local Impact Test)

Ofcom Report - Television Broadcast Licensing Update, April 2009 - <http://www.ofcom.org.uk/tv/ifi/tvlicensing/tvupdates/monthly/200904> (details the television licences granted, handed back or revoked or transferred in April 2009)

Ofcom Report - Television Access Services: First Quarter Report for 2009 - http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tvaccessrep/q109/ (reports on the provision of access services (subtitling, signing and audio description) by broadcasters under the Code on Television Access Services during the first three months of 2009)

Office of the Adjudicator - Broadcaster Transmission Services - Consultation on Principles for the Sale of Transmitter Equipment - <http://www.adjudicator-bts.org.uk/documents/Consultation2Para6.pdf> (consultation on the right of customers of Arqiva to acquire transmitter equipment in certain circumstances at the end of their contracts introduced by the Undertakings and contains draft guidance on the principles for valuing transmitter equipment in such circumstances)