

Guidance for producers: independent productions

Background

ITV is required to commission at least 25% of its qualifying hours from independent producers.

In order for a production to qualify as an independent production it must satisfy the conditions set out in the Broadcasting (Independent Productions) Order 1991 (as amended).

ITV expects all producers commissioned to make independent productions for ITV to ensure that the production complies with these legal requirements, and to take all necessary advice in such regard. This guidance note explains the key legal requirements in relation to producers but should not be regarded as a replacement for the full legal text.

Qualifying as an independent producer

In order to qualify as an independent producer, a producer:

- Cannot be an employee (whether or not on a temporary leave of absence) of either a UK broadcaster or a person connected to a UK broadcaster (see below);
- Cannot have a shareholding greater than 25% in either a UK broadcaster (excluding local television broadcasters) or a person connected to a UK broadcaster; and
- Cannot be a company in which either a UK broadcaster (or a person connected to a UK broadcaster) holds a shareholding greater than 25% or in which any two or more UK broadcasters (or persons connected to a UK broadcaster) together have an aggregate shareholding greater than 50 per cent.

A person is deemed to be connected to a UK broadcaster if:

- They control the UK broadcaster;
- They are associates of the UK broadcaster (including being a Director of the broadcaster) or associates of a person that controls the UK broadcaster; or
- They are controlled by the UK broadcaster or by an associate of the UK broadcaster.

In this context, a UK broadcaster means a person who provides a television service primarily intended to be available for reception by members of the public in, or in any area in, the United Kingdom (whether or not that service is also intended for reception elsewhere).

Changes in qualifying status

In the event that a producer ceases to qualify as an independent producer after being commissioned, a production can still be treated as qualifying in the event that they were an independent producer at the time of commission (the date on which the producer becomes subject to a contractual obligation to make that programme), that the broadcaster commissioned them in good faith with the anticipation that they would be an independent producer, and the programme was made within two years of the date of commission.

ITV expects to be notified of any such change in status post-production or any such potential change in status prior to contracts being signed.