[GB] Drystone Radio was found in breach of Ofcom Rules for allowing broadcast of unjustified offensive language

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Drystone Radio Limited (Drystone), a community radio station, was held to have breached Ofcom Rules 1.14 and 2.3 for allowing offensive language to be used during a live commentary of a rugby match.

The live broadcast that occurred about midday had suffered various technical issues which prevented the first ten minutes of the match from being broadcast and necessitated playing music to fill the airtime. The presenter was heard on air in telephone calls with colleagues to try and resolve the issues using words such as “f@ck”, “f@cking" and “f@cked”. Once the technical issues had been resolved, the commentary of the live Rugby League match proceeded without further issues.

Ofcom Rule 1.14 says: “The most offensive language must not be broadcast…when children are particularly likely to be listening (in the case of radio)…”, while Rule 2.3 says:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to, offensive language... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.”

Drystone recognised their obligations under the Ofcom Broadcasting Code and took them very seriously. The broadcast had no delay mechanism. However, the commentator believed he was off air and not broadcasting to the listening audience. The offensive language was inadvertently broadcast and not intended for broadcast. However, given the time of the broadcast, it was likely children would be listening.

Since the incident, Drystone has introduced various procedures, such as reviewing on-air and off-air audio pathways to ensure any private conversation is not broadcast. Also, Drystone has introduced a delay system where practical plus additional training and guidance to ensure awareness of their obligations during a live broadcast.

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Ofcom acknowledged the response from Drystone including their recognition of their obligations under Ofcom rules, and the steps they had undertaken to review and improve arrangements to avoid a further occurrence.

However, Ofcom considered their duty under the Communications Act 2003 and Section 1 of the Broadcasting Code (Code) to ensure that people under the age of eighteen are protected from unsuitable material in programmes. Under Section 2 of the Code, there is a requirement to ensure adequate protection for members of the public from the inclusion of harmful or offensive material in programmes. When making their determination, Ofcom took account of Article 10 of the European Convention on Human Rights relating to a broadcaster's right to freedom of expression.

Public attitudes towards language generally regarded the word "f@ck" and its variations to be offensive. Ofcom's guidance on offensive language on radio meant broadcasters should have regard to offensive language being used between 6 a.m. and 9 a.m. and between 2 p.m. and 7 p.m. Monday to Friday during school term time, and between 6 a.m. and 7 p.m. at weekends.

Drystone allowed the offensive language to be broadcast shortly after 12 p.m. at the weekend when children were particularly likely to be listening. While recognising the broadcaster's explanation as to the circumstances of how the offensive language came to be broadcast, Ofcom nevertheless considered the broadcast was in breach of Rule 1.14.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive content is justified in the context such as the editorial content of the programme, the type or genre of broadcast outlet on which it is transmitted, the time of broadcast, and the likely expectation of the audience.

Ofcom considered first whether the material had the potential to cause offence. During the broadcast, five different versions of the offensive word were used which were therefore capable of causing offence to listeners.

Ofcom considered whether there was justification for the broadcast of the offensive language and accepted that the transmission of the offensive language was inadvertent due to technical issues. However, Drystone did not take any immediate steps to contextualise matters and apologise, for example by saying that the offensive language had not been intended for broadcast. It was highly likely that, given the time of the transmission, listeners would not expect to hear offensive language. Ofcom considered there was insufficient contextual justification for use of the offensive language during the programme.

Whilst Ofcom took account of the broadcaster's explanation and subsequent steps to avoid a reoccurrence, it was nevertheless Drystone's responsibility to ensure all

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content broadcast on its service complies with the Code. Ofcom determined that there was no justification in the context of the programme for broadcasting the offensive language and, therefore, there was a breach of Rule 2.3.

Ofcom determined breaches of Rules 1.14 and 2.3.

Ofcom ‘s Broadcast and On Demand Bulletin – issue 553 -7 September 2026 - Live Rugby (York v Cougars), Drystone Radio, 14 March 2026, 12:00

http://Live Rugby (York v Cougars), Drystone Radio, 14 March 2026, 12:00

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https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/broadcast-bulletins/2026/553/live-rugby-york-v-cougars-drystone-radio-14-march-2026-12.00.pdf?v=424867&__cf_chl_tk=VpmtqF8hNmD8oENerpNQ630OApB6907NSGNteLnsFKE-1795173399-1.0.1.1-uqMKnhbXNDmHaMzVaoNVYrVjU3OWdz69781M_dcsvII

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