[GB] Pro-life Party's Election Video Should Have Been Broadcast

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The Pro-Life Alliance, which is registered as a political party under the Political Parties, Elections and Referendums Act 2000, contested seats at the last UK general election.

It submitted a video to the BBC, ITV, Channel 4 and Channel 5 for transmission during its party election broadcast. The video contained images of the products of a suction abortion and some pictures of the results of an abortion at later stages. There was no sound and some text (including the text of Articles 2, 3 and 14 of the European Convention on Human Rights).

The broadcasters met several times to consider the video - the original and three further versions. It was decided that only the last version, which did not contain any visual images, could be approved for transmission. The justification was that transmitting any of the earlier versions would have conflicted with obligations in respect of taste and decency, even if the transmissions had been after 22.00 h and prefaced with a warning.

The obligations derive from the BBC Agreement (and Producers' Guidelines) and the Broadcasting Act 1990 (and the Independent Television Commission's Programme Code).

The Court of Appeal reversed the decision which had denied an application for a judicial review of the broadcasters' position. The highest test for denying a registered political party's freedom of political speech had not been met. Therefore, the broadcasters' decision was unlawful and was described by the Court as an act of censorship. Any refusal to transmit a political message, which was also part of a general election campaign, would only be sanctioned in the most extreme of cases, involving factors such as dishonesty or gratuitous sensationalism.

Regina (Quintavalle) v. British Broadcasting Corporation, Judgment of the Court of Appeal of 14 March 2002, reported in The Times Law Reports on 19 March 2002

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