[GB] Unsuccesful Challenge to Refusal to Permit Radio Advertising by Amnesty International

IRIS 1995-9:1/15

Tony Prosser
University of Bristol Law School

The Broadcasting Act 1990 (s. 92(2)) prohibits advertising on commercial radio by an organisation whose objectives are 'wholly or mainly of a political nature'; this is also prohibited by the Radio Authority's Advertising Code. Amnesty International was refused permission to advertise by the Radio Authority and challenged this by judicial review, arguing that the prohibition should be narrowly construed in accordance with Article 10 of the European Convention on Human Rights; thus it should apply only to organisations seeking a specific change in government whilst the objectives of Amnesty are humanitarian and impartial. The High Court rejected Amnesty's application, holding that other interests as well as freedom of speech were involved, such as the right of listeners not to receive contentious material which was, by the nature of radio, intrusive. As there was no percise definition of the term 'political' the Authority had a degree of discretion in its interpretation and had undertaken the interpretation in a manner which accorded statute and case law. Although the objectives of Amnesty are humanitarian they are also political in the broader sense envisaged by the Code and so could not be advertised on radio or television.

R. v. Radio Authority ex parte Bull, The Times, July 20 1995.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026