

[GB] Regulator Publishes New Broadcasting Code

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The Communications Act 2003 established a new unified regulator for communications, Ofcom (see IRIS 2003-8: 10). The Act requires Ofcom to draw up a code for television and radio which covers standards in programmes, sponsorship, fairness and privacy, replacing the six codes of its predecessor bodies (sec. 319). The Code also gives continuing effect to the content requirements of the Television Without Frontiers Directive (see Appendix 2 of the Code). The new Code has now been published and comes into force on 25 July 2005. The matters it covers are: Protecting the Under-Eighteens, Harm and Offence, Crime, Impartiality and Accuracy, Elections and Referendums, Fairness, Privacy, Sponsorship, and Commercial References.

The major changes included in the new Code are as follows. First, there is a new emphasis on freedom of expression by broadcasters, reflecting Article 10 of the European Convention on Human Rights. Thus the Code gives greater scope for audiences to exercise informed choice on what to view through the provision of information by broadcasters on what is to be broadcast; more explicit information is also given to broadcasters on the context of broadcasts which may be taken into account in applying the code. Challenging material may be broadcast even if it is considered offensive by some if it is editorially justified, appropriate information is given to the audience, and children may not be expected to be watching.

There is greater emphasis in the new Code on the protection of those under 18, and particularly children (under 15) as they are too young to exercise fully informed choice for themselves. Children must be protected by appropriate scheduling (notably the 9pm 'watershed' before which explicit material may not be broadcast) and, for premium subscription film services, a mandatory PIN mechanism. However, adult material classified as 18R by the British Board of Film Classification (hard-core pornography) may not be broadcast even with protection by PIN numbers.

There has also been some deregulation in relation to sponsorship and commercial references through the simplification of the rules. The ban on product placement is retained, but further consultation will take place on this.

Ofcom Broadcasting Code, May 2005

<http://www.ofcom.org.uk/tv/ifi/codes/bcode/ofcom-broadcasting-code.pdf>

Non-binding guidance notes on the Code

<http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance9.pdf>

