[GB] Court Rejects Scottish National Party Challenge to Election Debate Broadcast

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Before the UK general election of 6 May 2010, a series of three television debates was held featuring the leaders of the three major UK parties. The Scottish National Party (SNP) was not included and its challenge to the BBC's broadcast was rejected by a Scottish court.

The BBC is required by its Charter and Agreement to do all it can to ensure that controversial subjects are treated with due accuracy and impartiality; this is reinforced by its editorial guidelines and by special rules applying during election periods; for example, requiring that "due weight is given to hearing the views and examining the policies of all parties" and that parties are covered proportionately over a period, normally a week. Coverage is to reflect past and/or current electoral support for political parties.

In December 2009 it was agreed that three debates involving the leaders of the three major UK parties should be broadcast successively by ITV, Sky and the BBC before the election. The SNP, which has the largest number of seats in the Scottish Parliament and forms the minority Scottish Government, considered that broadcasting such a debate in Scotland would not satisfy the requirements of due accuracy and impartiality. The BBC rejected this view, noting that the SNP held only seven seats in the UK Parliament and were standing candidates in only one tenth of UK constituencies. It was considered by the SNP that the first two debates had a major impact, particularly for the coverage and fortunes of the third UK party, the Liberal Democrats, and the party sought an order from a Scottish court to prevent the final debate from going ahead, unless it featured an SNP representative on equal terms with the three UK leaders. Technical difficulties meant that it would not be possible to exclude Scotland from coverage of the debate, so the debate would not be able to go ahead in England and Wales if the SNP obtained the order.

The Court of Session in Edinburgh rejected the application on the day before the debate was due to be broadcast. It considered that the SNP's argument was not likely to succeed at a full trial in the future, as the BBC had planned coverage of the SNP campaign which was of substance and not lacking in impartiality. Impartiality was not seen as a matter of giving every party equal coverage or examining coverage at one point in time during the election period. The Court also considered that the SNP had delayed unduly in seeking the order and that

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the order sought lacked precision as to what was necessary to comply with it.

Petition of the Scottish National Party and Others [2010] CSOH 56

http://www.scotcourts.gov.uk/opinions/2010CSOH56.html

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