[GB] Regulatory Rules on Political Advertising by Government Department

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The Communications Act 2003 prohibits political advertising on television or radio; this includes advertising which attempts to influence public opinion on a matter of public controversy or to promote the interests of a party or a group organised for political ends. An advertisement had been placed on seven radio stations by the Office of the First Minister and the Deputy First Minister in Northern Ireland relating to the Hillsborough Castle Agreement. The Agreement allowed the devolution of policing and justice functions to the Northern Ireland Executive. The advertisement featured the First Minister and Deputy First Minister stating that "[t]oday's Agreement is the surest sign that there will be no going back to the past" and that it would make life better "for our children, for our grandchildren". Information was then given on how to obtain further details. The leader of a small political party opposed to the Agreement complained that this was in breach of the prohibition on political advertising as the advertisement promoted a political deal and sold a political message rather than merely providing information. The complaint was considered by Ofcom, the UK communications regulator.

An exception to the general prohibition is where a government department places an advertisement of a "public service nature". Ofcom decided that this did not cover the advertisement in question as, although it did direct listeners to sources of further information, this was not its overall purpose and the positive endorsement of the Agreement was not a means of informing or educating the public, but rather encouraged listeners to consider the Agreement in a positive light. Despite the wide public support for the Agreement, it was a matter of controversy in Northern Ireland and the favourable tone of the advertisement and its portrayal of the Agreement resulted in its being directed towards influencing public opinion and the political process. It had given significant prominence to the First Minister and Deputy First Minister and so was promotional for them and for their respective political parties. The advertisement also contravened a provision in the advertising code applying only to radio requiring advance central clearance from the Radio Advertising Clearance Centre of advertisements that might breach the prohibition.

'Hillsborough Castle Agreement: Advertisement Placed by the Office of the First Minister and Deputy First Minister', Ofcom Broadcast Bulletin 182, 23 May 2011

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http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb182/obb182.pdf

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