[GB] Ofcom Rules on British Election Coverage

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On 21 March 2013, the UK broadcasting regulator Ofcom ruled that independent candidates will not get the automatic right to their own party election broadcasts, despite the majority of political parties and broadcasters responding to the consultation believing that they should.

But Ofcom will support the Electoral Commission to raise this issue with the British Government in future, in the hopes that the law will be changed in future to widen the access to make such broadcasts.

The regulator carried out its wide-ranging consultation over party political/referendum broadcasting, and election coverage between November 2012 and January 2013. This not only looked at independent candidates' rights to party election broadcasts (PEBs) but the kind of election coverage the new generation of local TV stations, due to come online this year, should be required to transmit - balancing the desire of the Government for such services to carry such broadcasts, while ensuring not too heavy a burden is put on such new services.

A majority of respondents agreed with the regulator's proposal that independent candidates should be eligible for PEBs under certain conditions. But Ofcom finally concluded that there was ambiguity in the law, and followed the Electoral Commission's view that independent candidates did not qualify for such broadcasts. Ofcom's current Party Political and Referendum Rules state that the relevant broadcasters (excluding the BBC and S4C who are governed by separate proposals) can only carry party political broadcasts (PPBs) and/or PEBs produced by political parties registered with the Electoral Commission. This reflects section 333 of the 2003 Communications Act, and section 37(a) of the Political Parties, Elections and Referendums Act 2000 (PPERA), which states that: "A broadcaster shall not include in its broadcasting services any party political broadcast made on behalf of a party which is not a registered party".

Instead the regulator decided that it would maintain the 'one-sixth' threshold (that is PEBs are allocated to non-major parties if a party stands candidates in at least one sixth of seats in 'first-past-the-post' elections such as general elections). "However, we state our support for the steps being taken by the Electoral Commission to raise this issue with Government, so that a change in the law may

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be made at the appropriate opportunity," Ofcom concluded.

In the consultation, Ofcom said that major parties in Great Britain will now be offered one party political broadcast (PPB) in each of the following three periods: Autumn; Winter; and Spring, with parties in Northern Ireland will be offered one or two PPBs in the period 1 September to 30 March (excluding December). Ofcom ruled that no PPBs should be broadcast during election or referendum periods.

Meanwhile the new generation of local TV stations due to broadcast this year in the UK will be obliged to screen PEBs for local elections, with those based in London also having to carry broadcasts for the London Assembly and mayoral elections. Ofcom decided against requiring the stations to screen local tailor-made PEBs however which could put a burden on fledgling TV stations and ruled they can broadcast the same party political and referendum broadcasts as their national commercial rivals.

Maintaining that its guidance on election coverage and due impartiality remained fit for purpose the regulator did suggest editorial techniques for ensuring impartiality such as seeking alternative viewpoints from a range of sources, and making clear that a broadcaster has sought alternative views and that views are challenged by presenters and reporters within programmes.

A review of the Ofcom Rules on Party Political and Referendum Broadcasts and Proposed Ofcom Guidance for broadcast coverage of elections

http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/statement/statement.pdf

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