[GB] Election Broadcasts Subject to Review and Bans

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During the recent UK General Election, several election broadcasts were the subject of consideration. At least two were by parties that fielded the required minimum of 50 candidates mainly in order to qualify for air-time. In the first case, the Referendum Party obtained some satisfaction in the High Court which decided that the Independent Television Authority had shown a "too ready acceptance" of the allocation of air time quotas set by the joint, non-statutory committee of MPs and broadcasters. The Court did not, however, agree with the claim that the Referendum Party had been discriminated against.

According to articles in the newspapers, three additonal judgements have been delivered for which there exists no available documentation. First, the `Prolife Alliance' sought to transmit a film during its party election broadcast showing images of mutilated foetuses. The five terrestrial broadcasters met and decided to show the film using blurred images of the aborted foetuses. The Alliance, in an action for judicial review, sought to overturn the BBC's decision. However, the application was turned down by the High Court, on the ground that the Corporation was following its stated policy. Channel 4 showed the film unedited after midnight. Bypassing the broadcasters, clips from the film were shown over the Internet. Second, Sinn Fein took the BBC in Northern Ireland to the High Court over the BBC's decision to cut two sequences from its party election broadcast. The Court upheld the BBC's claim that they were potentially libellous. Third, Channel 4 refused to transmit a party election broadcast by the British National Party claiming that it contravened the ITC Programme Code (showing people who had not consented to their appearance). BBC and ITV showed the broadcast.

Regina v. British Broadcasting Corporation and Independent Television Commission, Ex parte Referendum Party; the Queens Bench Divisional Court. The Independent Law Report, 30 April 1997

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