[GB] Ofcom’s new rules on elections and referendums

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On 9 March 2017, Ofcom published a statement setting out its decision to remove the concept of the list of “larger parties” from the rules on party political and referendum broadcasts (“PPRB Rules”); and changes to apply Section Five (due impartiality and due accuracy) and Section Six of the Broadcasting Code. The revised PPRB Rules and the revised rules in Sections Five and Six of the Code came into effect on 22 March 2017, in accordance with the transitional arrangements in the BBC Charter and Agreement.

Effective 3 April 2017, Ofcom assumed responsibility as the first external regulator for the BBC. On that date, the BBC Trust ended and it became Ofcom’s duty to uphold the BBC’s editorial standards and to regulate the competitive effects of its services.

The previous PPRB Rules required certain licensed broadcasters to offer a minimum of two party election broadcasts (PEBs) to each of the defined “larger parties”; in relation to broadcasters’ own election programming, broadcaster were required to give “due weight” to the “larger parties”; and, when broadcasting items that feature candidates discussing or raising issues about the constituencies or electoral areas they are contesting, broadcasters were required to ensure candidates representing the larger parties were offered the opportunity to take part. However, under the new PPRB Rules, Ofcom has removed the concept of a list of “larger parties”, and instead broadcasters “use their own judgement, based on the criteria of past electoral support and/or current support”. Rule 14 now provides that “the number of PEBs should be determined having regard to the circumstances of a particular election, the nation in which it is held, and the individual party’s past electoral support and/or current support in that nation”.

Ofcom’s rules on due impartiality, due accuracy, elections and referendums: 1.Removing the list of larger parties and 2 Applying the rules to the BBC

https://www.ofcom.org.uk/__data/assets/pdf_file/0030/98148/Due-impartiality-and-elections-statement.pdf

BBC Charter and Agreement (commenced, January 1st 2017)

http://www.bbc.co.uk/bbctrust/governance/regulatory_framework/charter_agreemen

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Note to Broadcasters and On Demand Service Providers, Issue 326 of Ofcom's Broadcast Bulletin 3 April 2017

https://www.ofcom.org.uk/__data/assets/pdf_file/0014/100148/Issue-326-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

New procedures for handling content standards complaints, investigations and sanctions for BBC programmes

https://www.ofcom.org.uk/__data/assets/pdf_file/0030/99570/BBCprogrammes.pdf

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