[GB] Regulator issues note to broadcasters for upcoming general election

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On 24 April 2017, Ofcom, the UK communications regulator, issued a Note to broadcasters on election programming for the General Election taking place on 8 June 2017. It follows Ofcom's statement in 9 March 2017 that it had amended its rules relating to coverage of elections with new rules in relation to party broadcasts and rules applying to the BBC for the first time (see IRIS 2017-5/6).

The Note reminds broadcasters that Ofcom's Broadcasting Code requires that the coverage of elections and referendums complies with rules requiring due impartiality and a number of other special provisions. In addition, parties have been given the right to election broadcasts and party political broadcasts to counteract the effect of the ban on political advertising in the UK and to offset the different ability of parties to attract campaign funds. The new rules from March 2017 reflect a growing fragmentation of political support by removing the concept of larger parties from the rules and instead requiring broadcasters to use their own judgment based on the criteria of past or current electoral support for different parties. It will remain possible to complain to Ofcom about such decisions by broadcasters, and Ofcom will publish an annual digest of evidence of electoral support to assist smaller broadcasters in taking such decisions. Ofcom has also set out the factors it takes into account in weighing different types of evidence of support.

Ofcom has now taken over regulation of the content of BBC programmes, and Section 6 of the Broadcasting Code will now apply to BBC broadcast and on-demand services. Among other things, it requires that discussion and analysis of election issues must end when the polls open; that election candidates must not appear as news presenters, interviewers or presenters of any type of programme during the election period; and that no new appearances of candidates in non-political programmes should be arranged during the election period. The rules will also regulate the participation of election candidates in broadcast items about the electoral area, in which all candidates with significant support must be offered the opportunity to participate.

Finally, the Note states that the "election period" for the general election commences with the dissolution of Parliament on 3 May 2017. Ofcom will consider any breach from election-related programming to be potentially serious. Further, if a complaint is made that in Ofcom's view might require action before the

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election, the Note states Ofcom will act quickly to determine the issue in a proportionate and transparent manner before the election.

Ofcom, "Note to Broadcasters: Election programming", Ofcom Broadcast and On Demand Bulletin, Issue number 327, 24 April 2017, p. 5.

https://www.ofcom.org.uk/__data/assets/pdf_file/0013/101227/Issue-327-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

Ofcom, "Ofcom's Rules on Due Impartiality, Due Accuracy, Elections and Referendums", 9 March 2017

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

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