

## Note to Broadcasters

### Election programming

On 5 May 2022 there will be: elections for the Northern Ireland Assembly, local (and mayoral<sup>1</sup>) elections taking place in some parts of England; and local elections taking place in Wales and Scotland.

Ofcom reminds all broadcasters that they must comply with the rules for election-related programming – in particular [Section Five](#) (Due Impartiality)<sup>2</sup> and [Section Six](#) (Elections and Referendums)<sup>3</sup> of the Broadcasting Code (“the Code”), as well as the prohibition on political advertising contained in section 321 of the Communications Act 2003 and reflected in Section 7 of the BCAP Code.

As in previous years we have published an [annual digest of past electoral and current support](#). The digest also sets out the factors we consider when making decisions on election-related programming, including putting more weight on evidence of past electoral support than evidence of current support (e.g. opinion polls).

The rules in Section Six of the Code will apply when Ofcom defines the ‘election period(s)’ to have commenced. These periods will commence on different dates depending on the election being contested.

We have taken account of all relevant information and discussed this matter with the specialist elections regulator – the Electoral Commission – with which Ofcom is under a statutory duty<sup>4</sup> to consult when setting rules in the area of elections. For the purposes of the May 2022 elections Ofcom has determined that the election periods will be:

- 23 March 2022, in the case of local elections in Scotland; and
- 28 March 2022, in the case of the Northern Ireland Assembly elections; local (and mayoral) elections in England; and local elections in Wales.

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<sup>1</sup> This includes one metropolitan mayoral election in South Yorkshire, and six local authority mayoral elections in: Croydon; Hackney; Lewisham; Newham; Tower Hamlets; and Watford.

<sup>2</sup> See also Ofcom’s published [Guidance to Section Five](#).

<sup>3</sup> See also Ofcom published [Guidance to Section Six](#).

<sup>4</sup> For example, see section 93 of the Representation of the People Act (as amended).

If a complaint raises a substantive due impartiality issue during the election periods which Ofcom considers might require redress before the election, it will be considered by Ofcom's Election Committee<sup>5</sup>. In these cases, it will be necessary for Ofcom to act quickly to determine the outcome in a proportionate and transparent manner before the election and broadcasters should be prepared to engage with Ofcom on short timescales.

Ofcom will consider any breach arising from election-related programming to be potentially serious and will consider taking appropriate regulatory action, which could include the imposition of a statutory sanction.

### Programming relating to the Coronavirus

As we approach the various elections taking place in May 2022, as was the case in the run-up to the May 2021 elections, Ofcom acknowledges that, given the Coronavirus pandemic, there could be situations during the election period for those various elections where politicians, including those who may also be candidates in the forthcoming elections, may be required to provide the public with public health information and information relating to Coronavirus restrictions across the different nations of the UK. Ofcom also acknowledges that, given the public interest involved, broadcasters would wish to include, and audiences would wish to receive, such information in programming. In these circumstances, we would like to remind broadcasters of their responsibility to ensure their programmes comply with the due impartiality provisions of the Code.

For further information about the forthcoming elections in May 2022, broadcasters should visit the Electoral Commission website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

If broadcasters would find it helpful to discuss the rules in Sections Five and Six of the Code, they can contact Ofcom ([OfcomStandardsTeam@ofcom.org.uk](mailto:OfcomStandardsTeam@ofcom.org.uk)).

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<sup>5</sup> See Ofcom's Election Committee's [Terms of Reference](#).