

Ofcom Broadcast and On Demand Bulletin

Note to broadcasters

Politicians acting as presenters during the election period

As highlighted in Ofcom's previous [Note to Broadcasters](#), on 4 May 2023 there will be local (and mayoral) elections taking place in some parts of England. The election period for these elections starts on 27 March 2023.

On 18 May 2023 there will be local elections taking place in Northern Ireland. The election period for these elections starts on 11 April 2023.

In advance of the upcoming elections, we are reminding broadcasters of Rule 6.6 of Ofcom's [Broadcasting Code](#) ("the Code"), which states:

"Candidates in UK elections, and representatives of permitted participants in UK referendums, must not act as news presenters, interviewers or presenters of any type of programme during the election period".

This means that no candidate who is standing nominated at the start of the appropriate election period may appear as a presenter of any type of programme until after the close of the poll. The Code defines a "candidate" as having the meaning given to it in section 93 of the Representation of the People Act 1983 (as amended), i.e. a candidate standing nominated at the election or included in a list of candidates submitted in connection with it¹. This rule is designed not just to prevent electoral issues from being reported in a partial manner, but also to help secure the integrity of the democratic process, and the public's trust in that integrity, by preventing any unfair electoral advantage being afforded to a particular candidate through their appearance on licensed services.

In addition, Rule 5.3 states that:

"No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience".

Ofcom's [Guidance](#) for Section Five (due impartiality and due accuracy) states that, in terms of this section of the Code, news in whatever form would include news bulletins, news flashes and daily news

¹ For more information on the definition of what constitutes a "candidate" under the rules relating to elections in Section Six of the Code, see our [Note to Broadcasters](#) published on 11 January 2021.

magazine programmes. As we have recently publicly [confirmed](#)², outside of news programmes, there is no Ofcom rule that prevents a serving politician or political candidate from hosting or appearing on a TV or radio show – provided they aren’t standing as a candidate in an election in that election period. This means that politicians are allowed to present current affairs programmes such as audience phone-ins and discussion programmes.

Whether or not a programme is a news programme or a current affairs programme depends on a number of factors, including its content and format. In terms of content, as the definition of current affairs programmes set out in Section Nine of the Broadcasting Code makes clear, current affairs programmes – by their nature – contain “...explanation and/or analysis of current events and issues, including material dealing with political or industrial controversy or with current public policy”.

Additional factors will be present for a programme to be considered a news programme. These might include: a newsreader presenting directly to the audience; a running order or list of stories, often in short form; the use of reporters or correspondents to deliver packages or live reports; and/or a mix of video and reporter items. Factors that could lead us to classify content as current affairs include a more long-form programme; extensive discussion, analysis or interviews with guests, often live; and long-form video reports.

Both news programmes and current affairs programmes must comply with all other relevant rules in Sections Five and Six of the Code which apply to content broadcast during election periods. This includes the rules relating to matters of major political or industrial controversy and major matters relating to current public policy (Rules 5.11 and 5.12). It is the broadcaster’s responsibility to ensure that due impartiality in such programmes is maintained.

It is an editorial matter for the broadcaster as to how it maintains due impartiality in programmes, and there is a range of editorial techniques it may use to do this, such as: the inclusion of interviewees who can offer alternative viewpoints; a presenter summarising an alternative viewpoint; and/or a presenter challenging the views of interviewees.

Please see our website for further details on our rules on politicians appearing on TV and radio and our published [Guidance to Section Five](#) and [Guidance to Section Six](#).

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.

This is the current position as we approach the English local elections and the Northern Ireland local elections taking place in May 2023. Ofcom will keep this issue under review.

² In a letter dated 21 March 2023 from Dame Melanie Dawes, Chief Executive of Ofcom, to Rt Hon Damian Green MP, Acting Chair of the Digital, Culture, Media and Sport House of Commons Select Committee.