

Broadcast and On Demand Bulletin

Issue 494, 18 March 2024



On 28 February 2025, following a judicial review claim by GB News, the High Court quashed two Ofcom breach decisions against GB News and remitted them to Ofcom for reconsideration. Ofcom decided not to reinvestigate these two programmes. On 13 March 2025, Ofcom withdrew the three other breach decisions against GB News and one not pursued decision dated 18 March 2024. Ofcom removed all these decisions from GB News’ compliance record. For information, we have made available this archived version.

Jacob Rees-Mogg’s State of the Nation

Type of case	Broadcast Standards Complaint Assessment
Outcome	Not Pursued
Service	GB News
Date & time	2 May 2023, 20:00
Category	Due impartiality
Summary	We received one complaint that a news item was presented by a Conservative MP and breached the due impartiality requirements. We concluded that: the politician reported live on a breaking news story in the programme, but in the exceptional circumstances of this case, it was editorially justified. It did not therefore raise issues which warranted investigation under the Code.

Introduction

GB News is a UK-based channel that broadcasts a range of news and current affairs programmes. It describes itself as “Britain’s News Channel”. The licence for GB News is held by GB News Limited (“GB News” or “the Licensee”).

Jacob Rees-Mogg's State of the Nation is an hour-long programme broadcast four evenings a week on GB News. It is presented by Jacob Rees-Mogg, a Conservative Party MP¹ and former Cabinet Minister. The programme typically features comment and debate about topical issues, including monologues, interviews and panel discussions with guests from the worlds of politics and journalism, including scheduled news bulletins.

On 2 May 2023 at 20:00, a newsreader presented a scheduled news bulletin. It lasted approximately six minutes with the GB News title sequence played at the end. Immediately after, at approximately 20:06, the programme crossed to Dan Wootton² who was in a separate GB News studio. He said:

"Breaking tonight, this is Dan Wootton. Obviously, you would usually be turning in for Jacob Rees-Mogg at this time, but breaking tonight, security sources have told GB News that there has been an incident inside Buckingham Palace grounds and the media area where we have been broadcasting from all day and where international crews are preparing for the King's Coronation have now been evacuated. There's reportedly been one arrest, and all the roads around the Palace have been sealed off. So we can cross now to Jacob Rees-Mogg, who has just been evacuated from the Palace. Jacob, obviously you were meant to be doing your show at this time, but this seems like quite a concerning situation at Buckingham Palace, what do we know?"

As Dan Wootton spoke, on-screen text stated:

"Breaking: BUCKINGHAM PALACE INCIDENT

Security Sources tell GB News there's been one arrest after incident".

Jacob Rees-Mogg appeared to be sitting in a room and joined the programme via video link. He said:

"Well. I don't know very much - that we were waiting to go on air, I was looking forward to describing the Royal Standard fluttering over Buckingham Palace and the tulips behind me standing as upright as guardsmen and instead of that, people came to us wearing yellow tabards, the uniform of 'officialdom' throughout the country nowadays, I fear, to say "there was an incident", unspecified, and we all had to go and could we go immediately and, as always, you get no proper explanation of what's going on. No timescale for when it would end. But, just an element of, I fear not keep calm and carry on, but let's hustle and bustle and make a bit of a fuss. So, we'd have quite happily kept calm and carried on, but we weren't allowed to, which is why we are now in an exclusive portacabin. Luxury, me with Michael Cole, the great royal expert, broadcasting to the good viewers of GB News, not with the fine surroundings we were expecting with a beautiful late spring sky behind us, but with the background of a rather grubby portacabin. So, that's where we are at the moment. No news, no details on what's happened. As it all looked quite quiet as we looked out, I don't know that it's going to be very serious scare. It's probably somebody has just left a box of Black Magic on the sidewalk, on the pavement and the police came across it, or

¹ Jacob Rees-Mogg is the Conservative MP for North East Somerset

² On 5 March 2024, it was announced that Dan Wootton is no longer employed by GB News.

some busybody came across it, and they rather overreacted. That's my guess. Let's hope it's nothing more serious than that".

Dan Wootton then said he had *"some breaking news"* with regard to the incident and read an official statement from the Metropolitan Police, part of which was also shown on screen. In summary, the statement said that police officers had arrested a man on suspicion of possession of an offensive weapon and that specialists would assess the items found at the scene.

Dan Wootton commented *"this seems to be a very serious incident indeed"* and was joined via phone by Ben Briscoe, introduced as *"GB News Director of Programmes"*, who was live at the scene. Ben Briscoe reported on the events that had just happened, including that a man had been arrested, roads around the Palace closed and people evacuated. The banner at the bottom of the screen read:

"Breaking, Buckingham Palace incident. Met Police: Man arrested for throwing 'shotgun cartridges'".

Following this, Dan Wootton was joined again by Jacob Rees-Mogg and Michael Cole, who were both sitting in the portacabin. They spoke briefly about the events that had unfolded and the decision to evacuate. Jacob Rees-Mogg referred to wanting to *"consult"* with Michael Cole as the expert on these matters, saying that he *"didn't like being told what to do"*. As Michael Cole was talking, off camera, the police entered the room and told them that they needed to *"evacuate now"*. Jacob Rees-Mogg said:

"The police are live with us now and telling us that we've got to evacuate even from this illustrious portacabin. So I'm very sorry to say that it is good evening for me, for the time being, [a loud bang could be heard] as I think that was probably a controlled explosion in the background. That's what it sounded like to me. We will no doubt find out later, but I assume, as it's happened, do they need us still to evacuate because that's now been and gone? They still need us to evacuate. There may be more to come, but perhaps my sang-froid has been unduly sang and not enough froid".

Michael Cole requested that the police (who were off camera) confirm that they had to evacuate, with Jacob Rees-Mogg also saying that they *"have to have it officially"* and they *"owed it to their viewers"*. A police officer said *"Sorry guys, we have to leave now"*, to which Michael Cole replied *"what is the order, are you ordering us to come off the air?"*. The police officer replied: *"I am yeah"*. Jacob Rees-Mogg then said:

"The order is from the police. We have to go off the air. I'm sorry to interrupt this broadcast, thank you for your patience. This has been State of the Nation, tonight".

The programme returned to Dan Wootton in the studio who summarised for viewers that there had been *"some form of loud sounds in the background there. Jacob Rees-Mogg believed and reported it was a controlled explosion"*. Dan Wootton then repeated the Police statement he read previously. He then said:

"As we have just seen live on air, Jacob Rees-Mogg and Michael Cole were reporting from a caravan behind the special studio that has been set up at Buckingham Palace. Now there was some form of explosion that they heard in the

background while broadcasting live. We're told it was likely to be a controlled explosion and then they were forcibly taken off air by police who evacuated them from the temporary studio".

Dan Wootton was joined by video link by Will Geddes, "a security expert", who provided his analysis on the developing security situation. Dan Wootton then provided an up to date summary of the events for viewers. Dan Wootton was then joined again via phone by Ben Briscoe for further updates on the controlled explosion.

Dan Wootton then returned to Jacob Rees-Mogg and Michael Cole, who were now reporting from near Green Park. Jacob Rees-Mogg said, in response to a question Dan Wootton asked about what had happened:

"Well, what happened was that we were broadcasting and then we were asked if we would leave the broadcasting hut. And after we were asked to leave, there was a 'bang' that Ben was telling you about, which I think viewers and listeners would have heard. It was loud enough to have been picked up by the microphone, at which point a young policeman came in and asked us if we formally would move out. Because I'm with Michael Cole, who's reported from war zones and was keen to carry on reporting, feeling that the danger to us wasn't particularly great. And it was interesting to our viewers to hear what was going on, Michael".

Michael Cole then gave his view, highlighting the work of the police and the GB News camera crew. Jacob Rees-Mogg explained that the GB News camera crew obtained pictures of the arrest taking place and "that's exclusive to GB News so that's a really important picture, we know who the villain of the piece is, that his picture has been taken, he's known to our viewers and the police are obviously now dealing with this and by the sounds of it, the bomb disposal squad have been involved. As far as we know, the controlled explosion went off but the evacuation continued after the controlled explosion". Michael Cole further commented on the sequence of events and how it had been handled.

A banner onscreen read throughout:

"Breaking news: Buckingham Palace incident. Unconfirmed reports of a controlled explosion after one man arrested".

Jacob Rees-Mogg and Michael Cole then spoke more generally about the Coronation and the duties and roles of the various members of the Royal Family.

The programme returned to Dan Wootton in the studio who presented the remainder of the programme. There was further analysis with guests about the incident and Jacob Rees-Mogg did not appear again, except for the inclusion of a short clip of him and Michael Cole as they were evacuated from the portacabin.

We assessed this programme under the following rules of the Broadcasting Code ("the Code"):

Rule 5.1 "News, in whatever form, must be... presented with due impartiality".

Rule 5.3 "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 sought background information from GB News on its compliance considerations regarding Rule 5.3 to assist with our assessment.

GB News' Background Information

GB News said, in reference to Rule 5.3, that “there is no definition of “exceptionally” offered in the Guidance” so it had adopted the definition of “only in unusual circumstances” or “not what happened regularly or is expected”. It submitted that in this case, the programme was broadcast under “unarguably ‘exceptional’ circumstances”.

The Licensee set out the planned format for the programme, which would have been as follows had the incident not occurred: opening titles; an introduction from Jacob Rees-Mogg in the studio set up near Buckingham Palace, with a caption identifying him as Conservative MP for North East Somerset; a handover from Jacob Rees-Mogg to the news presenter in a separate studio; the inclusion of a GB News channel “ident”; a separate news bulletin presented by the newsreader; the inclusion of a GB News channel “ident”; the inclusion of the *State of the Nation* programme title; and Jacob Rees-Mogg presenting on location at Buckingham Palace to discuss the King’s Coronation with guests, as well as other issues on that day.

However, GB News explained that, ten minutes before the programme was supposed to start, Jacob Rees-Mogg and Michael Cole, “were ordered to leave the Buckingham Palace studio because of a security scare”. It said that Dan Wootton acted as “stand-in presenter” and that Jacob Rees-Mogg “had moved with his camera crew to a caravan not far from Buckingham Palace studio”, which it explained was “an extraordinary feat to relocate the presentation site and go live under 20 minutes”. The Licensee said that Dan Wootton crossed to Jacob Rees-Mogg again twice in the programme, including: when they were in the portacabin and they were ordered on air by police officers to evacuate following a controlled explosion; and when Jacob Rees-Mogg and his guest, “who had by this time set up in a third live position... in Green Park”, to discuss “the events of the past hour and talked more generally about the duties and roles of the various members of the Royal Family”.

GB News said that Jacob Rees-Mogg was intended to be the presenter of the programme, and that notwithstanding the events, “retained an element of that role”. The Licensee submitted that Jacob Rees-Mogg was more of an “active eye-witness and participant in those events” rather than a newsreader. They accepted that at times he may have become a reporter, but that in their view, it was not “deliberate” but rather a result of the exceptional circumstances, and therefore, not in breach of Rule 5.3.

GB News said that it was the standard practice at the start of Jacob Rees-Mogg’s programme to make his political allegiance known to the public. However, in this case it said that given a stand in presenter was fronting the show at short notice, Jacob Rees-Mogg’s political allegiance was not displayed on screen at the start. GB News added that Jacob Rees-Mogg is “one of the best-known and most instantly recognisable figures in British politics” and that “in the turmoil of fast-moving – and indisputably ‘exceptional’ – events”, not signalling to viewers Jacob Rees-Mogg’s political allegiance in this particular case did not amount to the programme being in breach of the Code.

Our assessment

Under Ofcom's rules, politicians cannot be a newsreader, interviewer or reporter in any news programme unless there is exceptional editorial justification. They are permitted to present other kinds of programmes including current affairs. Sometimes those programmes may be on channels that also broadcast news. There are some typical factors that could lead us to classify content as news or current affairs, which we consider in relation to the programme in question below. However, none of these are decisive: in each case we will consider all the relevant factors together including the format and content of a particular programme. Ofcom will always consider each case on its facts.

News or current affairs: what was the nature of the content?

We took into account that the programme largely focused on what was stated to be a breaking news story, with Jacob Rees-Mogg and his guest, Michael Cole, reporting on the events which were taking place including providing up to date information as the events unfolded. This included reporting that a controlled explosion had taken place and that police were evacuating people, including them and the GB News camera crew, from the Palace grounds. We therefore considered that this programme clearly contained news.

We also took into account the specific terminology used by Dan Wootton throughout this content, such as *"cross now to Jacob Rees-Mogg"*, *"breaking tonight"*, *"exclusive"* and *"we will keep you updated on this developing situation"*. The strapline *"breaking news"* was shown on screen throughout.

Taking all the factors above into account, we considered, and the Licensee acknowledged, that this content was clearly news.

Was a politician used as a reporter?

Ofcom considered that Jacob Rees-Mogg acted as a news reporter, which the Licensee acknowledged. He provided Dan Wootton and the audience with a factual account of what had happened so far and what he knew about the circumstances surrounding the incident. As set out above, Jacob Rees-Mogg is a Conservative MP. We therefore considered that a politician had been used as a news reporter.

Was the use of a politician as a news reporter editorially justified?

Ofcom attaches great value to broadcasters' right to freedom of expression and audiences' right to receive information and ideas, and therefore the broadcasters' right to make programming, creative and editorial choices. However, all broadcast content must comply with the Code. In particular, Rule 5.3 requires broadcasters to ensure that politicians are not used as a newsreader, interviewer or reporter, unless exceptionally, it is editorially justified (in which case, the political allegiance of the person must be made clear to the audience).

In the particular circumstances of this case, we considered that the Licensee could not have foreseen this incident, which happened moments before Jacob Rees-Mogg was due to present his programme. Dan Wootton broke the news that a security incident had happened at the Palace, explaining that this had prevented Jacob Rees-Mogg from presenting his programme. In our view, Dan Wootton crossing over to Jacob Rees-Mogg in the first minutes of the broadcast was as a

result of Jacob Rees-Mogg being at the centre of a breaking news story, at a time when he was scheduled to present his own programme. We also considered that on the second occasion, Jacob Rees-Mogg again unexpectedly became caught up in events as a controlled explosion could be heard in the background and he, his guest Michael Cole and the GB News camera crew were evacuated from the temporary studio by the police. On the third occasion Jacob Rees-Mogg provided an update on the events which had just taken place, and then moved on to events related to the upcoming Coronation.

In the specific circumstances of this breaking news event, and taking into account that: Jacob Rees-Mogg could not present his usual programme as a direct result of the incident that had taken place; the incident was outside of the broadcaster's control; and that he was already *in situ* and an eyewitness to the story unfolding, we were of the view that these amounted to exceptional circumstances in this case which justified GB News using Jacob Rees-Mogg as a news reporter.

We noted that it was not made clear in the programme that Jacob Rees-Mogg was a Conservative MP, which, under Rule 5.3, is a requirement when a politician acts as a news reporter and there is exceptional editorial justification. We acknowledged the Licensee's explanation that it intended to have a "caption identifying him as Conservative MP" if the planned *State of the Nation* programme had been broadcast as scheduled, and that, in this case, since Dan Wootton was used as the presenter, the Licensee chose not to broadcast the caption as planned. GB News also submitted that Jacob Rees-Mogg was "one of the best-known and most instantly recognisable figures in British politics" and would therefore have been recognised by the audience as a Conservative MP. Although the political allegiance of Jacob Rees-Mogg was not signalled to viewers, we considered that its omission when taking account of the very unusual circumstances arising in this particular case did not, in itself, raise issues warranting investigation.

Conclusion

Ofcom decided not to pursue this complaint further. In our view, the content constituted news and included a politician acting as a news reporter, but given the exceptional circumstances in this case – notwithstanding that Jacob Rees-Mogg's political allegiance was not made clear in the programme – we considered this was editorially justified.

The content did not, therefore, raise potential issues under Rule 5.3 and/or Rule 5.1, which warranted investigation.

Assessment outcome: Not pursued