



Note to Broadcasters – Update on Ofcom’s approach to investigations under Rules 5.1 and 5.3 of Ofcom’s Broadcasting Code

On 18 March 2024, Ofcom published a number of decisions involving politicians acting as newsreaders, news interviewers or news reporters on television¹. Ofcom found that five programmes broadcast on GB News had breached Rules 5.1 and 5.3 of the Ofcom Broadcasting Code. In these cases, politicians had acted as a newsreaders, news interviews or news reporters in content which constituted news, without exceptional justification, and news was therefore not presented with due impartiality.

GB News is challenging two of these decisions relating to programmes presented by Jacob Rees-Mogg² by way of judicial review. The claim considers, among other things, the correct scope and application of Rules 5.1 and 5.3. Ofcom stands by these decisions and is defending the claim.

The regulatory position regarding the application of Rules 5.1 and 5.3 in cases involving politicians presenting news content remains as set out in the decisions published on 18 March 2024. However, the Administrative Court has recently ordered an expedited hearing on this matter to take place in January 2025. Therefore, Ofcom has decided, in these exceptional circumstances, not to reach a final decision in any ongoing investigations involving politicians as presenters which have engaged Rules 5.1 and 5.3 before we have received the Court’s judgment. All licensees subject to these investigations have already been informed.

It is important for all licensees to be aware that we will continue to open any new investigations into programmes which involve politicians as presenters and which raise issues warranting investigation under Rules 5.1 and 5.3, and we expect licensees to provide their comments on such matters. We will, however, follow the above approach and not reach a final decision in any such new investigations until after we have received the Court’s judgment in the judicial review proceedings.

If you have any queries on this issue, please send an email to ofcomstandardsteam@ofcom.org.uk

¹ [Politicians acting as newsreaders, news interviewers or news reporters.](#)

² Jacob Rees-Mogg’s *State of the Nation*, broadcast on 9 May 2023 and 13 June 2023