



Ofcom rules on Party Political and Referendum Broadcasts

Publication date:

21 March 2013

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Introduction

1. Section 333 of the Communications Act 2003 (“the Act”) requires Ofcom to ensure that Party Political Broadcasts (“PPBs”) (including Party Election Broadcasts (“PEBs”)) and Referendum Campaign Broadcasts (“RCBs”) on behalf of registered political parties and designated referendum organisations¹ are included in every licensed public service television channel (regional Channel 3², Channel 4, Channel 5), every local digital television programme service, and every national (i.e. UK-wide, commercial) analogue radio service, and their digital simulcast services (Classic FM, Talksport and Absolute Radio AM)(“the Licensees”).
2. This document contains the Rules which Ofcom has made in accordance with section 333 of the Act. The Rules reflect minimum requirements which Licensees are required to follow in determining the length, frequency, allocation and/or scheduling of party political or referendum campaign broadcasts. They are not intended to fetter the discretion of Licensees to exceed these minimum requirements.
3. Within the terms of these Rules, decisions as to the precise length, frequency, allocation and/or scheduling of broadcasts offered to political parties/designated organisations are the responsibility of Licensees in the first place. When Licensees make such decisions, they should notify the relevant political party/designated organisation promptly in writing, setting out the basis of the relevant decision, and enabling that party/organisation to make further representations to the Licensee if they choose to dispute any part of the decision.
4. If any dispute remains unresolved between any Licensee and any political party/designated organisation, as to the length, frequency, allocation and/or scheduling of broadcasts it may be referred by the party/designated organisation or the Licensee to Ofcom for determination under these Rules. For this purpose, Licensees and political parties/designated organisations should follow Ofcom's Procedures on the referral and determination of disputes under these Rules.
5. Section 6 of Ofcom's Broadcasting Code³ (“the Code”) provides that broadcasts under these Rules are required to comply with the relevant provisions of the Code (for example, the provisions regarding harm and offence) notwithstanding that the content of broadcasts is normally the responsibility of the relevant political parties (or designated referendum organisations). Licensees should apply these Rules in accordance with relevant provisions of the Code.
6. Licensees are advised to issue guidance on the acceptability of content and technical matters. Broadcasters are advised to seek legal indemnities from parties against

¹ See section 333(3) of the Act, and sections 37 and 127 of Parties, Elections and Referendums Act 2000

² Excluding Channel TV; this section of the Act does not apply in the Channel Islands

³ The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

defamation, copyright and similar legal risks. Any use of Parliamentary footage should abide by Parliament's rules on such use.

Services carrying broadcasts

7. General election broadcasts will be carried by all of the Licensees named above (except local digital television programme service licensees). Broadcasts for European Parliamentary elections will be carried by regional Channel 3 services and Channel 5.
8. RCBs will be carried by all of the Licensees named above (except local digital television programme service licensees) in the case of a UK referendum, or by the relevant regional Channel 3 licensee in the case of nations/regions referendums⁴.
9. The regional Channel 3 licensee⁵ will additionally carry: local election broadcasts in those UK nations/regions where such elections are taking place; broadcasts in the relevant nations/regions for Scottish Parliament, Welsh Assembly, Northern Ireland Assembly elections; broadcasts for the elections for the London Assembly and Mayor of London⁶; and PPBs for the "major parties" in the United Kingdom (see Rule 12) on a seasonal basis (as set out in Rule 20).
10. Local digital television programme service licensees will carry: local election broadcasts in those UK nations/regions where such elections are taking place. The local digital television programme service licensee for London will also carry broadcasts for the elections for the London Assembly and Mayor of London⁷.

Political parties / Designated Referendum Organisations

11. PEBs and PPBs may only be allocated to political parties registered by the Electoral Commission. RCBs may only be allocated to organisations as designated by the Electoral Commission.
12. The "major parties" for each nation in the United Kingdom are defined in the Ofcom list of Major Parties⁸.

⁴ For the purposes of RCBs to be broadcast in relation to the Scottish independence referendum, the relevant regional Channel 3 licensees are those for the following regions: Central Scotland; the North of Scotland; and Borders.

⁵ For the purposes of PEBs to be broadcast in relation to Scottish elections, the relevant regional Channel 3 licensees are those for the following regions: Central Scotland; the North of Scotland; and Borders.

⁶ The relevant Channel 3 licensee will not be obliged to carry PEBs in respect of: Mayoral elections (other than London); Police and Crime Commissioner elections; by-elections of any kind; English Parish Council elections; Scottish Community Council elections; and Welsh Community Council elections.

⁷ Local digital television programme service licensees will not be obliged to carry PEBs in respect of: General Elections; European Parliamentary Elections; Scottish Parliament, Welsh Assembly and Northern Ireland Assembly elections; Mayoral elections (other than London); Police and Crime Commissioner elections; by-elections of any kind; English Parish Council elections; Scottish Community Council elections; and Welsh Community Council elections.

⁸ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

Allocation of broadcasts

PEBs

13. Before a General Election, and in the case of other elections where appropriate, each major party (referred to in Rule 12) should be offered at least two PEBs, the length of a series offered to a particular party being determined by the Licensee. This includes the SNP and Plaid Cymru on Channel 4 and Channel 5. In every case, the number of PEBs should be determined having regard to the circumstances of a particular election, the nation in which it is held, and the individual party's past electoral support and/or current support in that nation (see Rule 16).
14. Other registered parties should qualify for a PEB if they are contesting one sixth or more of the seats up for election in the case of first-past-the-post, multi-constituency elections such as a General Election. For proportional representation systems of election (such as the European Parliamentary Elections), the minimum qualifying requirement for the allocation of one PEB should be set, reasonably and fairly for each election, according to criteria which have regard to the particular system of voting, the number of seats available for election, the number of constituencies/regions, and the number of candidates nominated by the party.
15. Licensees should consider making additional allocations of PEBs to other registered parties (which satisfy the criteria at Rule 14) if evidence of their past electoral support and/or current support at a particular election or in a relevant nation/electoral area means it would be appropriate to do so. In this regard, Licensees should consider whether other registered parties should qualify for a series of PEBs and/or peak-time scheduling, as major parties do.
16. In determining allocations of PEBs at elections, the four nations of the UK should be considered separately.
17. In accordance with Rules 7 to 10 above, parties which qualify for at least one PEB in one of the nations of England, Scotland, Wales or Northern Ireland will be offered PEBs on the Channel 3 licensee in the appropriate regions of those nations.
18. Parties which qualify for a PEB in all three nations of England, Scotland and Wales will additionally be offered a PEB on Channel 4 (at General Elections), Channel 5 (at General Elections and European Elections) and the UK-wide analogue radio services (at General Elections) (provided these broadcasters are carrying the relevant series of broadcasts; see Rules 7 to 10 above). The purpose of a PEB must not be to promote any particular outcome of a referendum.
19. Where a local digital television programme service licensee is required to broadcast a PEB as a result of Rule 10, local digital television programme service licensees will carry the same PEB as broadcast by the relevant Channel 3 licensee.

PPBs / RCBs

20. Major parties in Great Britain will be offered one PPB in each of the following three periods: Autumn; Winter; and Spring. Major parties in Northern Ireland will be offered one or two PPBs in the period 1 September to 30 March (excluding December). No PPBs should be broadcast during election or referendum periods.

21. Each designated referendum organisation will be allocated a series of RCBs before each referendum. The allocation should be equal for each referendum organisation.

Length of broadcasts

22. Parties and designated organisations may choose a length of 2'40", 3'40" or 4'40" on TV. For radio, parties and designated organisations may choose any length up to 2'30".

Scheduling of broadcasts

23. PEBs on television on behalf of 'major parties' throughout Great Britain must be carried in peak time (6.00pm to 10.30pm), as must PEBs on Channel 3 in the relevant nations on behalf of the SNP, Plaid Cymru and the major Northern Ireland parties. RCBs on behalf of designated organisations must also be scheduled in peak time. Other broadcasts should normally be carried in the period 5.30pm to 11.30pm.
24. UK RCBs and PEBs for major parties before a General Election must be carried on UK-wide analogue radio services between 5.00pm and 9.00pm. Other broadcasts must be transmitted between 6.00am and 10.00pm.