OFCOM code

THE OFCOM BROADCASTING CODE and THE BBC

During election campaigns, broadcasters have to be particularly careful of observing rules as to impartiality. Whilst they must, in general, always comply with the provisions of the Ofcom code there is a special set of rules for the BBC. At times of elections and referenda it is the BBC Trust which regulates on the matter.

In terms of Section 6 of the Ofcom code 'due weight' has to be afforded to the 'major parties' during the time of the election campaign. The phrase 'major party' is defined as the Tories, Labour and the Lib Dems but in the case of Scotland it is deemed to include the SNP, and in the case of Wales Plaid Cymru is included. Candidates or their representatives cannot act as news presenters, interviewers or presenters during the time of election, although they can, of course, be interviewed themselves.

Any broadcasts must be made observing due impartiality. The Code sets out fully what is meant by this. For example if a candidate from one party is interviewed then the broadcaster must, at the very least, ask the representatives from the other parties if they would like to contribute.

When discussing a particular constituency this means that the whole list of candidates must either be aired or made available to the listener or viewer (perhaps by putting such a list up on a website).

OFCOM is the body set up to 'draw up a code for TV and radio, covering standards in programmes, sponsorship, fairness and privacy, all in terms of the Communications Act 2003.

The Ofcom code allows for sanctions although Ofcom is unable to impose any sanctions on the BBC in the way it can on other

TV broadcasters.

The code is mindful of The Human Rights Act 1998, and the European Convention on Human Rights, which award a right of freedom of expression to all citizens in the UK, and also the right to receive information without censorship.

Ofcom, unlike its counterpart The Press Complaints Commission, has real sanctions which it can impose on broadcasters who are found to be in breach of the code.