



# Guidance Notes

**Section 3:**

**Crime**

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# Crime

## Guidance

This guidance is non-binding. It is provided to assist broadcasters interpret apply the Broadcasting Code. Research which is relevant to this section of the Broadcasting Code is indicated below.

Every complaint or case will be dealt with on a case by case basis according to the individual facts of the case.

We draw broadcasters' attention to the legislative background of the Broadcasting Code which explains that:

“Broadcasters are reminded of the legislative background that has informed the rules, of the principles that apply to each section, the meanings given by Ofcom and of the guidance issued by Ofcom, all of which may be relevant in interpreting and applying the Code. No rule should be read in isolation but within the context of the whole Code including the headings, cross references and other linking text.”

### **Rules 3.1 Material likely to encourage ...crime or to lead to disorder**

In Rule 3.1, “crime” relates to offences under criminal law punishable by a fine or imprisonment. “Disorder” may relate to the criminal offence of civil disorder or may be more generic, including acts that might lead to or provoke the commission of crime.

Caution may be required in programmes covering relatively common but illegal behaviour such as dangerous driving, speeding or criminal damage.

Broadcasting sports or party election/political broadcasts would not be caught by this rule.

This rule concerns the likelihood of the encouragement or incitement of crime (or disorder). For example, the filming of a criminal activity is not in itself, necessarily, an encouragement or incitement.

### **Rules 3.3 Payment to criminals**

Rule 3.3 refers to payments made to convicted or confessed criminals for a programme contribution related to their crimes. Under the Proceeds of Crime Act 2002, criminals should not benefit from their crimes. Family members, friends and associates may be paid in money or in kind for a contribution to a programme about the crime but not if it is known that such payment will benefit the criminal.

This rule is not designed to inhibit the rehabilitation of criminals and would not automatically disqualify anyone convicted of a crime being paid for a programme contribution as long as that contribution was not about his/her crime.

There may be occasions where a broadcaster takes the view that it is appropriate to inform the audience that a payment (and how much) has been made to a contributor to a programme. Ofcom believes that there may be benefits to the audience, in terms of transparency, of declaring on-air when a payment has been made to a convicted or confessed criminal about his or her crime for a contribution to a programme.

### **Rules 3.4 Payments while proceedings are active**

Expenditure refers to legitimate costs (expenses) reasonably incurred in the production or pre-production of a programme or part of programme; for example, travel and subsistence.