



Ofcom Rules on Party Political and Referendum Broadcasts

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Section 1

Ofcom rules on party political and referendum broadcasts

1. Section 333 of the Communications Act 2003 requires Ofcom to ensure that Party Political Broadcasts (including Party Election Broadcasts) and Referendum Campaign Broadcasts are included in the UK regional ITV, Channel 4, Five, Classic FM, talkSPORT and Virgin 1215 services. This document reflects the rules which Ofcom has determined in accordance with the Act. Within the terms of these rules, the precise allocation of broadcasts is the responsibility of the licensees. Unresolved disputes between any licensee and any political party, as to the length, frequency, allocation or scheduling of broadcasts, should be referred by the party or the licensee to Ofcom
2. These rules reflect minimum requirements. They are not intended to fetter broadcasters' discretion to make additional allocations.
3. Ofcom's Broadcasting Code ¹ states that while editorial control of broadcasts normally rests with parties or designated referendum organisations (see below, para. 9), broadcasters are responsible for ensuring that broadcasts comply with the terms of the Broadcasting Code.
4. Broadcasters are advised to seek legal indemnities from parties and referendum organisations, against defamation, breach of copyright and similar legal risks. Broadcasters are also advised to issue guidance on the acceptability of content, and technical matters. Any use of Parliamentary footage should abide by Parliament's rules on such use.

Services carrying broadcasts

5. General election broadcasts will be carried by all of the broadcasters named above. Broadcasts for the European Parliamentary election will be carried by ITV and Five.
6. Referendum broadcasts will be carried by all of the broadcasters named above in the case of a UK referendum, or by the relevant ITV regions in the case of regional referendums.
7. ITV 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 and Greater London Authority elections; and broadcasts for the major parties in Great Britain around other key events in the political calendar, such as the Queen's Speech, the Budget and party conferences.

¹ The new Broadcasting Code is currently in draft form, and will be issued early in 2005. Ofcom's current codes contain similar provisions.

8. Major parties in Great Britain are defined as: Labour, Conservative, Liberal Democrats and, in Scotland and Wales respectively, the SNP and Plaid Cymru. Major parties in Northern Ireland are defined as Democratic Unionist, SDLP, Sinn Fein and Ulster Unionist.
9. Referendum broadcasts will be allocated to referendum organisations designated by the Electoral Commission (see the Political Parties, Elections and Referendums Act, 2000).

Allocation of broadcasts

10. Major parties will normally be offered a series of broadcasts before each election. This includes SNP on Channel 4 and SNP and Plaid Cymru on Five.
11. Other registered parties may qualify for a broadcast on the basis of contesting one sixth or more of the seats up for election, modified as appropriate for proportional representation systems. The four nations of the UK will be considered separately. Parties which qualify in one or two of the nations of England, Scotland and Wales will be offered broadcasts on ITV, in the appropriate regions of those nations. Parties which qualify in all of these three nations will additionally be offered broadcasts on Channel 4, Five and national commercial radio (provided these broadcasters are carrying the relevant series of broadcasts; see items 5 – 9 above).
12. Major parties will be offered one broadcast on each occasion, in relation to other key political events.
13. Each designated referendum organisation will be allocated one or more broadcasts before each referendum. The allocation should be equal for both sides.

Length of broadcasts

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

Scheduling of broadcasts

15. TV election broadcasts by the Conservatives, Labour, the Liberal Democrats and Northern Ireland major parties must be carried in peak time (6.00pm – 10.30pm), as must SNP and Plaid Cymru broadcasts on ITV in Scotland and Wales, and all referendum broadcasts. Other broadcasts should normally be carried in the period 5.30pm to 11.30pm.
16. UK referendum broadcasts and general election broadcasts by the Conservatives, Labour and Liberal Democrats must be carried on national radio between 5.00pm and 9.00pm. Other broadcasts must be transmitted between 6.00am and 10.00pm.