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# Code on the Scheduling of Television Advertising

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# 1. Introduction

This Code sets out the rules with which television broadcasters licensed by Ofcom<sup>1</sup> (“broadcasters”) must comply when carrying advertising. These rules give effect to relevant provisions of the Communications Act, the Audiovisual Media Services (AVMS) Directive and those policies determined by Ofcom following consultation. Part B of this Code also gives effect to a number of requirements relating to television advertising in the European Convention on Transfrontier Television T-TT(2000)008 (“The ECTT”) for broadcasters caught by that Treaty.

Broadcasters must also comply with the UK Code of Broadcast Advertising (the BCAP Code) issued by the Broadcast Committee of Advertising Practice.

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<sup>1</sup> For the purpose of this Code, this includes S4C, which is authorised by the Broadcasting Act 1990

## 2. Part A

Part A applies to advertising on services that:

- a) **cannot** be received by the general public in all parts of an ECTT Party<sup>2</sup> other than the UK using standard consumer equipment; and
- b) **cannot** be accessed in the relevant Party by means of an electronic programme guide which:
  - i) is licensed or otherwise regulated under the law of the relevant Party, or
  - ii) if the relevant Party is a Party other than the United Kingdom whose law does not regulate the provision of electronic programme guides, is provided by a person whose head office is in the relevant Party.

For services that can be received in ECTT countries other than the UK, please see Rules in Part B.

### Definitions

In Part A of this Code:

- a) 'television advertising' means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property rights and obligations, in return for payment.
- b) 'broadcasting day' is deemed to start at 06:00 and run for the following 24 hours.
- c) 'Parliamentary proceedings' includes proceedings on the floor of either House and Parliamentary Committees.
- d) 'public service channels' are Channel 3 services, Channel 4, Channel 5 and S4C.
- e) 'formal Royal ceremony' means a formal ceremony or occasion of which the Sovereign or members of the British Royal Family enjoying the prefix 'Royal Highness' are the centre. It applies to occasions such as the State Opening of Parliament and Trooping the Colour.
- f) 'films' means films made for television (including single dramas but excluding series, serials and documentaries) and cinematographic works.
- g) 'teleshopping' means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

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<sup>2</sup> The following countries have signed and ratified the ECTT: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Malta, Montenegro, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom.

- h) 'teleshopping windows' are extended teleshopping features with a minimum uninterrupted duration of 15 minutes.

## Rules (Part A)

### Identification of advertising

1. Broadcasters must ensure that television advertising and teleshopping is readily recognisable and distinguishable from editorial content and kept distinct from other parts of the programme service. This shall be done by optical (including spatial) means; acoustic signals may also be used.

### Time devoted to advertising

#### Rules 2 to 5 do not apply to:

- advertising by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;
- local digital television programme services ("L-DTPS") not receivable outside the UK (e.g. a DTT service not receivable outside the UK, or an encrypted satellite service); and
- teleshopping windows (see Rules 6 and 7).

2. Time devoted to television advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes.

#### Further to Rule 2:

3. Non public service channels must show no more than an average of 12 minutes of television advertising and teleshopping spots for every hour of transmission across the broadcasting day, of which no more than 9 minutes may be television advertising.

Teleshopping and self-promotional services are exempt from Rule 3 (for an explanation of these types of services see [http://licensing.ofcom.org.uk/binaries/tv/tlcs\\_guidance.pdf](http://licensing.ofcom.org.uk/binaries/tv/tlcs_guidance.pdf)).

4. On public service channels, time devoted to television advertising and teleshopping spots must not exceed:
  - i) an average of 7 minutes per hour for every hour of transmission time across the broadcasting day; and
  - ii) an average of 8 minutes per hour between 18:00 and 23:00.

During programmes broadcast by the national Channel 3 breakfast licensee, the amount of time permitted for television advertising and teleshopping spots between 06:00 to 09:25 may be averaged across the week.

There may be occasions when a broadcaster transmits less advertising than it scheduled. If this happens for reasons of good programme presentation, or because of unforeseen technical or human errors, Ofcom may grant the broadcaster a limited exemption from Rule 3 or 4 to enable it to transfer unused minutage to other parts of its schedule. In such circumstances, the broadcaster must contact Ofcom, in writing, to seek permission to transfer unused minutage. The request must set out:

- the reason for the proposed transfer; and
- the date(s) and time(s) of the proposed recoupment, which must be within 7 days of the lost minutage.

In no circumstances can the transfer result in any clock hour containing more than 12 minutes of advertising.

5. Advertising breaks during programmes on public service channels may not exceed 3 minutes 50 seconds, of which advertising and teleshopping spots may not exceed 3 minutes and 30 seconds.

Advertising breaks in films are not subject to Rule 5.

## Teleshopping windows

6. Teleshopping windows must be at least 15 minutes long.
7. On public service channels, teleshopping windows may be scheduled only between 00:00 and 06:00.

## Placement of advertising

8. Where television advertising or teleshopping is inserted during programmes, television broadcasters must ensure that the integrity of the programme is not prejudiced, having regard to the nature and duration of the programme, and where natural breaks occur.
9. Isolated television advertising and teleshopping spots, other than in the transmission of sports events, shall remain the exception.
10. The transmission of films and news programmes may be interrupted by advertising or teleshopping only once for each scheduled period of at least 30 minutes.
11. Breaks are not permitted within schools programmes.
12. Children's programmes with a scheduled duration of 30 minutes or less may not be interrupted by advertising. The transmission of children's programmes with a scheduled duration of longer than 30 minutes may be interrupted by advertising or teleshopping once for each scheduled period of at least 30 minutes.

13. Programmes including a religious service may not include advertising or teleshopping breaks during the service.
14. Broadcasts of a formal Royal ceremony may not include advertising or teleshopping breaks during the ceremony.
15. Broadcasts of live Parliamentary proceedings:
  - i) may not include advertising and teleshopping breaks in programmes of a scheduled duration of 30 minutes or less;
  - ii) in programmes that have a scheduled duration that is greater than 30 minutes, the transition between live coverage of Parliamentary proceedings and advertising should take place where natural breaks occur via a programme presenter in sound or vision. Programme directors/editors must have the discretion to reschedule or cancel breaks to avoid artificial interruptions in live proceedings. Breaks should be dropped altogether where this would be incompatible with editorial responsibility, for example in coverage of matters of great gravity or emotional sensitivity.
16. For programmes other than those set out in Rules 10 to 15 above, the number of internal breaks permitted is set out in the tables that follow. For every additional 20-minute period beyond that set out in the tables, a further break is permitted.

**Table 1: Number of internal breaks permitted in programmes on public service channels**

| Scheduled duration of programme | Number of breaks |
|---------------------------------|------------------|
| 21 – 44 minutes                 | One              |
| 45 – 54 minutes                 | Two              |
| 55 – 65 minutes                 | Three            |
| 66 – 85 minutes                 | Four             |
| 86 – 105 minutes                | Five             |
| 106 – 125 minutes               | Six              |

**Table 2: Number of internal breaks permitted in programmes on other channels**

| Scheduled duration of programme | Number of breaks |
|---------------------------------|------------------|
| < 26 minutes                    | One              |
| 26 – 45 minutes                 | Two              |
| 46 – 65 minutes                 | Three            |
| 66 – 85 minutes                 | Four             |
| 86 – 105 minutes                | Five             |

**The following programmes are exempt from Rule 16<sup>3</sup>:**

Live events – these may take more breaks than are indicated in Tables 1 and 2, provided that:

the timing of the event and its constituent parts are outside the control of the programme provider; and

there would not be sufficient time within the number of permitted breaks which are also natural breaks to schedule the permitted amount of advertising.

Live programme feeds from an overseas broadcaster - these may take the break pattern of the originating broadcaster. The broadcaster retransmitting the feed from the UK remains responsible for ensuring compliance with other relevant parts of this Code and the UK Code of Broadcast Advertising

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<sup>3</sup> An administration error resulted in this table being omitted from the December 31 2020 version of COSTA.

## 3. Part B

Part B applies to advertising on services that:

- a) **can** be received by the general public in all parts of an ECTT Party<sup>4</sup> other than the UK using standard consumer equipment; and
- b) **can** be accessed in the relevant Party by means of an electronic programme guide which:
  - i) is licensed or otherwise regulated under the law of the relevant Party, or
  - ii) if the relevant Party is a Party other than the United Kingdom whose law does not regulate the provision of electronic programme guides, is provided by a person whose head office is in the relevant Party.

For services that cannot be received in ECTT countries other than the UK, please see the Rules in Part A.

### Definitions

In Part B of this Code:

- a) 'television advertising' means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person which is intended to promote the sale, purchase or rental of a product or service, to advance a cause or idea, or to bring about some other effect desired by the advertiser or the broadcaster itself.
- b) 'broadcasting day' is deemed to start at 06:00 and run for the following 24 hours.
- c) 'Parliamentary proceedings' includes proceedings on the floor of either House and Parliamentary Committees.
- d) 'public service channels' are Channel 3 services, Channel 4, Channel 5 and S4C.
- e) 'formal Royal ceremony' means a formal ceremony or occasion of which the Sovereign or members of the British Royal Family enjoying the prefix 'Royal Highness' are the centre. It applies to occasions such as the State Opening of Parliament and Trooping the Colour.
- f) 'films' means films made for television (including single dramas but excluding series, serials and documentaries) and cinematographic works.

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<sup>4</sup> The following countries have signed and ratified the ECTT: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Malta, Montenegro, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom.

- g) 'teleshopping' means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.
- h) 'teleshopping windows' are extended teleshopping features with a minimum uninterrupted duration of 15 minutes.

## Rules (Part B)

### Identification of advertising

1. Broadcasters must ensure that television advertising and teleshopping is clearly distinguishable as such and recognisably separate from the other items of the programme service by optical and/or acoustic means.

### Time devoted to advertising

#### Rules 2 to 5 do not apply to:

advertising by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;

announcements in the public interest and such charity appeals broadcast free of charge as fall within the definition of advertising; and

teleshopping windows (see Rules 6 and 7).

2. Time devoted to television advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes.

#### Further to Rule 2:

3. Non public service channels must show no more than an average of 12 minutes of television advertising and teleshopping spots for every hour of transmission across the broadcasting day, of which no more than 9 minutes may be television advertising.
4. On public service channels, time devoted to television advertising and teleshopping spots must not exceed:
  - i) an average of 7 minutes per hour for every hour of transmission time across the broadcasting day; and
  - ii) an average of 8 minutes per hour between 18:00 and 23:00.
5. Advertising breaks during programmes on public service channels may not exceed 3 minutes 50 seconds, of which advertising and teleshopping spots may not exceed 3 minutes and 30 seconds.

Advertising breaks in films are not subject to Rule 5.

## Teleshopping windows

6. -
  - a) Teleshopping windows must be at least 15 minutes long.
  - b) The total duration of all teleshopping windows shall not exceed three hours per day.
  - c) Broadcasters may transmit a maximum of eight teleshopping windows per day.
7. On public service channels, teleshopping windows may be scheduled only between 00:00 and 06:00.

## Placement of advertising

8. Where television advertising or teleshopping is inserted during programmes, television broadcasters must ensure that the integrity of the programme is not prejudiced, having regard to the nature and duration of the programme, and where natural breaks occur.
9. -
  - a) Advertising and teleshopping spots shall be transmitted in blocks of at least two advertisements/spots. This rule does not apply to programmes subject to Rule 9(c), below.
  - b) Unless otherwise specified below, where programmes are interrupted by advertising or teleshopping spots, a period of at least 20 minutes should elapse between each successive advertising or teleshopping break within the programme. This rule does not apply to programmes subject to (c), below.
  - c) In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances containing intervals, advertising and teleshopping spots shall only be inserted between the parts or in the intervals.
10. The transmission of films may be interrupted by advertising or teleshopping once for each complete period of at least 45 minutes, provided their scheduled duration is at least 45 minutes. A further interruption is permitted if the scheduled duration is at least more than 20 minutes longer than two or more complete periods of 45 minutes.
11. Breaks are not permitted within schools programmes.
12. Any news, current affairs, documentary, religious or children's programme that has a scheduled duration of less than 30 minutes must not be interrupted by advertising or teleshopping.
13. Programmes including a religious service may not include advertising or teleshopping breaks during the service.
14. Broadcasts of a formal Royal ceremony may not include advertising or teleshopping breaks during the ceremony.

15. Broadcasts of live Parliamentary proceedings:

- i) may not include advertising and teleshopping breaks in programmes of a scheduled duration of 30 minutes or less;
- ii) in programmes that have a scheduled duration that is greater than 30 minutes, the transition between live coverage of Parliamentary proceedings and advertising should take place where natural breaks occur via a programme presenter in sound or vision. Programme directors/editors must have the discretion to reschedule or cancel breaks to avoid artificial interruptions in live proceedings. Breaks should be dropped altogether where this would be incompatible with editorial responsibility, for example in coverage of matters of great gravity or emotional sensitivity.