



Ofcom Statement on the Broadcasting Code

Glossary

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the Act

Communications Act 2003

the 1996 Act

The 1996 Broadcasting Act

the 1990 Act

The 1990 Broadcasting Act

BBC

British Broadcasting Corporation

BBFC

British Board of Film Classification

the Code

The proposed Ofcom Broadcasting Code

the Convention

the European Convention on Human Rights

BSC

Broadcasting Standards Commission

HRA

The Human Rights Act 1998

ITC

Independent Television Commission

Ofcom

Office of Communications

PARBUL

Parliamentary Broadcasting Unit Limited

PPERA

Political Parties, Elections and Referendums Act 2000 Act

PPV

Pay-per-view services

PPN

Pay-per-night services

PSBs

Public Service Broadcasters that is the BBC, ITV, Channel 4 and Five.

RA

Radio Authority

RIA

Regulatory Impact Assessment

RPA

Representation of the People Act

S4C

Sianel Pedwar Cymru. The national broadcasting service transmitted on the Fourth Channel in Wales

TWF

The European Television Without Frontiers Directive

VRA

The 1984 Video Recordings Act

Meanings

“children”

Children are people under the age of 15 years. Young persons are those aged 15, 16 and 17.

“close family member”

Close family member means a spouse and children under eighteen years of age.

“context”

Context is used to denote, among other things, the matters referred to in section 319.4 (a), (b), (c) and (d) of the Communications Act which can be found in introduction to this Code. Those matters are the degree of harm or offence caused by the inclusion of a particular sort of material, the likely size and composition of the audience, the likely expectation of the audience, the extent to which content can be brought to the attention of the audience e.g. by the giving of information, and the effect of the material on somebody who views or hears it by chance. Context also includes the service, the time of transmission, what other programmes go before and after the programme concerned, whether the programme is a one off or part of a series as well as the editorial content of the programme. This list is not definitive. Context will also be applied to harmful and offensive material in 2.1.

“designated organisations”

These are organisations designated by the Electoral Commission as representing those campaigning for a particular outcome in the referendum.

“doorstepping”

Doorstepping is the filming or recording of an interview or attempted interview with someone, or announcing that a call is being recorded for broadcast purposes, without any prior warning.

“due impartiality”

Impartiality requires fairness, accuracy and an appropriate level of objectivity and even handedness of approach to a subject. “Due” is an important word in the context of impartiality. “Due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. It means adequate or appropriate to the subject and nature of the programme. So the approach to impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. Context, as defined in section 2 of the Code, is important.

“election period”

For a parliamentary general election this period begins with the announcement of the dissolution of Parliament. For a parliamentary by-election this period begins with the issuing of a writ or on such earlier date as is notified in the London Gazette. For the Scottish Parliament elections, the period begins with the dissolution of the Scottish Parliament, or with the date of the occurrence of a vacancy, in the case of a by-election. For the National Assembly for Wales, the Northern Ireland Assembly, the London Assembly and local government elections it is the last date for publication of notices of the election. For European elections it is the last date for publication of the notice of election which is 25 days before the election. In all cases the period ends with the close of the poll.

“elections”

This includes parliamentary general elections, parliamentary by-elections, local government

elections, mayoral elections, Scottish Parliament, and Welsh, Northern Ireland and London Assembly elections, [Regional Assembly elections] and European parliamentary elections.

“electoral area”

The local government equivalent of the Parliamentary terms ‘constituency’ and ‘by-election’ are ‘electoral areas’ and ‘election to fill a casual vacancy’. Rules 6.8- 6.12 apply to an electoral division, borough ward or other area in the same way as to a constituency for a parliamentary election.

“legacy codes”

BSC Code on Fairness and Privacy

BSC Code on Standards

ITC Programme Code

ITC Code of Programme Sponsorship

RA News and Current Affairs Code and Programme Code

The sponsorship rules contained in the RA Advertising and Sponsorship Code

“life-changing”

Life-changing advice includes advice about health, finances, employment, relationships etc.

“major party” In the UK major parties presently are the Conservatives, Labour and the Liberal Democrats. Major parties in Scotland and Wales respectively, are the Scottish National Party and Plaid Cymru. The major parties in Northern Ireland are Democratic Unionist, Sinn Fein, Social Democratic and Labour Party, and Ulster Unionist.

“matters of major political or industrial controversy and major matters relating to current public policy”

These will vary according to events but are generally matters of political or industrial controversy or of current public policy which are of national, and often international, importance.

“matters of political or industrial controversy and matters relating to current public policy”

Matters of political or industrial controversy are political or industrial issues or events on which politicians, industry and/or the media are in debate.

Matters relating to current public policy need not be the subject of such debate to come within this meaning. These matters relate to a policy under discussion or already decided by a local, regional or national government or by bodies mandated by those public bodies to make policy on their behalf e.g. non governmental organisations, relevant European institutions etc.

“permitted participants”

Campaigners in a referendum have to register as permitted participants in the same way that political parties do for an election.

“personal view” and “authored”

‘Personal view’ programmes are programmes where the presenter is presenting his or her personal view, opinion or beliefs on these matters. Personal views can range from the outright expression of highly partial views e.g. by a person who is a member of a lobby group and is campaigning on the subject, to the considered ‘authored’ opinion of a journalist, commentator or academic, with professional expertise or a specialism in this area which enables her or him to express opinions which are not necessarily mainstream

“persons involved in deciding the content of a programme”

Persons involved in deciding the content of a programme includes without limitation programme makers, interviewers and expert guests.

“product placement”

Product placement is the inclusion of, or a reference to, a product or service within a programme in return for payment or other valuable consideration to the programme-maker or broadcaster (or any representative or associate of either).

“programme related material”

Programme related material is products or services that are both directly derived from a specific programme and intended to allow listeners or viewers to benefit fully from, or to interact with, that programme.

“referendum period”

For referendums different periods apply. A referendum held under the Northern Ireland Act begins when the draft of an Order is laid before Parliament for approval by each House. In the case of a referendum held under other Acts the time at which a referendum period commences is given in the individual Acts. In the case of an Order before Parliament the time will be given in that Order. In all cases the period ends with the close of the poll.

“referendums”

Referendums includes UK-wide, national, and regional referendums but does not extend to local referendums.

“religious programme”

A religious programme is a programme which deals with matters of religion or belief, as the central subject, or as a significant part, of the programme.

“series of programmes taken as a whole” (in relation to television and national radio)

This means more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience. A series can mean e.g. a strand, or two programmes (such as a drama and a debate about the drama) or a ‘cluster’ or ‘season’ of programmes on the same subject.

“share”

Share means any share in a company and includes a derivative on such a share (including traded options)

“sponsored programme”

A sponsored programme is a programme that has had some or all of its costs met by a sponsor with a view to promoting its own or another’s name, trademark, image, activities, services, products or any other direct or indirect interest. Costs include any part of the costs connected to the production or transmission of the programme. A sponsor is any organisation or person, other than the broadcaster or programme producer, who is sponsoring the programme or programming in question with a view to promoting their or another’s name, trademark, image, activities, services, products or any other direct or indirect interest. This meaning extends to those who are otherwise supplying or funding the programme.

“surreptitious filming or recording”

Surreptitious filming or recording includes the use of long lenses or recording devices, as well as leaving an unattended camera or recording device on private property without the full and informed consent of the occupiers or their agent. It may also include recording

telephone conversations without the knowledge of the other party, or deliberately continuing a recording when the other party thinks that it has come to an end.

“unsuitable sponsorship”

Unsuitable sponsorship is sponsorship that infringes any provision of this section of the Code.

“vulnerable people”

This varies, but may include those with learning difficulties, those with mental health problems, the bereaved, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill and refugees.

“warranted”

In this section ‘warranted’ has a particular meaning. It means that where broadcasters wish to defend an infringement of privacy as warranted, they should be able to demonstrate why. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest would include revealing or detecting crime, protecting public health or safety, exposing misleading claims made by individuals or organisations or disclosing significant incompetence in public office.

“watershed”

The watershed only applies to television. It is the period which starts at 2100 and lasts until 0530. Material unsuitable for children should not, in general, be shown before 2100 or after 0530. On premium subscription services the watershed is at ?

“when children are particularly likely to be listening”

This phrase applies to radio and sound services. It particularly refers to the school run and breakfast time, but might include other times.