

Code on the scheduling of television advertising

Introduction

1. This Code sets out the rules with which television broadcasters licensed by Ofcom¹ ('broadcasters') must comply when carrying advertising. These rules give effect to relevant provisions of the Audio Visual Media Services (AVMS) Directive and those policies determined by Ofcom following consultation. In accordance with Article 20 of the Directive, Ofcom may disapply some or all of the relevant rules to channels that are not receivable outside the United Kingdom.
2. Broadcasters must also comply with the Television Advertising Standards Code issued by the Broadcast Committee on Advertising Practice.

Definitions

3. In 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 and services, including immovable property, rights and obligations, in return for payment²;
 - b) the 'broadcasting day' for the purposes of this Code is deemed to start at 6am 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' means those television services designated in accordance with section 310 of the Communications Act 2003 other than the BBC services³;
 - e) a '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 cinematographic works and films made for television (including single dramas), but excludes series, serials and documentaries⁴;

¹ For the purpose of this Code, this includes S4C, which is authorised by the Broadcasting Act 1990.

² This definition is derived from Article 1(i) of the AVMS Directive. In accordance with Article 23(2) of the Directive, it does not include announcements made by a broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements and product placements.

³ Designated channels currently include any Channel 3 service, Channel 4, Channel 5, and S4C.

- g) 'self promotion' means advertising for the broadcaster's own products and services⁵; and
- h) 'teleshopping' means television advertising which includes direct offers to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment⁶.

Allowances for advertising and teleshopping

- 4. Subject to paragraphs 5 to 8 below, time devoted to television advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes. In addition:
 - a) 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) subject to (i) above, an average of 8 minutes an hour between 6pm and 11pm;
 - b) on other channels time devoted to television advertising and teleshopping spots must not exceed 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.
- 5. During programmes broadcast by the national Channel 3 licensee, the amount of time permitted for television advertising and teleshopping spots between 6am to 9.25am may be averaged across the week.
- 6. Channels exclusively comprised of teleshopping and advertising are not subject to the limits on advertising and teleshopping spots set out in paragraph 4(b) above.
- 7. Channels exclusively comprised of self-promotional content are not subject to the limits on advertising set out in paragraph 4(b), notwithstanding that self-promotional content is defined as television advertising in paragraph 3(a) above. On those channels comprising both self-promotional and other content, the self-promotional content will be treated as advertising, and will be subject to the limits on advertising set out in paragraph 4(b)(i).
- 8. Teleshopping windows must be at least 15 minutes long:
 - a) on public service channels, teleshopping windows may be scheduled only between midnight and 6am; and
 - b) on other channels, there are no limits on the number or scheduling of teleshopping windows.
- 9. Channels licensed by Ofcom which are available only in a locality within the United Kingdom and which are not receivable outside the United Kingdom may use all or part of their teleshopping windows for local advertising features that do not include direct

⁴ This definition is derived from Article 20(2) of the AVMS Directive.

⁵ This definition is derived from Article 1(i) of the AVMS Directive.

⁶ This definition is derived from Article 1(l) of the AVMS Directive.

offers for sale, provided that a significant proportion of each feature refers specifically to the locality in which it appears.

Transfer of minutage

10. If broadcasters have been unable to use their full allowance for television advertising and teleshopping spots for reasons of good programme presentation, or because of unforeseen technical or human errors, they may transfer the unused minutage to other parts of the schedule on the same or any other day within 7 days, provided that they comply with the rules in paragraph 4. If a proposed transfer would result in a breach of the rules in paragraph 4 (a) or paragraph 4(b), the broadcaster should seek Ofcom's prior permission⁷. Transfers that would result in more than 12 minutes of advertising and teleshopping spots in any one hour are not permissible.

Identification of advertising and teleshopping breaks

11. 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 as well.

Advertising and teleshopping breaks during programmes

12. 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.
13. To avoid excessive abruptness, 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.
14. Breaks during programmes on public service channels may not exceed 3 minutes 50 seconds, of which advertisements may not exceed 3 minutes 30 seconds.

Scheduling restrictions

15. Isolated television advertising and teleshopping spots, other than in the transmission of sports events, shall remain the exception.
16. Restrictions apply when inserting advertising breaks during the following programmes⁸:

⁷ Until 31 December 2009, Channel 4 will be allowed to continue with the present arrangements for substituting advertising minutage which would otherwise be used between schools programmes with an amount equivalent to 60% elsewhere in the schedule, subject to complying with the peak-time restrictions in paragraph 4(a)(ii) and the overall limit of 12 minutes of advertising and teleshopping spots in any one hour.

⁸ In the case of news programmes, and programmes for children (excluding schools programmes), this restriction will come into force on 1 December 2009. Until then, sections 3.2(i) and 3.2(iii) of RADA will apply. RADA can be found at <http://www.ofcom.org.uk/tv/ifi/codes/advertising/rules/>.

- a) films and news programmes may only include one advertising or teleshopping break for each scheduled period of at least 30 minutes;
- b) children’s programmes (other than schools programmes) with a scheduled duration of 30 minutes or less may not include an advertising or teleshopping break. Such programmes with a scheduled duration of longer than 30 minutes may have one break for each scheduled period of at least 30 minutes. Breaks are not permitted within schools programmes, but may be scheduled between programmes;
- c) programmes including a religious service may not include advertising or teleshopping breaks during the service;
- d) broadcasts of a formal Royal ceremony may not include advertising or teleshopping breaks during the ceremony;
- e) broadcasts of live Parliamentary proceedings may not include advertising and teleshopping breaks in programmes of a scheduled duration of 30 minutes or less;
- f) in programmes of live events, more breaks may be taken than are indicated in Tables 1 and 2 below, provided that:
 - i) the timing of the event and its constituent parts are outside the control of the programme provider; and
 - ii) there would not be sufficient time within the number of permitted breaks which are also natural breaks to schedule the permitted amount of advertising.
- g) live programme feeds from an overseas broadcaster 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 Television Advertising Standards Code.

17. With the exceptions described in paragraph 16 above, the number of internal breaks permitted in programmes on public service channels is set out Table 1; the number permitted in programmes on other channels is set out in Table 2. 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
106 – 125 minutes	Six