



The Live Desk, GB News, 7 July 2023, 12:00

Summary

This document sets out Ofcom’s Decision on the above programme which promoted a GB News-branded campaign called ‘Don’t Kill Cash’. This campaign included a petition which called on the Government to “introduce legislation to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050”. This campaign was launched on 3 July 2023 and was promoted across GB News programming throughout July and August 2023. Ofcom received a number of complaints about the campaign.

Broadcasters are of course free to cover issues such as the use of cash in society in their programmes in various ways. In this case, we considered that the campaign dealt with a matter of political controversy and a matter relating to current public policy. Subject to limited exceptions, Rule 5.4 of the Ofcom Broadcasting Code (“the Code”) requires Ofcom licensees to exclude all expressions of the views and opinions of the person providing the service (i.e. the licensee, the company officers and/or the persons with an editorial responsibility) on such matters. This restriction, which reflects the legislative requirement, is to prevent broadcasters using their services to advance their own views on matters of political or industrial controversy or current public policy.

In addition, Rule 5.5 of the Code requires broadcasters to preserve due impartiality on matters of political or industrial controversy and matters of current public policy.

GB News argued that the campaign was not about a matter of political controversy or current public policy and therefore Rules 5.4 and 5.5 were not engaged, but that in any event, due impartiality was achieved by including arguments in favour of cashless transactions.

Ofcom found that by promoting the GB News-branded campaign, the views and opinions of GB News Ltd (the person providing the service) on the matter of whether to mandate the acceptance of cash were expressed, in breach of Rule 5.4. We took into account factors including that: GB News clearly endorsed the campaign; the QR code and messaging shown on-screen encouraged viewers to sign a petition calling for legislative change; and the campaign was promoted across GB News programming. We also found that the programme failed to preserve due impartiality in its coverage of this matter.

Breaches of Rules 5.4 and 5.5 of the Code.

We expect GB News to take careful account of this Decision in its compliance of future programming. We will publish the outcome of our investigations into five other GB News programmes relating to this campaign in due course.

Type of case	Broadcast Standards
Outcome	In Breach
Service	GB News
Date & time	7 July 2023, 12:00
Category	Due Impartiality
Summary	A programme included expressions of the views and opinions of the Licensee on a matter of political controversy and a matter relating to current public policy, and did not preserve due impartiality on it. In breach of Rules 5.4 and 5.5.

Introduction

GB News is a UK-based channel that broadcasts a range of news content and current affairs programmes. It describes itself as “Britain’s News Channel”. The licence for GB News is held by GB News Ltd (“GB News” or “the Licensee”).

On 3 July 2023, GB News launched its ‘Don’t Kill Cash’ campaign (“the Campaign”), the stated aim of which was to “call on the Government to introduce legislation to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050”¹.

The Campaign was initially launched on the *Patrick Christys* programme on 3 July 2023, with Patrick Christys saying:

“Today we are launching a new campaign here on GB News: ‘Don't Kill Cash!’. Britain is fast becoming a cashless society. More and more retailers are choosing to only accept card payments. And vulnerable people who rely on cash are increasingly being left behind. A massive 5.4 million adults still rely on cash and it’s used in six billion transactions every single year, but strong vested interests are pushing for it to be permanently replaced by debit and credit cards and other electronic payments. We are calling on the Government to introduce legislation committing to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050”.

¹ [Don't Kill cash - Sign our petition to save cash now](https://gbnews.com/cash) (gbnews.com/cash), GB News, updated 4 July 2023.

Similar wording to this was used on GB News' webpage for signing an associated petition² ("the Petition").

Patrick Christys called on viewers to sign the Petition, pointing the audience to the GB News website and a QR Code. As he did this, on screen graphics showed a logo in the form of a piggy bank with the words "DON'T KILL CASH" on it ("the Campaign Logo"). To the right, under the heading "GBN CAMPAIGN", a QR code was displayed with the call to "SIGN OUR PETITION TO SAVE CASH NOW". Patrick Christys then said:

"Help GB News with our campaign and tell the authorities, the people in power, 'Don't Kill Cash!'"

Ofcom received complaints that GB News was promoting the Campaign in its programming, which complainants believed were in breach of Rule 5.4.

The Licensee informed Ofcom that in the period 3 to 16 July 2023 (the time of its response to Ofcom), it broadcast a total of 40 programmes containing references to the Campaign. There were also further references after this period.

We identified numerous promotions of the Campaign in GB News' programmes in the first week of the Campaign. In particular, the Campaign featured in 28 programmes (including five repeats) broadcast between 3 July and 7 July 2023 (inclusive)³. These references included regular calls to viewers to support the Petition, which were accompanied by prominent displays of a QR Code and weblink to it on the GB News website.

One of the programmes that included these features was *The Live Desk*, 7 July 2023, 12:00 ("the Programme"). On that day, the Campaign had featured in both *Breakfast*, GB News, 06:00 and *Britain's Newsroom*, GB News, 09:30, the programmes immediately preceding the Programme.

We considered this content raised potential issues warranting investigation under Rules 5.4 and 5.5 of the Code:

Rule 5.4: "Programmes in the services... must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement".

Rule 5.5: "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service.... This may be achieved within a programme or over a series of programmes taken as a whole".

We requested comments from the Licensee on how its programming referencing the Campaign had complied with these rules. We stated that we would expedite the provision to GB News of a reasoned Preliminary View as the Campaign appeared to raise serious, ongoing concerns about GB News' compliance with the Code in circumstances where the Licensee continued to promote the

² See footnote 1.

³ See Annex A to this Decision.

Campaign on the service. To this end, we informed GB News that, in order to do this as soon as possible, we would expedite our investigation of the Programme and continue our investigations in relation to other programming referring to the Campaign in due course. Ofcom subsequently launched investigations into five further programmes⁴.

Programme Summary

This three-hour programme containing news content and current affairs content was presented by Mark Longhurst and Pip Tomson. It covered breaking news stories but also included the regular current affairs segment, *“On the Money”* (“the Segment”), in which the presenters discuss financial matters with GB News’ Economics and Business Editor, Liam Halligan.

At 14:44 Pip Tomson introduced the programme topic: *“GB News’s new campaign, ‘Don’t Kill Cash’”*. She said that the audience would probably have heard about it *“because we’ve been talking about it all week”*.

A strapline on screen read:

*“DON’T KILL CASH
Sign the GB News petition: www.gbnews.com/cash”*.

This strapline remained on screen for the duration of the item (lasting just under seven minutes), only being replaced for about 25 seconds by strapline information on the *“UK HOUSING CRISIS”* and to introduce Liam Halligan.

Mark Longhurst said that the Campaign had been launched on Monday 3 July 2023 and had gained 168,000 signatures by the time of the broadcast, adding that over 100,000 signatures *“enables [a] Parliament debate perhaps to be called for to help save the pound in your pocket”*⁵.

Pip Tomson invited viewers to *“get involved”* by either using a QR code (shown on the screen during the broadcast) or browsing to a page on GB News’ website to sign the Petition.

On screen graphics showed the Campaign Logo. To the right of this, under the heading *“GBN CAMPAIGN”*, a QR code was displayed with the caption *“SIGN OUR PETITION TO SAVE CASH NOW”*, under which the GB News’ webpage for the Campaign was given. To the right of this was a screenshot of this webpage. These graphics remained on screen for eight seconds.

Pip Tomson (“PT”) then introduced the Segment and the following exchange with Liam Halligan (“LH”) and Mark Longhurst took place:

LH: *“So why did we launch this campaign here at GB News? We’ve had campaigns in the past. We had campaigns to scrap the VAT on fuel bills, which Liz Truss then introduced, and then*

⁴ *Britain’s Newsroom*, GB News, 5 July 2023, 09:30; *Breakfast with Eamonn and Isabel*, GB News, 6 July 2023; *Patrick Christys*, GB News, 6 July 2023, 15:00; *Britain’s Newsroom*, GB News, 11 July 2023; and *The Live Desk*, GB News, 17 August 2023, 12:00.

⁵ Under Parliamentary [rules](#), e-petitions can be started on the UK Parliament website. If an e-petition receives 10,000 signatures it will receive a response from Government and if it receives 100,000 signatures it will be considered for a debate in Parliament.

Jeremy Hunt un-introduced it. Anyway, we launched this campaign because we've had endless emails and letters from GB News viewers and listeners. They don't like the fact that in many places now: bars, restaurants, clubs, you can't use cash, you can only use cards. And of course there are over a million people in this country without bank accounts. There are many, many more without smartphones and apps and so on. And you'll know yourself Pip, if you want to try and park somewhere in a town, you have to download an app onto your phone, the app might be different from the week before because the parking company's changed, it might be different from the car park around the corner where you usually park--".

PT: *"--it's a pain in the 'you know what'--".*

LH: *"--You then you got to be on, you know, Wi-Fi, whatever that means for a lot of people. And then you got to download the... and it's just a nightmare and all you want to do is put a couple of quid in a slot in a box on the street, so then you can go and meet your friend for coffee, do your shopping and get on with your day. And of course there are powerful vested interests who want to shift us away from cash as well".*

Mark Longhurst then said:

"Let's be quite clear about this. This is not government policy to go for a cashless society... It is a commercial decision by businesses because it actually costs them less for us to use our cards, than it does for them to process cash?"

Liam Halligan replied:

"If you're a big retailer, you spend a lot of money, a lot of banking charges on cash handling. You know, the guys – Securicor people with the protective headgear and the coshes and all the rest of it. It costs a lot of money to handle and move cash around, it costs a lot of money to account for cash. So if you can get away with people just going [makes a card swiping gesture and a buzz sound] using their debit card...then you will. But you know, the thing is that you've also got the big tech companies, Mark, because they want to monitor all spending. If they monitor all spending; where we spend, what we spend on, how much we spend, at what time of day, they can then sell that information – it's called surveillance capitalism – to other third party marketing companies who can then track us and then you know, put in our social media feeds stuff that they think you want to buy".

Mark Longhurst said that *"another very important aspect to this"* that GB News had touched on was the move by the Rail Delivery Group away from *"ticket offices and handing cash over"* to ticket machines, which he said were difficult for visually impaired people to use because the technology is *"so limited"*. Liam Halligan agreed that unmanned stations and cashless payments were much more difficult for visually impaired people.

The following exchange then took place:

PT: *"But also, there's the issue of budgeting. It's so much easier to budget when you've got cash. You know, we remember the days of our pocket money filling up the piggy bank. Kids are really missing out..."*

LH: *"And if you got a £20 note in your Christmas card if you were lucky enough... you wouldn't break into that twenty. You'd really think hard. I'm now going to break into that twenty quid and that means, you know, that's quite a big thing, whereas of course if you're just going [makes a card tapping gesture and a buzz sound] with a debit card then you don't remember*

these things as well. Look, for me this is about recognising that the march of technology, which is inevitable, right, we don't want to leave people behind here, and there are an awful lot of old people and indeed young people who haven't got smartphones for economic reasons. There are still five million of us in this country who rely on cash daily. A lot of us at the bottom end of the income spectrum, more vulnerable households with huge respect. And we're still using cash in the UK alone for six billion – that's six thousand million transactions a year. We can't just let it just completely disappear as it rapidly now is".

As a closing question, Mark Longhurst stated:

"Let's also reflect on a legal aspect of this and that is that cash is still legal tender. So is there a question as to whether someone can refuse to accept cash when it's handed over?"

To which Liam Halligan replied:

"This is what we want clarified. The law in this area is a bit grey. You know, of course it says on the front of any banknote, 'I promise to pay the bearer...' yada, yada, yada. That means this has to be accepted as legal tender anywhere in the country at any time of the night or day. But is it acceptable to not accept cash? Well, we don't know because the law hasn't caught up with what's actually happening and that's why we're launching this campaign. This is responsible journalism in my view. We are trying to say to lawmakers [that] there's a problem here because there are people who are getting left behind – they can't participate in society. It's not just the cultural aspects of cash. You know, like the tenner in a birthday card, you know, slipping your grandson a quid or whatever when his mum and dad aren't looking. It's not just those things. It's also the fact that a lot of people in this country – for all the smartphones and all the ritzy, ditzzy bank accounts that lots of us have –...about a million and a half people in this country don't have a bank account and many more don't have a smartphone".

Pip Tomson said the response to the Campaign so far had been "brilliant", to which Liam Halligan said:

"And let's keep it going, because we at GB News know, we don't just launch these campaigns willy nilly. We've done a lot of political research. There are senior politicians across the Commons from all parties who back this campaign".

Liam Halligan added that the Campaign had received just under 170,000 signatures and this figure was climbing. He gave the GB News webpage for the Campaign and said:

"Get on that website and it's just one click".

The Segment ended and the discussion moved on to an unrelated topic.

Response

Rule 5.4

Application of Section Five of the Code

In its response to our request for comments on how the Programme complied with Rule 5.4, GB News explained that it considered that Rule 5.4 was not engaged and argued that, even if Ofcom

considered that it was, there had been no breach of the rule. It said that, while it agreed with the purpose of Rule 5.4, its actions had been “completely compliant with the Code and totally in accord with multiple precedents involving the UK’s major broadcasters” and Ofcom should therefore discontinue its investigation.

GB News said the Campaign was not about “matters of political and industrial controversy and matters relating to current public policy”. It said that “The steady disappearance of cash from British society” was not a policy of, or opposed by, any political party and that it was “very rarely discussed or reported in the media or mentioned in Parliament”. It added, “the world of commerce and banking does not seem to regard it as a significant issue... it appears to be something that is quietly creeping into acceptance by default”.

The person providing the service

GB News referred to paragraph 1.28⁶ of Ofcom’s [Guidance Notes, Section Five: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions \(“the Guidance”\)](#). It said: for GB News the Licensee is GB News Ltd.; the company officers are the two directors of GB News Ltd, Mr Angelos Frangopoulos, Chief Executive, and Mr Marc Schipper, Chief Operating Officer; and those persons with an editorial responsibility for the service or part of the service are Mr Frangopoulos and Mr Michael Booker, Editorial Director. The Licensee said the personal views and opinions of these three individuals were not a motive or consideration in deciding whether to broadcast the Campaign and their views, “such as they might be, have never been made public”.

GB News said it had launched the Campaign because it was “an important and valid editorial issue for discussion” which some of its presenters and staff members “strongly” wanted to talk about, given it concerned the most vulnerable in society and because the issue was important to its audience.

The Licensee set out the specific circumstances in which the Campaign started, detailing a conversation among members of staff about relatives and a member of the public who had been unable to use cash to pay for goods and services⁷. It added that this led to the story being mentioned on air, following which there was a substantial response from the audience and then a decision to give more attention to the issue. As a result, it said that: “Eventually a decision was taken to establish a petition about it and to give viewers the opportunity to add their names to it”.

GB News said that Mr Frangopoulos, Mr Schipper and Mr Booker “were involved in discussing the editorial approach to the coverage of the issue – as they would... on any day and on any subject”,

⁶ Paragraph 1.28 states: “The person providing the service’ is a concept used in connection with the legal requirements for the licensing and compliance of broadcasting services. In this rule, it refers to the licensee, the company officers and those persons with an editorial responsibility for the service or part of the service rather than, for example, the programme presenter”.

⁷ It said that one member of staff talked about the difficulty an elderly relative was having in coping with the number of establishments that would not accept cash, another spoke about a relative who could not use the local gym because it only accepted payment using a mobile phone, a third mentioned that she had seen an elderly man turned away from a bakery because he only had cash, and from this conversation a wider discussion ensued in which “other people who offered similar stories about – generally – older relatives or occasionally themselves”.

but “their personal views whatever they might have been, were not in any way a consideration” [Licensee’s emphasis].

The Licensee said that it was also clear from the above that the Campaign was never the product of the views and opinions of GB News as the Licensee, which it said was not providing its opinions “in any way that could possibly be regarded as a breach of the Code”.

GB News also referred to paragraph 1.29 of the Guidance⁸. It said that the available evidence and circumstances as set out in its representations made clear that the views and opinions of the person providing the service, “however these might be defined”, were not instrumental in the origination of the Campaign.

GB News’ views on precedent cases

The Licensee said it was “concerned that Ofcom is adopting a particularly narrow interpretation of Rule 5.4 that implies that the very fact that GB News is broadcasting a campaign calling for viewers to sign a petition is in itself evidence that the licensee must be offering its own views and opinions”. It said it disagreed with this approach for several reasons.

GB News compared the present case to programmes in breach of Rule 5.4 listed as precedent cases at paragraph 1.31 of the Guidance⁹. It said the previous cases involving Aden Live and Al Mustakillah TV were not comparable as, unlike the present case, both involved officers of the licensees in question taking part in on-screen discussions about important issues. The Licensee said that in the case of a third precedent case, involving DM Digital, the views expressed on air were so clearly aligned with the publicly stated purposes and aims of the licensee that the breach was unmistakable, which “did not happen on GB News”. The Licensee said that the fourth precedent case of REN TV Baltic and Mir Baltic was similar to the current case only in so far as viewers were offered an opportunity to sign a petition, but otherwise the cases were very different. It said:

“... A crucial factor in that case was that the channel’s actions in organising or supporting a petition for more use of the Russian language in Latvia was totally aligned with the channel’s overt purpose of increasing Russian influence in Latvia and other Baltic States. REN/Mir’s whole record of repeated compliance breaches in support of these aims makes this absolutely clear. So in their case, there was no doubt that their actions in organising or supporting the petition were an expression of the ‘views and opinions of the licensee’” [Licensee’s emphasis].

It said that GB News’ Campaign, in contrast, was on an issue with “no particular political overtones” and of “general public interest and certainly not one where ‘the licensee’ has any involvement or any previous record of opinion on the subject”.

⁸ Paragraph 1.29 states: “In considering programming under Rule 5.4, Ofcom will consider the available evidence and circumstances to ascertain what the views and opinions of the person providing the service could reasonably be held to be”.

⁹ [Various programmes, Aden Live; Arab Dream, Al Mustakillah Television; POAF Conference, DM Digital; Russian language referendum item, REN TV Baltic and Mir Baltic](#)

The Licensee said that there is “a long tradition of major UK broadcasters mounting very high-profile campaigns of various sorts, including ‘calls to action’ and petitions, without any suggestion that this might be a potential breach of the Code”. It gave the following examples, which it described as matters of political and industrial controversy and matters relating to current public policy”:

- The *Make debates happen* campaign on Sky News in 2018¹⁰, which it described as “a nationwide petition, backed by repeated news coverage, in which they urged viewers and politicians to support their campaign for more formalised General Election Debates”. It added that the petition received more than 100,000 signatures and there was “no question but that [the licence holder was supporting] this campaign”. It said the campaign launch included an on-air interview with the Head of News who it said was “a person with responsibility for the service”. It also referred to various associated Sky News webpages in this regard¹¹.
- A climate change campaign in 2021 by Sky Group, the licensee for Sky News, which it said included a Sky News programme which “clearly (and publicly) linked to the stated aims and purposes of the campaign”. It added that the associated publicity made it clear that the purpose of the campaign was to change people’s behaviour with regard to climate change, and that the ‘views and opinions’ of Sky Group were very clearly being given on air. It referred to an associated Sky Group webpage¹².
- The BBC’s 2020 promotion of the fundraising efforts of Captain Sir Thomas Moore to support the NHS, which it described as “a campaign with an unmistakable call to action, supported by ‘the licensee’” [sic¹³]. GB News said that NHS funding and its reliance on charities is clearly a matter of public policy. It referred to a Google Images search on the phrase “[Captain Tom on BBC Breakfast](#)”.
- A “Black Lives Matter/Kick it Out” campaign by Sky Group in 2021, which the Licensee said, “embraced the aims and principles of... opposing racism in football and, more broadly, in society”. It said, “Sky Sports channels displayed logos of both campaign groups on screen continuously (a policy which changed later when the Black Lives Matter campaign came under further scrutiny). Their presenters wore badges of the two campaigns. This was without doubt an example of the opinions and views of the licensee

¹⁰ GB News also noted that Sky News “also campaigned on their own channel for televised leaders’ debates in 2010”.

¹¹ “[Sky News launches campaign to make leaders’ TV debate a permanent election fixture](#)”, Sky News, 17 September 2018.
[Head of Sky News John Ryley calls for a Commons debate on the petition](#), Sky News, 29 November 2018;
[Make Debates Happen petition hits parliamentary target with 100,000 signatures](#), Sky News, 29 November 2018;
[‘Genie out of the bottle’ on televised election debates](#), Sky News, 18 March 2019.

¹² “[Behaviour change on climate can be driven by TV, says Sky](#)”, Sky Group, 1 November 2021.

¹³ The BBC is not considered a “licensee” as it does not hold a broadcasting licence. It is established by The Royal Charter and regulated by Ofcom.

- Sky Group – being regularly broadcast on screen as a result of a campaign being promoted by that licensee”. It referred to three weblinks in this regard¹⁴.
- Various “corporate and ‘good works’ campaigns” by ITV which GB News said had been promoted through various broadcast programmes¹⁵, all of which it said urged viewers to “take action or change attitudes”. In particular it highlighted the annual *1 Million Minutes* campaign, which urged viewers to give their time to charitable causes. GB News said this year’s campaign was on loneliness and “the acute isolation the cost-of-living crisis is currently causing”¹⁶. It said it was an ITV corporate campaign “with the views and opinions of the licensee reflected on air”. It added that the comments of ITV’s Chief Executive in its [Social Purpose Impact Report](#) showed that a central part of ITV’s broadcasting policy was to use its network programmes to “influence audiences, promote their own social messages and change viewers’ behaviour”.

GB News said that it was not criticising “other broadcasters for using their programmes to influence audiences on major issues of public interest”, but rather pointing out that “‘campaigning’ on matters of importance to viewers has been a routine part of the UK broadcast environment for many years and has taken place without any intervention at all from Ofcom... because there is nothing in the Ofcom Broadcasting Code that prevents it”. It added that it appeared “in the absence of such a prohibition Ofcom has constructed a circular argument which suggests that because a channel (in this case GB News) broadcasts a campaign advocating a particular course of action, that must somehow automatically mean that the views of ‘the licensee’ are being promoted”. The Licensee added:

“We reject that in principle and we have explained why it is not the case in practice in this instance either... We do not believe the purpose of Rule 5.4 is or was to impose a general prohibition on campaigning by broadcasters and we are encouraged that Ofcom has not seen it as such in the past. To change that approach now would surely be an unjustifiable restriction on GB News’s legal rights to freedom of speech and freedom of broadcast”.

Rule 5.5

Application of Section Five of the Code

In its response to our request for comments on how the Programme complied with Rule 5.5, GB News said that Rule 5.5 was not engaged because its Campaign was not on “matters of political and industrial controversy and matters relating to current public policy”. It set out the same reasoning it

¹⁴ [Anti-racism group Kick It Out forms three-year partnership with Sky](#), Sky Sports, 10 January 2021.

A Google search on the words “[sky sports football kick it out](#)”
[SUPER SUB Sky Sports pundits ditch Black Lives Matters badge for Kick It Out as BLM’s accused of ‘hijacking’ George Floyd’s death](#), The Sun, 4 July 2020.

¹⁵ [Could You Help Save A Life? Our Latest Suicide Campaign](#), This Morning, 22 June 2023
[Loose Women launches ‘Body Stories: Celebrating Every Body’ campaign to mark International Women’s Day](#), Loose Women, 1 March 2023.

[No Butts: Get to know the symptoms of bowel cancer](#), Lorraine, 14 April 2023.

¹⁶ See the ITV article “[1 Million Minutes: Thank you for pledging your time to help end loneliness](#)”.

had given on this point in relation to Rule 5.4, adding that the “steady disappearance of cash” is not a “policy under discussion” by any bodies or organisations listed in the Code’s definition of this term. It said it is not “in debate” and that it did not “figure in any Bill or manifesto”.

The Licensee said, “GB News’s recognition of this issue and its support for a campaign to prevent its advance does not in itself make it a political controversy”. It added that raising the issue in its editorial coverage and providing a campaign to assess public opinion on the matter did not automatically place it within the scope of Rule 5.5.

It repeated the reasons it gave in its representations on Rule 5.4 for the launch of the Campaign, as summarised above, and added that it was “because it was thought to be an interesting talking point”. It also repeated the specific details of how the Campaign came about. It added that the Campaign, as of 17 July 2023, had received nearly 220,000 signatures “in two weeks” and, while remaining “resolutely a non-political matter” had received support from “a wide range of people in politics including MPs and peers from all main parties”. It said the topic was “simply an interesting social issue in the public interest and therefore a good talking point for our viewers”. It said, “a call to keep cash in circulation for the benefit of some members of society” was a “fairly uncontentious matter of common sense and good citizenship, like driving on the correct side of the road, charity volunteering and looking out for old people” and that the Petition sought to “raise awareness of the public’s view on this so the opposite does not happen by default”.

The need for a range of opinions

GB News said, “on this particular subject we do not believe there is a valid alternative perspective that requires scrutiny” and “Ofcom repeatedly emphasises that editorial decisions are a matter for each broadcaster”. It said that “given the context and circumstances of this particular story, there was no reason or requirement to introduce alternative opinions just for the sake of it”. It gave the following illustrative examples of campaigns for which it considered Rule 5.5 would not require an opposing view:

- the BBC campaign for people to support Captain Sir Thomas Moore’s fundraising drive for NHS charities;
- Sky Group’s ‘Kick it Out’ campaign against racism in football; and
- ITV’s campaigns for more support for mental health issues and more public volunteering for charitable work.

The Licensee said the same consideration should apply to its Campaign, adding “the channel’s editorial team has simply decided it is a good and interesting issue to put before its viewers in the same way as the other campaigns”. It added: “Uncontroversial subjects do not require an opposing view and, specifically, there is no justification for Ofcom to use its strong powers of intervention to second-guess GB News’s editorial decision making”.

GB News said that Rule 5.5 should not be unnecessarily invoked as an “insistence on imposing the requirements of Section Five risks creating argument and conflict where none exists”. It also referred to the “widely recognised” risk of society “becoming addicted to hostility and polarisation”. It said:

“Where there is genuine argument and disagreement about a policy, of course that is different. In that case a range of those views should be broadcast, but when there is not, it seems counter-productive and unnecessary to invent it for the sake of fulfilling a regulation”.

The Licensee referred to: “the legal basis for Section Five of the Code in general and the Special Impartiality Requirements within it”; “its relationship with Article 10 of the European Convention on Human Rights and the restrictions that are allowed on freedom of speech and broadcast”; and to the requirement that Ofcom “take these matters into account in each of its decisions and that every restriction on speech and broadcasting must be for the purpose of addressing a significant public need and to be justifiable as such”. It said it did not believe that there was a “a recognisable public threat in a broadcaster highlighting to its viewers something they already know, that a totally cashless society would be disadvantageous to some people” such that it should be “compelled under a regulatory code to find someone to disagree with that proposition or, in the absence of such a person, to conjure up arguments that such a person might put forward”. It added that in this case there was no “valid alternative view that requires to be broadcast” [Licensee’s emphasis]. The Licensee said the broadcasts involved in the Campaign did not engage Rule 5.5 and that “GB News was entitled to take the editorial decisions that it did”.

Context

GB News said that context, including the subject under discussion and the audience, were particularly relevant. It referred to the range of subjects covered in the Rule 5.5 cases cited in the Guidance¹⁷, none of which it said would be “familiar... to many ordinary television viewers in the UK” and that they all involve “contentious issues characterised by complex debates and polarised opinions” such that “Ofcom would be completely justified in requiring that they are discussed with due Impartiality and a range of views”. It said the Campaign is “the very opposite” as it is “an uncontentious issue that every person in society understands instinctively”. It said it was “arguing for a measure of common sense and proportionality in this case, and an awareness that ordinary people with their everyday lives and experience, are perfectly capable of understanding this straightforward matter and making their minds up without intervention from a regulator...”.

GB News said the “short conversation” in the Segment in this programme “concentrated on the concerns and problems of ordinary people faced with the steady disappearance of cash from shops and elsewhere”. It said it “touched on the wider issue of ‘the march of tech’ and the danger that many people in the UK might be ‘left behind’”.

The Licensee said the programme was “consistent with our view that the issue is an important and interesting talking point but not a matter of ‘policy’ – certainly not yet – or ‘political or industrial controversy’”. It added that, for all the reasons it had set out with reference to the Campaign programming in general, it did not believe “there was a particular need [for the Programme], to introduce an opposing point of view”. It said: “That was an editorial decision which was a legitimate one for GB News to take. The programme was not in breach of Rule 5.5”.

¹⁷ The Licensee cited the following subjects: “abortion policies in various countries; Israeli action in Gaza; Bahraini politics; campaigning for the London mayoralty; Sikh independence; civil war in Libya; NATO expansion; local issues in East London; Ukrainian elections; and Turkish-Kurdish conflict”.

Representations on Ofcom’s Preliminary View

In response to Ofcom’s Preliminary View provisionally finding the Programme had breached Rules 5.4 and 5.5 of the Code, the Licensee made further representations, in which it “[stood] by the case [it] set out in [its] original response”.

Rule 5.4

Application of Section Five of the Code

GB News said the evidence on which Ofcom had based its Preliminary View that the content related to a matter of political or industrial controversy was “thin, to say the least”. It restated its view that, rather, the content was on “an interesting public talking point that had received little attention and had been the subject of minimal debate in the political sphere”.

GB News said that the “political references to the subject” that Ofcom had found were “one or two instances” that were “brief and passing”, adding, “one of which Ofcom itself admits was ‘unrelated to the campaign’¹⁸. It said that the reference to a matter in exchanges in the House of Commons did not make it a matter of political controversy, adding that “[v]irtually every subject under the sun has been mentioned by MPs at some time or another”.

The Licensee said Ofcom should also consider the subject matter at the time of the campaign’s conception and should be “alive to the risks of ‘hindsight bias’”. It maintained that “the issue of the retention of cash was... simply a talking point of interest to ordinary people which was largely ignored until GB News mentioned it and proceeded to test public opinion”. It said: it was “the sort of matter where, in real life, ordinary people chat, mutter and grumble about it” and “across the political spectrum” some people agreed, and others disagreed, with the point of the Campaign.

The person providing the service

GB News restated its view that the Campaign was “not an initiative of the ‘the person providing the service’”. It said Ofcom’s Preliminary View had either “dismissed” or “regarded as not relevant” the explanation it had given of the origins of the Campaign “without any good reason”. It added, “Ofcom should explicitly acknowledge and accept the honest narrative provided by GB News in respect of the development of the campaign”.

GB News’ views on precedent cases

The Licensee said that the Preliminary View was wrong to reject its argument that “previous 5.4 cases cited in the Guidance to Section Five are not comparable” and that the case involving REN TV Baltic and Mir Baltic was “not remotely comparable”. In this case, it said “a Russian-funded broadcaster was planning and implementing a campaign with the clear aim of undermining an independent state”. For the Programme, GB News said there was “ample evidence that the coverage

¹⁸ This refers to two [Westminster Hall debates](#) on e-petitions [605030](#) and [622284](#), which, like the Campaign, called on the Government to mandate the acceptance of cash by businesses. See footnote 36 for further information.

arose organically by discussion among the editorial staff and through viewer response, and also that the subject matter falls well short of being a ‘matter of political controversy etc’”.

GB News said that Ofcom had previously “turned a blind eye to ‘campaigns’ by other broadcasters which would have fallen firmly within the ambit of Rule 5.4 but has now decided to invoke it against GB News”. It said it was “self-evident that Sky News were at all times free to broadcast any election debates that they wished” and that “[t]he real purpose of the campaign was to put public pressure on politicians to act in a way that the licence holder BSkyB approved of”.

The Licensee said, “[the Preliminary View] is simply wrong in arguing that the example we quoted of Sky’s Black Lives Matter/Kick It Out campaign is not a fair comparison”, and that “it does seem hard to see how the ‘Black Lives Matter’ campaign, clearly backed by Sky television, was somehow less ‘political’ than GB News’s discussion about the possible disappearance of cash”.

GB News added:

“...despite Ofcom’s denials, [it] has been happy for UK broadcasters to run overt campaigns with unmistakable political elements in the past but is now planning to censure GB News for what it says is the same thing. This is not fair or consistent and we ask that Ofcom again consider this point in light of its obligations under s.3(3)(a) of the Act”.

Rule 5.5

Application of Section Five of the Code

GB News restated its view that Rule 5.5 was not engaged on the basis that “the subject was not a matter of ‘political controversy...’ etc”, and that due impartiality was not, therefore, required in the Programme.

The Licensee said that the Programme “did [nevertheless] in fact deliver such Due Impartiality by providing a clear explanation of the arguments in favour of cashless transactions. It gave the following examples, which it said the Preliminary View had disregarded:

- *“Let’s be quite clear about this. This is not government policy to go for a cashless society... It is a commercial decision by businesses because it actually costs them less for us to use our cards, than it does for them to process cash?”; and*
- *“If you’re a big retailer, you spend a lot of money, a lot of banking charges on cash handling. You know, the guys – Securicor people with the protective headgear and the coshes and all the rest of it. It costs a lot of money to handle and move cash around, it costs a lot of money to account for cash. So if you can get away with people just going [makes a card swiping gesture and a buzz sound] using their debit card... then you will”.*

GB News said that Ofcom had “never spelt out quite what Due Impartiality means in practice, specifically how much constitutes ‘Due’ or ‘enough’” and that Ofcom “habitually substitutes its own judgement for that of the broadcaster” in such matters.

The Licensee said that previous cases that Ofcom had assessed made clear that “a modest exposition of an alternative view – certainly not requiring anything like ‘balance’ - would be enough or ‘Due’ for the purposes of compliance”. It added that the Programme had provided such.

GB News' views on Ofcom's approach

The Licensee said:

- “Ofcom must perform its duties in accordance with the principles set out in the Communications Act 2003... always having regard to s 3(3)(a) to be proportionate, consistent and only target cases where action is needed”; and
- “Ofcom regularly – and correctly – emphasises that UK law and the European Convention on Human Rights require it to exercise its authority in a limited, proportionate and justified way. It also stresses that editorial decisions are a matter for the broadcaster as long as compliance is achieved. This is in line with Ofcom’s obligations to perform its duties in a manner that best guarantees an appropriate level of freedom of expression under s.3 (4)(g) of the Act”.

It said, “in every aspect of this case where a matter seems marginal or open to doubt or differing interpretations, Ofcom has simply substituted its own judgement for that of GB News rather than leaving what are essentially editorial decisions to the broadcaster”. It added that Ofcom had interpreted arguable matters, including the interpretation of Rule 5.4, “in the narrowest possible way to bolster its case against GB News”.

GB News said the Preliminary View departed from Ofcom’s principle of consistency in relation to previous activities by other broadcasters, which it called “political campaigns”, for which no breach of Rule 5.4 was recorded.

The Licensee asked Ofcom to take into account that the Campaign was no longer active, which it said meant there was “no potential harm to an audience”.

Decision

Reflecting our duties under sections 319 and 320 the Communications Act 2003 (“the Act”), Section Five of the Code requires that the due impartiality requirements are met.

We have conducted our investigation of the Programme following our published procedures, which provide for a fair and transparent process. After watching the relevant content, we assessed the Programme against the relevant rules in Section Five of the Code. We expedited the provision to GB News of a reasoned Preliminary View, as the Campaign appeared to raise serious, ongoing concerns about GB News’ compliance with the Code. At the same time, we stated that we would continue our investigations in relation to other programming referring to the Campaign in due course. In preparing this Decision we have taken careful account of the fact-specific context of the programme and of the representations made by the Licensee.

Ofcom must perform its duties in accordance with the right to freedom of expression set out in Article 10 of the European Convention on Human Rights. Freedom of expression is one of the essential foundations of a democratic society. As is well established, it encompasses the broadcaster’s right to freedom of expression as well as the audience’s right to receive information and ideas without interference¹⁹. It applies not only to the content of information but also to the

¹⁹ *Lingens v Austria* (1986) 8 EHRR 407.

means of transmission or reception²⁰. Any interference must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society (i.e. proportionate to the legitimate aim pursued and corresponding to a pressing social need). Decisions at both a domestic level and before the European Court of Human Rights make clear the scope for restrictions on freedom of expression is likely to be especially limited in two overlapping fields, namely political speech and on matters of public interest. Accordingly, a high level of protection of freedom of expression will normally be accorded, with the authorities having a particularly narrow margin of appreciation.

It is well established that the freedom of expression of licensed broadcasters may legitimately be restricted where such measures are necessary to achieve the positive objective of maintaining fair and equal democratic discourse on influential media platforms to the benefit of society generally²¹. The due impartiality standards required under sections 319 and 320 of the Act form part of a tripartite series of measures (the others being a prohibition on paid political advertising²² and the provision of free party political and party election broadcasts according to defined rules²³) which aim to safeguard the integrity of democratic debate on matters of public concern by preventing influential broadcast media platforms from being hijacked by wealthy or well-placed interests promoting a partial agenda.

As the Government's White Paper²⁴ published in advance of the Communications Bill in December 2000 explained:

“...one of the cornerstones of broadcasting in the UK has been the obligation on all broadcasters to present news with due accuracy and impartiality. There are also important impartiality obligations applying to other programming. The Government believes that these obligations have played a major part in ensuring wide public access to impartial and accurate information about our society and the opportunity to encounter a diverse array of voices and perspectives. They ensure that the broadcast media provide a counter-weight to other, often partial, sources of news. They therefore contribute significantly to properly informed democratic debate. Responses to the consultation indicated general support for retaining them”.

²⁰ *Autronic v Switzerland* (1990) 12 EHRR 485.

²¹ *Animal Defenders v United Kingdom* [2013] EMLR 28 and *R (On The Application of Animal Defenders International) v Secretary of State For Culture, Media and Sport* [2008] 1 AC 1312 and *Animal Defenders v United Kingdom* [2013] EMLR 28

²² See s. 319(2)(g) and 321(2) of the Act.

²³ Section 333 of the Act provides that licences for certain broadcasters must require the inclusion of free broadcasts and the observance of the Ofcom Rules on Party Political and Referendum Broadcasts. Those Rules regulate party political broadcasts (offered to qualifying parties outside election periods); party election broadcasts (offered to qualifying parties during election periods); and referendum campaign broadcasts (offered to each designated referendum organisation before each referendum).

²⁴ [Communications White Paper](#) (Safeguarding the interests of citizens, 6.6.1).

The specific prohibition on expressing views on matters of political or industrial controversy or relating to current public policy first appeared in the Television Act 1964²⁵ and subsequently in the Independent Broadcasting Authority Act 1973²⁶. The prohibition applied to the Independent Broadcasting Authority and its members, officers and/or contractors rather than individual broadcasters, reflecting the broadcasting environment at that time in which the BBC and ITV were the only organisations providing broadcasting services in the UK. The policy rationale for this prohibition in its current form, which contains an exception for views relating to the provision of programme services, was subsequently expressed in the 1977 Report of the Committee on the Future of Broadcasting as follows:

“The reason for the restriction is obvious: neither the BBC nor the IBA should be allowed to use their own transmissions to make propaganda for their own cause... We are clear that a Broadcasting Authority or organisation should not be able to use the air to advance its views on general issues of public controversy²⁷.”

This restriction was reflected in the Broadcasting Act 1981²⁸ and carried through subsequent broadcasting legislation. It is now contained in section 320(1)(a) of the Act²⁹ and Rule 5.4 is a direct transposition of this statutory requirement.

In passing the Act, Parliament set out in legislation the restrictions prescribed by law and which it judged to be necessary in our democratic society. The legitimate aim is for the protection of the rights of others. The statutory framework set by Parliament specifically assigns an area of judgment, to be exercised by Ofcom, as to how the requirements of the legislation are to be applied to the facts of each case.

Each and every time Ofcom applies the Code to broadcast content, Ofcom gives careful consideration to the broadcaster’s and the audience’s Article 10 rights. In order to reach a Decision on whether due impartiality was maintained in this programming, Ofcom has had careful regard to the Article 10 rights and all relevant contextual factors.

Ofcom acknowledged GB News’ arguments for running its ‘Don’t Kill Cash’ campaign to “call on the Government to introduce legislation to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050”. It is not Ofcom’s role to take a view on the need for, or the merits of, such legislation.

²⁵ Section 3(2), Television Act 1964.

²⁶ Section 4(2), Independent Broadcasting Authority Act 1973.

²⁷ Paragraph 7.15, Report of the Committee on the Future of Broadcasting, March 1977.

²⁸ Section 4(2), Broadcasting Act 1981.

²⁹ Section 320(1)(a) of the Act requires “the exclusion, in the case of television and radio services... from programmes included in any of those services of all expressions of the views or opinions of the person providing the service on any of the matters mentioned in subsection (2). Section 320(2) of the Act states: “Those matters are: (a) matters of political or industrial controversy; and (b) matters relating to current public policy”.

It is important to make clear that GB News is of course free to explore issues such as the use of cash in society in its programmes in various ways, but this must be done in compliance with Section Five of the Code. It is also important to note that the Code is not intended to prohibit broadcasters from broadcasting content encouraging viewers to support campaigns on particular issues. However, the legislative framework, as reflected in the Code, is clear: broadcasters must ensure that in promoting such campaigns in their licensed services, they are doing so in a way which is compliant with Section Five of the Code and in particular with Rules 5.4 and 5.5. This is a position we have confirmed in previous decisions³⁰.

Application of Section Five of the Code

Ofcom first considered whether the requirements of Section Five of the Code were engaged by the subject matter of the Campaign in this case. The Code defines matters of political or industrial controversy and matters relating to current public policy as “political or industrial issues on which politicians, industry and/or the media are in debate. Matters relating to current public policy need not be the subject of debate but 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, for example non-governmental organisations, relevant international institutions, etc.”

We took into account GB News’ view that its campaign was about “the steady disappearance of cash from British society”.

In Ofcom’s view, the aim of GB News’ Campaign had been clearly stated from its launch. On 3 July 2023, Patrick Christys, a GB News presenter, told viewers during his programme about the launch of “a major new GB News campaign, as we urge the Government: ‘Don’t Kill Cash’”. Earlier that day, an article titled “[Don’t Kill Cash](#)” which contained the Petition to “SAVE CASH NOW” was published on the GB News website³¹. The following day, the number of signatures the article said it wanted to attract was increased from 10,000 to 100,000. The purpose of the Petition was added and viewers were invited to add their names:

“I call on the Government to introduce legislation to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050”³².

We also took into account the Licensee’s explanation in its representations on Ofcom’s Preliminary View that, through the launch of that Campaign, it had “proceeded to test public opinion” on “the

³⁰ See Ofcom’s published Decision against Baltic Media Alliance Limited (“BMAL”), in relation to its services REN TV Baltic and Mir Baltic, published in [issue 214 of the Ofcom Broadcast Bulletin](#), 24 September 2012. In that case, Ofcom considered that BMAL had broadcast, in contravention of Rule 5.4, various pieces of editorial content, which constituted a call to action to viewers to sign a petition to trigger a referendum concerning an amendment to the Latvian constitution to make Russian an official language of the Republic of Latvia.

³¹ [Don’t Kill cash – Sign our petition to save cash now \(archive.org\)](#), GB News, 3 July 2023, as ‘captured’ by Way Back Machine.

³² [Don't Kill cash - Sign our petition to save cash now \(archive.org\)](#), GB News, updated 4 July 2023, as ‘captured’ by Way Back Machine.

issue of the retention of cash” and that this issue was “simply a talking point of interest to ordinary people”.

However, as set out above, in Ofcom’s view the stated aim of the Campaign was not simply to test public opinion on an interesting talking point, but to call on the Government to change the law to “*protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050*”³³.

We also took into account GB News’ argument that its Campaign was not about “matters of political and industrial controversy and matters relating to current public policy”.

We disagreed. In Ofcom’s view, the maintenance of access to cash, including whether to mandate its acceptance (the stated aim of the Campaign) is a matter of both current public policy and a matter of political controversy. We were mindful that the Financial Services and Markets Bill (“the Bill”), which was introduced to Parliament on 20 July 2022, legislates (amongst other matters) to ensure the maintenance of access to cash. This Bill gives the Financial Conduct Authority powers to ensure that designated banks and building societies will ensure the reasonable provision of cash deposit and withdrawal facilities across the UK. It also requires HM Treasury to prepare a policy statement on cash access services. The Bill gained Royal Assent on 29 June 2023, just four days before GB News launched its Campaign³⁴.

In its response to Ofcom’s Preliminary View, the Licensee said that the subject matter of the Campaign was the subject of minimal debate in the political sphere. However, the extent to which access to cash should be maintained, including whether to mandate its acceptance, was a matter of political debate as the Bill passed through Parliament³⁵ and neared Royal Assent.

For example, on 20 March 2023 there was a [Westminster Hall debate](#) on e-petitions [605030](#) and [622284](#), which together attracted a total of more than 58,000 signatures. Although not part of the Campaign in so far as these petitions were not organised by GB News and preceded its Campaign, they also called on the Government to mandate the acceptance of cash by businesses³⁶. Although most speakers were in favour of the motion, Andrew Griffith, Economic Secretary to the Treasury, responding to the debate on behalf of the UK Government argued that cash: is expensive to handle;

³³ We note GB News’ coverage of the Campaign continued in July and August 2023, with extensive coverage on 17 August 2023, the day on which it handed the Petition to Number 11 Downing Street. There was live coverage of this event in *The Live Desk*, 17 August 2023. This programme is also subject to an investigation by Ofcom. See footnote 4 and [GB News delivers Don’t Kill Cash letter to Chancellor Jeremy Hunt: ‘Promise you won’t kill cash’](#), GB News, 17 August 2023, updated 18 August 2023.

³⁴ [Financial Services and Markets Act 2023](#), Parliamentary Bills, Session 2022-23.

³⁵ For example, see Financial Services and Markets Bill, [Volume 827: debated on Monday 6 February 2023](#); [Volume 828: debated on Tuesday 7 March 2023](#); and [Volume 828: debated on Tuesday 21 March 2023](#). In addition, on 19 October 2022, the Government published its [response](#) to the Scottish Affairs Committee’s [Access to cash in Scotland](#) (HC 80) report (“the ATC in Scotland report”), which had been published on 11 July 2022.

³⁶ The petitions closed on 5 July 2022 and 10 March 2023, respectively and were to: “Make it illegal for retailers and services to decline cash payments”; and: “Require all businesses and public services to accept cash payments”, except for internet-based businesses.

can be subject to theft and can make businesses—particularly small businesses in the rural areas — feel vulnerable; has a higher carbon footprint than digital forms of currency; and can be “less convenient when someone is fumbling around and does not quite have the right change”. The Government’s [written response](#) to e-petition 622284 stated in summary:

“The Government does not plan to mandate cash acceptance. It is right that organisations choose the forms of payment they accept. The Government has introduced legislation to support access to cash”.

At Prime Minister’s Questions on 21 June 2023 (i.e. just under a fortnight before the start of the Campaign), Anne Marie Morris MP cited research by LINK about establishments rejecting or discouraging the use of cash. She then asked Prime Minister Rishi Sunak if he would “look again at the Financial Services and Markets Bill... and ensure that any entity providing a public service directly to the public, involving payments or a charge, must accept cash?” The Prime Minister acknowledged the continued use of cash by millions of people and “particularly vulnerable groups”, referred to the measures in the Bill to protect access to cash and said, “but as technology and consumer behaviour changes, it is right that organisations themselves should be able to choose the forms of payment that they will accept”³⁷. The Prime Minister’s rejection of this call for the Bill to mandate the acceptance of cash was reported by media outlets including GB News³⁸ and the Daily Express³⁹. A later GB News online article⁴⁰, published for the launch of the Campaign on 3 July 2023, stated that two weeks earlier Rishi Sunak had “refused to look at amending legislation to ensure that businesses would be legally required to accept cash as a method of payment”⁴¹.

In its representations on Ofcom’s Preliminary View, the Licensee stated Ofcom should consider “the subject matter at the time of the campaign’s conception”. In our view, the above context was relevant to the consideration of whether the maintenance of access to cash, including whether to mandate its acceptance (the stated aim of the Campaign) was a matter of political controversy and/or current public policy when references to the Campaign were broadcast. The article published by GB News also stated that the Prime Minister’s response was “why the People’s Channel is now taking up the mantle of fighting to save the future of our cash”.

³⁷ [Hansard, Engagements, Volume 734](#): debated on Wednesday 21 June 2023.

³⁸ [Rishi Sunak rejects Tory MP’s call for shops to take cash payments](#), GB News, 21 June 2023.

³⁹ [‘Appalling that shops can refuse cash’ — readers react to UK becoming cashless society](#), The Daily Express, 28 June 2023.

⁴⁰ [DON’T KILL CASH! Join the GB News campaign to save our physical currency](#), Dan Falvey, GB News website, 3 July 2023.

⁴¹ This reason as to why GB News launched the Campaign was also given by Dan Falvey, GB News’ Head of Digital News, in *Britain’s Newsroom*, GB News on 4 July 2023 at 09:30. This reference is explained further below under the heading “The person providing the service”.

In its representations the Licensee said that “the decline in usage of cash is not a policy” advocated or opposed by any political party and does not “figure in any Bill or manifesto”. However, we noted that opposition to a cashless society did feature as a policy of the political party Reform UK⁴².

We also took into account that the Segment on *The Live Desk*, 7 July 2023 was part of a broadcast campaign associated with GB News’ wider campaign and Petition, the stated aim of which (as set out on the Petition webpage) was to “call on the Government to introduce legislation to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050” i.e. a campaign calling for legislative change and attempting to influence Government policy.

In addition, in the programme Mark Longhurst raised the prospect of calling for debate in Parliament “to help save the pound in your pocket” given that the Petition had gained over 100,000 signatures. Pip Tomson invited viewers to “get involved” by either using a QR code or browsing to the Petition webpage on GB News’ website. The QR code and then the address of the Petition webpage were prominently displayed on screen for about eight seconds and six and a half minutes, respectively. Further, Liam Halligan closed the Segment by reading out the address to the Petition webpage and calling on the audience to sign it.

Our Decision is that the above factors taken together demonstrate that the issue of whether or not a law should be passed “to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050” is both a matter of political controversy and also a matter relating to current public policy, and therefore the subject of the Campaign concerned a matter which engaged Rules 5.4 and 5.5 of the Code. Indeed, as set out above, the GB News article⁴³ stated that the Campaign was a direct response to the Prime Minister’s recent rejection of a call for the Bill to mandate the acceptance of cash and calls for legislative change, a point which serves to emphasise the politically controversial nature of the Campaign and the fact that it concerns a matter relating to current public policy.

Rule 5.4

Rule 5.4 states that: “Programmes... must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement”.

The person providing the service

Having reached the Decision that the Segment, as part of a broadcast campaign associated with GB News’ wider campaign and Petition, was dealing with a matter of political controversy and a matter relating to current public policy, Ofcom went on to assess whether Rule 5.4 of the Code was engaged on the basis that the content constituted the expressions of views and opinions of the “person providing” the GB News licensed service.

The [Guidance](#) states at paragraph 1.28:

⁴² [The Cash In Your Pocket - reformuk_clone \(archive.org\)](#)

⁴³ See footnote 40.

“‘The person providing the service’ is a concept used in connection with the legal requirements for the licensing and compliance of broadcasting services. In this rule, it refers to the licensee, the company officers and those persons with an editorial responsibility for the service or part of the service rather than, for example, the programme presenter”.

At paragraph 1.29 it states:

“In considering programming under Rule 5.4, Ofcom will consider the available evidence and circumstances to ascertain what the views and opinions of the person providing the service could reasonably be held to be”.

GB News referred to the above provisions of the Guidance as to “the person providing the service”, acknowledging that the Licensee is GB News Ltd.; the company officers are the two directors of GB News Ltd, Mr Angelos Frangopoulos, Chief Executive, and Mr Marc Schipper, Chief Operating Officer; and asserted that those persons with an editorial responsibility for the service or part of the service are Mr Frangopoulos and Mr Michael Booker, Editorial Director.

GB News said the personal views of its company officers and those persons with an editorial responsibility for the GB News service were not a motive or consideration in deciding whether to broadcast the Campaign and that “they were never interviewed about the subject or... on screen to discuss it, so their views, such as they might be, have never been made public”.

The Licensee also said that it had launched the Campaign because it was “an important and valid editorial issue for discussion; because some of our presenters and other staff members felt strongly that they wanted to talk about it and because our audience appeared to believe it was important”. It further set out the specific circumstances in which the Campaign originated, arguing from this that it was clear that the Campaign was never the product of the views and opinions of GB News. In its response to Ofcom’s Preliminary View it said, “Ofcom should explicitly acknowledge and accept the honest narrative provided by GB News in respect of the development of the campaign”.

The Licensee considered that Ofcom’s “narrow interpretation of Rule 5.4.... implies that the very fact that it is broadcasting a campaign calling for viewers to sign a petition is itself evidence that [it] must be offering its own views and opinion” is flawed.

GB News distinguished the application of Rule 5.4 to the Programme from its application in four previous cases, two of which involved officers of the licensees in question taking part in on-screen discussions about important issues, and a third case which involved views expressed on air that clearly aligned to the publicly stated purposes and aims of the licensee, which GB News said “did not happen on GB News”.

In the fourth precedent case, involving REN TV Baltic and Mir Baltic, the Licensee said this involved support of a petition where “there was no doubt that [the licensee’s] actions in organising or supporting the petition were an expression of the ‘views and opinions of the licensee’” and that: “A crucial factor in that case was that the channel’s actions in organising or supporting a petition for more use of the Russian language in Latvia was totally aligned with the channel’s overt purpose of increasing Russian influence in Latvia and other Baltic States. REN/Mir’s whole record of repeated compliance breaches in support of these aims makes this absolutely clear. So in their case, there was no doubt that their actions in organising or supporting the petition were an expression of the ‘*views and opinions of the licensee*’” [Licensee’s emphasis]. In its response to Ofcom’s Preliminary View it said that in this fourth precedent case, “a Russian-funded broadcaster was planning and implementing a campaign with the clear aim of undermining an independent state” and that this

was “not remotely comparable” to the actions of GB News, reiterating that its Campaign had arisen “organically by discussion among the editorial staff and through viewer response”.

While Ofcom has regard to relevant previous decisions, Ofcom considers each case on its own facts and context. As noted above, Paragraph 1.28 of the Guidance is clear that the person providing the service refers to “the licensee, the company officers and those persons with an editorial responsibility for the service or part of the service”. The corporate entity, GB News Ltd, is clearly the licensee of this service. In accordance with paragraph 1.29 of the Guidance, we considered whether the stated aim of the Campaign Petition and the related arguments in favour of it, as presented in the Programme, could reasonably be held to be the views of the Licensee and/or the persons with overall editorial control for the service. As set out above, GB News, the Licensee: firstly, organised the Petition, placing and promoting it on its website, and then also broadcast references to the Campaign in the Programme, consistently referring to it as a GB News campaign or “*our petition*”; and secondly, did so with the stated aim of influencing UK Government policy through a call to action to GB News’ viewers to sign the Petition available on the Licensee’s website. It was clearly evident from the Programme that the Campaign was GB News branded and expressing the view of the Licensee on this matter.

We also took into account the visual and spoken references to GB News in the Segment. Pip Tomson, in introducing the Segment, said “*Don’t Kill Cash*” was “*GB News’s new campaign*” which the audience would probably have heard about “*because we’ve been talking about it all week*”. Liam Halligan referred to it as one of several other campaigns that “*GB News*” had launched (“*So why did we launch this campaign here at GB News? We’ve had campaigns in the past. We had campaigns to scrap the VAT on fuel bills...*”). He also referred to the care with which the Campaign had been launched: “*...we at GB News know, we don’t just launch these campaigns willy nilly. We’ve done a lot of political research. There are senior politicians across the Commons from all parties who back this campaign*”. In addition, the on-screen graphics pointing to the Petition on the GB News webpage “*www.gbnews.com/cash*” showed an image of that webpage and had the header “*GBN CAMPAIGN*”, while the strapline read, “*Sign the GB News petition: www.gbnews.com/cash*”. The Campaign Logo was also displayed on screen. Therefore, the Campaign was consistently referred to as having been organised and endorsed by GB News i.e. the Licensee and the service on which the statements were appearing. The Licensee also confirmed that this was the case.

While the various arguments in favour of cash were voiced by the two presenters of the programme and the GB News’ Economics and Business Editor, they were participating in a GB News-branded campaign that had been running across its broadcasts and in co-ordination with its website, which in particular featured the Petition, for the past four days. We also took into account that the Campaign had been launched by the Licensee after careful consideration of the political context in which it was going to run it (including the extent of possible senior cross-party support) and, according to the online article of 3 July 2023, expressly in response to the fact that two weeks prior to its launch of the Campaign Prime Minister Rishi Sunak had “refused to look at amending legislation to ensure that businesses would be legally required to accept cash as a method of payment”. The article stated that this was “why the People’s Channel is now taking up the mantle of fighting to save the future of our cash”⁴⁴. This reason was restated by Dan Falvey, GB News’ Head of Digital News, in *Britain’s Newsroom*, GB News on 4 July 2023 at 09:51:

⁴⁴ See footnote 40.

“And this all started really just a couple of weeks ago. Rishi Sunak was asked in the House of Commons by a Conservative MP, would he help ensure that cash continue to have to be accepted by businesses to help the elderly, the vulnerable, those who don’t have access to bank accounts. And he said, ‘this is up to individual businesses and for individual businesses to decide’. And we at GB News said, ‘That’s not enough. That’s not [inaudible] enough. We need to take action on this’”.

In this context the Licensee launched and heavily promoted a GB News-branded Campaign, in a co-ordinated manner across its schedule of broadcasts, to put pressure on Parliament to change the law. We therefore considered that the call to action could reasonably be considered to constitute a reflection of the viewpoint of the Licensee (i.e. GB News Ltd). Having assessed the available evidence and circumstances, we took the view that it was reasonable to consider that the Licensee and/or those with editorial responsibility for the service made a conscious decision to actively promote the Campaign and held the view that a law should be passed “to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050”.

We note that Ofcom’s Decision that a breach of Rule 5.4 had occurred in the REN TV Baltic and Mir Baltic case was on the basis that: a) “the content... was made and broadcast entirely on [the licensee’s] own initiative”; and b) “this material was a call to action to viewers... to sign a petition to trigger a referendum concerning... a major matter of political controversy or a matter relating to current public policy”. A similar basis applies in the present case. We considered, therefore, that the discussion and promotion of the Campaign in *The Live Desk*, 7 July 2023 clearly constituted expressions of the views and opinions of the person providing the service on a matter of political controversy and a matter of public policy, contrary to Rule 5.4.

We have taken careful account of the broadcaster’s right to freedom of expression and the audience’s right to receive information and ideas. However, this right is not absolute. The restrictions on the right to freedom of expression constituted by this section of the Code and Ofcom’s enforcement of it are with the aim of guarding against individuals or organisations using broadcasting platforms to unduly influence political discourse and democratic debate, and reflect statutory requirements put in place by Parliament. For the reasons set out above, and taking into account all relevant contextual factors, our Decision is that the Licensee expressed its views and opinions on a matter of political controversy and a matter relating to current public policy. In the circumstances, Ofcom’s Decision is that there was a breach of Rule 5.4.

Rule 5.5

Rule 5.5 states that: “Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service... This may be achieved within a programme or over a series of programmes taken as a whole”.

As set out above, we considered that the discussion of the Campaign regarding whether or not a law should be passed “to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050” covered a matter of political controversy and matter relating to current public policy, and therefore Rule 5.5. was engaged.

Ofcom went on to assess whether due impartiality was achieved on this matter, within the Programme or over a series of programmes taken as a whole. Section Five defines ‘series of programmes taken as a whole’ as “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 include, for example, 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”. The Guidance goes on to explain that linked programmes that make up a series should be broadcast when it is likely that those who watched the first programme can choose to watch the second programme⁴⁵. Ofcom has previously made clear that broadcasters cannot preserve due impartiality by relying on what is broadcast across their service as a whole⁴⁶. Where a broadcaster aims to achieve due impartiality across a series of editorially linked programmes dealing with the same subject matter, this should normally be made clear to the audience on air.

In this case, GB News said the “short conversation” in the Segment “concentrated on the concerns and problems of ordinary people faced with the steady disappearance of cash from shops and elsewhere”. It said it “touched on the wider issue of ‘the march of tech’ and the danger that many people in the UK might be ‘left behind’”. It also said that the programme was “consistent with our view that the issue is an important and interesting talking point but not a matter of ‘policy’ – certainly not yet – or ‘political or industrial controversy’”. The Licensee added that it did not believe “there was a particular need [for *The Live Desk*, 7 July 2023], to introduce an opposing point of view”.

In this instance, Ofcom considered that the discussion in the Segment was clearly introduced to viewers by Pip Tomson as being about “‘Don’t Kill Cash’... GB News’s new campaign”. This was echoed by GB News’ Economics and Business Editor Liam Halligan, who referred to it as one of other campaigns that “GB News” had launched, and he also said “we at GB News” launched campaigns after careful consideration. In addition, the on-screen graphics pointed to the Petition at “www.gbnews.com/cash”, showed an image of this webpage and had the header “GBN CAMPAIGN”, while the strapline read, “Sign the GB News petition: www.gbnews.com/cash”.

Mr Halligan and the presenters then went on to voice various arguments which supported the Campaign’s position in favour of maintaining access to and the use of cash. These included that:

- “over one million people” do not have bank accounts;
- many people do not have smart phones;
- it was inconvenient and “a nightmare” that many UK car parks no longer accept cash payments and therefore in order to pay, users needed to have a Wi-Fi connection and download one of several different applications to a smart phone;
- “powerful vested interests...want to shift us away from cash”;
- “big tech companies...want to monitor all spending” to sell information on it to “other third party marketing companies” who use it to track people and promote products to them on social media;
- the move by the Rail Delivery Group away from ticket offices to ticket machines instead was difficult for visually impaired people;

⁴⁵ Paragraph 1.40.

⁴⁶ See for example Ofcom’s [decision in relation to Various programmes on the RT service](#), and R (Autonomous Non-Profit Organisation TV-Novosti) v Ofcom [2021]EWCA Civ 1534

- it is easier to budget using cash;
- cash is a more meaningful means of giving children pocket money and money as a gift;
- five million people, many of whom had lower income and were from more vulnerable households, rely on cash daily; and
- cash was still used for six billion transactions per year in the UK.

We considered whether, during the discussion, there were any comments which indicated an alternative view to that of the Campaign. Ofcom acknowledged Mark Longhurst’s statement that *“... it is a commercial decision by businesses because it actually costs them less for us to use our cards, than it does for them to process cash?”*.

Liam Halligan added:

“If you're a big retailer, you spend a lot of money, a lot of banking charges on cash handling. You know, the guys... Securicor people with the... protective headgear and the coshes and all the rest of it. It costs a lot of money to handle and move cash around, it costs a lot of money to account for cash. So if you can get away with people just going [makes a card swiping gesture and a buzz sound] using their debit card...then you will”.

We considered that these comments did indicate, to a limited extent, a different perspective to that of the Campaign. However, in the context of a discussion which was overwhelmingly in favour of maintaining access to and the use of cash, they were very fleeting and were raised as part of a chain of thought in favour of the launch of the Campaign in which the perspective of *“a big retailer”* was negatively characterised by Liam Halligan, together with *“surveillance capitalism”* by *“big tech companies”*, as that of *“powerful vested interests who want to shift us away from cash”*. Instead, as might be anticipated in the context of a self-styled *“campaign”*, the views expressed in the programme were almost exclusively framed in favour of the Petition’s agenda and we did not identify any other alternative views on protecting access to cash in the discussion or in the Programme as a whole.

The Licensee’s response to Ofcom’s Preliminary View said that the above reasoning *“disregarded”* Mark Longhurst’s and Liam Halligan’s comments, and these were *“a clear explanation of the arguments in favour of cashless transactions”*. We disagreed. We took account of these comments but, for the reasons outlined above, we did not consider that they sufficiently provided alternative views in the context of the Programme.

Ofcom’s Guidance on Rule 5.5 states that the preservation of due impartiality does not require a broadcaster to include every argument on a particular subject or to provide, in each case, a directly opposing argument to the one presented in the programme⁴⁷. However, it also states that while current affairs programmes are able to explore and examine issues and take a position even if that is highly critical, a broadcaster must maintain an adequate and appropriate level of impartiality in its presentation of matters of political controversy⁴⁸. Ofcom therefore considered that in this case, in

⁴⁷ Paragraph 1.32, Guidance Notes to Section Five.

⁴⁸ Paragraph 1.34, Guidance Notes to Section Five.

order to maintain due impartiality, the broadcaster was obliged to include some reference to alternative views, without necessarily discussing every argument on the matter. Mark Longhurst's comment about the incentive for businesses to move away from processing cash was, in our view, very fleeting, was deployed in order to support the argument being made (rather than to explain the basis for an alternative perspective) and was insufficient to preserve due impartiality in the circumstances.

GB News argued that "on this particular subject we do not believe there is a valid alternative perspective", and, "given the context and circumstances... there was no reason or requirement to introduce alternative opinions just for the sake of it".

We disagreed. There was a clear alternative perspective to which the Campaign was launched in opposition. As set out above, in a Westminster Hall debate on 20 March 2023, Andrew Griffith, Economic Secretary to the Treasury, responding to the debate on behalf of the UK Government argued that cash: is expensive to handle; can be subject to theft and can make businesses — particularly small businesses in the rural areas — feel vulnerable; has a higher carbon footprint than digital forms of currency; and can be "less convenient when someone is fumbling around and does not quite have the right change". The Government's position was summarised in its written response to the e-petitions which had triggered the debate and reiterated by Rishi Sunak at Prime Minister's Questions on 21 June 2023, when he rejected a call for the Financial Services and Markets Bill to mandate the acceptance of cash. This was reported by various media outlets at the time, including GB News which stated that, in response, it had launched the Campaign⁴⁹.

Further, as previously set out, given that the Programme promoted the Campaign which related to a matter of political controversy and current public policy, it engaged Rule 5.5 and was required to preserve due impartiality. Therefore, the Licensee needed to include sufficient reference to alternative views on the matter in the Programme.

Ofcom considered therefore that: the subject was not uncontroversial; alternative views were available; and that, in order to maintain due impartiality in the programme, we would have expected some of these views to have been reflected in the Programme in some form.

GB News said in its representations that: "Ofcom repeatedly emphasises that editorial decisions are a matter for each broadcaster"; "there is no justification for Ofcom to use its strong powers of intervention to second-guess GB News's editorial decision making"; "GB News was entitled to take the editorial decisions that it did"; and that it did not believe "there was a particular need [for *The Live Desk*, 7 July 2023] to introduce an opposing point of view... That was an editorial decision which was a legitimate one for GB News to take". In its response to Ofcom's Preliminary View, the Licensee added that Ofcom had "never spelt out quite what Due Impartiality means in practice" and that Ofcom "habitually substitutes its own judgement for that of the broadcaster" in such matters. It also said that previous cases that Ofcom had assessed made clear that "a modest exposition of an alternative view – certainly not requiring anything like 'balance', - would be enough or 'Due' for the purposes of compliance". It added that the Programme had provided such.

Ofcom is acutely aware of the importance of respecting the editorial freedoms of broadcasters, including their right to discuss and debate matters of public interest and concern and also to express

⁴⁹ See footnotes 38 to 40.

strong or forthright opinions on these subjects. Nevertheless, broadcasters are still obliged by Rule 5.5 to preserve due impartiality on matters of political or industrial controversy and matters relating to current public policy. Our Guidance to Section Five states that it is an editorial matter for the broadcaster as to how they achieve compliance with this Rule. The Guidance provides a list of examples of editorial techniques broadcasters might consider employing⁵⁰.

In this case we considered that GB News did not employ editorial techniques which sufficiently presented alternative views on the issue of maintenance to cash, including whether to mandate its acceptance as a means of payment. Further, the fact that the Programme and the Licensee encouraged its audience to intervene directly in a political process by signing the Petition as part of the Campaign meant that GB News needed to give even more careful consideration to how to preserve due impartiality in its programming.

To be clear, Ofcom is not “second guessing” GB News’ editorial decision making or seeking to “substitute” our judgement for that of the broadcaster. Our role is to examine the content as broadcast and assess whether due impartiality has been preserved in the programme. We have taken careful account of the broadcaster’s right to freedom of expression. However, this right is not absolute. While GB News is free to discuss matters relating to maintaining access to cash and whether to mandate its acceptance, this must be done in compliance with Section Five of the Code. The restrictions on the right to freedom of expression constituted by this section of the Code and Ofcom’s enforcement of it are with the aim of guarding against individuals or organisations using broadcasting platforms to unduly influence political discourse and democratic debate, and reflect statutory requirements put in place by Parliament.

We have taken this into account along with all the relevant contextual factors. For the reasons set out above, our Decision is that the Licensee failed to preserve due impartiality in *The Live Desk*, 7 July 2023, in breach of Rule 5.5.

Precedent cases

Finally, GB News also referred to previous broadcast campaigns for which no breach of Rules 5.4 or 5.5 had been recorded, arguing that “‘campaigning’ on matters of importance to viewers has been a routine part of the UK broadcast environment for many years and has taken place without any intervention at all from Ofcom... because there is nothing in the Ofcom Broadcasting Code that prevents it”.

We agree that there is nothing in the Code which prohibits broadcasters from promoting or endorsing campaigns on matters which they consider to be of interest or concern to their viewers. However, any such campaigns must still comply with the broadcaster’s obligations under Section Five of the Code. In this case, we do not agree that the specific cases cited by the Licensee in its response on this point support its argument that Rules 5.4 and 5.5 were not engaged here.

Of the previous broadcast campaigns to which GB News referred, we had investigated⁵¹ content related to the *Make debates happen* campaign on Sky News and found it fell within one of the

⁵⁰ Paragraph 1.37, Guidance Notes on Section Five.

⁵¹ Our “Not in breach” decision is listed in the [Broadcast and On Demand Bulletin](#), Issue 409, 24 August 2020

exemptions in Rule 5.4 in that particular case, i.e. we considered that the licensee was giving its views and opinions in relation to the provision of programme services.

We had also assessed various pieces of content related to the opposition of racism in football with reference to Rule 5.4, including the Black Lives Matter/Kick it Out campaign conducted by Sky Group in 2021. We considered that, on the facts of that particular programming and in the context of the time at which it was broadcast, the content related to encouraging individuals in tackling racism and did not support any particular political aims. In the circumstances, we considered that the programming did not concern a matter of political or industrial controversy and did not raise issues warranting investigation.

The remaining campaigns to which the Licensee referred involved calling on viewers to: decarbonise their lifestyles; support fundraising for the NHS; give time to various charitable causes; and support “‘good works’ campaigns”. We did not receive complaints about specific content in these cases and did not assess the related broadcast content (which is now historic) for its compliance with Rules 5.4 and 5.5, nor did we consider it appropriate to open investigations in relation to any of these campaigns for any other reason.

In its response to Ofcom’s Preliminary View the Licensee said that it was “hard to see how [the Black Lives Matter/Kick it Out campaign] was somehow less ‘political’ than GB News’ [Campaign]”. Notwithstanding that Ofcom considered that the former campaign as referred to in broadcasts at the time was apolitical, it is also clearly differentiated from GB News’ Campaign in so far as, unlike the Campaign, it did not involve a petition which called on the Government to make specific legislative change.

Given that we considered that both the *Make debates happen* campaign and the Black Lives Matter/Kick it Out campaign were distinguished from GB News’ Campaign – one relating to programme services, the other being apolitical – we disagreed with the Licensee’s argument that Ofcom had been unfair and inconsistent in its application of Rule 5.4.

Conclusion

We took into account GB News’ comments that: finding the Programme in breach of Rule 5.4 would be an “unjustifiable restriction on GB News’ legal rights to freedom of speech and freedom of broadcast”; that the Campaign was “highlighting to its viewers something they already know, that a cashless society would be disadvantageous to some people” and did not represent a “recognisable public threat” such that the inclusion of an alternative view was required, or intervention by Ofcom justified; and that, in its view, as the Campaign was “no longer active”, there was “no potential harm to an audience”.

We consider that our Decision meets the requirements of Article 10(2) of the European Convention of Human Rights, as being prescribed by law, in the pursuit of a legitimate aim and, in particular, that a positive finding of breach is necessary and proportionate in these circumstances. The Act and the Code as set out above are the applicable law for the purposes of Article 10(2). All Ofcom’s licensees must comply with the Act as implemented by the Code and are aware of these obligations. The legitimate aim pursued by the Act and the Code is protecting the rights of others, specifically by aiming to maintain fair and equal democratic discourse on influential media platforms to the benefit of society generally, protecting audiences from harmful partial broadcast news by ensuring the availability of accurate and impartial news services, and ensuring that a range of viewpoints are received by viewers who may then participate on an informed basis in democratic processes. As

noted in the White Paper and by the Divisional Court in 2020⁵², the requirements of due impartiality seek to ‘ensure that the broadcast media provide a counter-weight to other, often partial sources of news. They therefore contribute significantly to properly informed democratic debate’.

In considering the proportionality of our Decision, and whether it is justifiable to intervene in this case, the merits of the Campaign itself are not a relevant consideration for Ofcom. The law applies equally to all campaigns and programming about matters of political or industrial controversy or matters relating to current public policy which is contained in licensed services. In particular, we note that the rule against the expression of views of the person in Rule 5.4 is subject only to two exceptions – when that person is speaking in a legislative forum or in a court of law, or if the views or opinions are related to the provision of programme services. The general nature of the standard in Rules 5.4 and 5.5 is considered essential for the statutory scheme to work effectively and in order to achieve the legitimate aim outlined above. The due impartiality standard cannot reasonably be applied depending on subjective assessments of a campaign’s societal value or depending on whether many people might take a sympathetic or benign view of its premise and objectives⁵³.

As set out in detail above, we consider that the Campaign dealt with a matter of political controversy and a matter of current public policy, engaging Rules 5.4 and 5.5. The discussion and promotion of the Campaign in the Programme clearly constituted expressions of the views and opinions of the person providing the service on a matter of political controversy and a matter of current public policy, contrary to Rule 5.4. In addition, we consider that GB News did not sufficiently present alternative views on this matter such as to preserve due impartiality in its programming, contrary to Rule 5.5.

We consider that Ofcom’s duty to uphold standards protecting audiences from harm is central to our role as a broadcast regulator. It is important that we apply the due impartiality standard in a consistent and objective manner, to ensure fairness and maintain audiences’ trust and public confidence in the UK broadcasting regime and to avoid the risk that democratic debate would become distorted if partial programming was permitted to be broadcast by licensed services. We did not consider that the arguments raised by GB News about the particular nature and objective of this Campaign which featured in this programme meant it would be appropriate to make an exception to the application of Rules 5.4 and 5.5 in this case. We therefore considered that it was necessary and proportionate to find a breach in these circumstances.

Breaches of Rules 5.4 and 5.5

⁵² *R (on the application of Autonomous Non-Profit Organisation TV-Novosti) v Ofcom* [2020] EWHC 689 (Admin), paragraph 22.

⁵³ The point made by Lord Bingham in *R (Animal Defenders) v Secretary of State for Culture, Media & Sport* [2008] 1 AC 1312 at [33]: “A general rule means that a line must be drawn, and it is for Parliament to decide where. The drawing of a line inevitably means that hard cases will arise falling on the wrong side of it, but that should not be held to invalidate the rule if, judged in the round, it is beneficial.”

Annex A: GB News programmes which referred to the Campaign in the period 3 to 7 July 2023 inclusive

3 July 2023

1. *Patrick Christys*, 15:00
2. *Dewbs & Co*, 18:00
3. *Farage*, 19:00 (presented by Patrick Christys)
4. *Dan Wootton Tonight*, 21:00

4 July 2023

5. *Farage Replay*, 00:00 (presented by Patrick Christys)
6. *Dan Wootton Tonight Replay*, 03:00
7. *Britain's Newsroom*, 09:30
8. *The Live Desk*, 12:00
9. *Patrick Christys*, 15:00
10. *Farage*, 19:00 (presented by Patrick Christys)

5 July 2023

11. *Farage Replay*, 00:00 (presented by Patrick Christys)
12. *Britain's Newsroom*, 09:30
13. *The Live Desk*, 12:00
14. *Patrick Christys*, 15:00
15. *Dewbs & Co*, 18:00
16. *Farage*, 19:00 (presented by Patrick Christys)

6 July 2023

17. *Farage Replay*, 00:00 (presented by Patrick Christys)
18. *Breakfast with Eamonn & Isabel*, 06:00
19. *Britain's Newsroom*, 09:30
20. *The Live Desk*, 12:00
21. *Patrick Christys*, 15:00
22. *Farage*, 19:00 (presented by Patrick Christys)

7 July 2023

23. *Farage Replay*, 00:00 (presented by Patrick Christys)
24. *Breakfast with Stephen & Anne*, 06:00
25. *Britain's Newsroom*, 09:30
26. ***The Live Desk*, 12:00**
27. *Patrick Christys*, 15:00
28. *Mark Dolan Tonight*, 21:00

Key

Underlined programmes were repeats.

Programme in **bold** is the subject of this Decision.