



GIBRALTAR REGULATORY  
AUTHORITY

# **Code of Standards for TV and radio programmes in relation to European Parliamentary Elections**

Issued under section 7(1) of the European  
Parliamentary Elections Act 2004

Date 18<sup>th</sup> April 2019

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# FOREWORD

*A code setting the standards to be observed for programmes to be included in television and radio services in relation to the European Parliamentary elections 2019.*

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## **1. Legislative basis**

Under section 7(1) of the European Parliamentary Elections Act 2004 (the "Act"), the Gibraltar Regulatory Authority (the "Authority"), has a statutory duty to draw up, and from time to time review and revise, a code setting the standards to be observed for programmes to be included in television and radio services in relation to European Parliamentary elections (the "Code").

## **2. Jurisdiction**

This Code shall apply to all broadcasters of television and radio services under the jurisdiction of Gibraltar.

## **3. Complaints**

Political parties and individual candidates that are standing for the European Parliamentary Elections and believe the broadcaster's allocation process has not complied with the requirements of this Code are entitled to make a complaint.

Viewers and listeners who believe the programme material broadcast has not complied with the requirements of this Code are also entitled to make a complaint.

Further information on how to make a complaint is set out in our "Guidelines for handling complaints about the observance of the Code of Standards in relation to European Parliamentary Elections" which is available on our website, [www.gra.gi/broadcasting](http://www.gra.gi/broadcasting).

## **4. Impartiality**

The Act requires the Authority to set standards in order to secure that programmes included in television and radio services are presented with accuracy and due impartiality as respects matters of political controversy or relating to current public policy. It must also set standards in order to ensure that programmes included in television and radio services do not give undue prominence to the views and opinions of particular persons and bodies in relation to matters of political controversy and current public policy.

Any mistakes that occur in any programme included in a television and radio service should be corrected as quickly as possible and an apology broadcast where appropriate. A right of reply should be offered to a relevant person or persons if the broadcaster feels that fairness and impartiality and/or the need to avoid undue prominence merit such a step.

Matters relating to current political issues and current public policy which are subject to opposing points of view should be regarded as "controversial". Not every topic where differences of opinion exist will be regarded as "controversial". However, such matters would in most circumstances include, for example, Gibraltar's role in the European Union, relations with Spain, or significant legislation currently passing through the Gibraltar Parliament.

In dealing with matters of controversy, the broadcaster must ensure that justice is done to a full range of significant views and perspectives during the period in which the controversy is active.

The term 'due' should be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. However, while the broadcaster should deal even-handedly with opposing points of view in the arena of democratic debate, it does not mean that 'balance' is required in any simple mathematical sense or that equal time must be given to each opposing point of view.

Opinion should be clearly distinguished from fact. Judgement will always be called for.

Individual contributors may put forward what may be a personal or subjective view, or such views may be reflected in a programme. Individual presenters, hosts or chairmen of discussions may only express their views on matters of political controversy or public policy if an appropriate and adequate response from others, given with equivalent force, is clearly available. It is for the broadcaster, to ensure that such views are clearly seen to be personal views and not the views of the broadcaster; it is for the broadcaster to ensure that the service it provides deals fairly with matters of political controversy, or current public policy.

## **5. Impartiality over time**

There are times when the broadcaster will need to ensure that the principal opposing viewpoints are reflected in a single programme or programme item, either because it is not likely that the broadcaster will soon return to the subject, or because the issues involved are of current and active controversy. At other times, a narrower range of views may be appropriate within individual programmes. The Authority recognises that such issues call for editorial judgement based on the particular circumstances and that an impartial programme service does not necessarily have to ensure that in a single programme, or programme item, all sides have an opportunity to speak.

## **6. Advertising**

Section 7(2)(b) of the Act prohibits advertising, in television or radio services, inserted by or on behalf of a body whose objects are wholly or mainly of a political nature, or an advertisement which is directed towards a political end.

## **7. The 'series' provision**

The provisions of the Act in relation to impartiality allow a series of programmes to be considered as a whole. For this purpose, a series of programmes means programmes broadcast consecutively (usually not more than a week apart and at a time when comparative numbers of people are likely to be watching) each one of which is clearly linked to the other(s) and which deal with the same or related issues.

It is not sufficient to claim that programmes on other channels or other media will ensure that opposing views will be heard.

Some series consist of programmes broadcast at regular intervals under the same title, but which may deal with widely disparate issues from one edition to the next. In this case, each programme should normally aim to be impartial in itself. Alternatively, producers may choose to deal with the same subject over two or more programmes or, for instance, offer separate in-depth interviews to the leaders of political parties or independent candidates and in this way achieve impartiality over time.

The intention to achieve impartiality in this way should be planned in advance and, wherever practicable, made clear to viewers.

## **8. News**

In addition to the general requirements relating to matters of political or industrial controversy or current public policy, the Act requires that any news, given in whatever form, must be presented with due accuracy and impartiality.

Reporting should be dispassionate and news judgements based on the need to give viewers an even-handed account of events. In reporting on matters of industrial or political controversy, the main differing views on the matter should be given their due weight in the period during which the controversy is active. Editorial discretion will determine whether a range of conflicting views is included within a single news item or whether it is acceptable to spread them over a series of bulletins.

Any mistakes that occur should be corrected as quickly as possible and an apology broadcast where appropriate. A right of reply should be offered to a relevant person or persons if the broadcaster feels that fairness and impartiality and/or the need to avoid undue prominence merit such a step.

## **9. Interviews and discussions on controversial topics**

The broadcaster should be straightforward and fair in its dealings with participants in programmes falling within the scope of this Code.

The broadcaster must ensure that an interviewee chosen as a representative of a party is in a position to speak on behalf of its members or supporters. Such persons should be informed of the way in which the interview will be used, whether live or recorded, and whether it may be edited. An interview, or an edited version of an interview, must not be broadcast in a way which misrepresents an interviewee's contribution.

Sometimes, interviewees will seek to impose their own conditions on the conduct and use of an interview. Such requests are not improper in themselves, but care should be taken to ensure

that what is included in the programme is determined by editorial criteria and not as the result of pressure.

In programmes dealing with political issues the participants do not necessarily have to be speakers from the main political parties. The obligation to ensure due impartiality relates to issues, not to parties, and some important issues do not divide opinion along existing party lines. Indeed, there are occasions when it is preferable to confine discussion to representatives of only one party; the opportunity can be taken to investigate a particular approach to an issue in depth, provided that overall in a series of programmes impartiality is maintained.

## **10. Politicians in presentation roles and non-political programmes**

Programmes in which politicians and other activists in fields of political controversy appear outside their normal political role present different problems. Care and discretion are required over the use of such persons to produce or present programmes. Because of the need to preserve due impartiality, no currently active politicians should appear as newscasters, interviewers or reporters in any news programme, unless their use can be clearly justified, in which case their party allegiance should be identified clearly.

Care should be taken in making use of active politicians and political activists to present other programmes, such as studio discussions or current affairs programmes. Impartiality will normally require that such presenters are drawn from a wide political spectrum.

Appearances by candidates in European Parliamentary elections as newsreaders, interviewers or presenters of any type of programmes should cease for the election period.

## **11. Political Broadcasts**

The Act requires the Authority to ensure that political broadcasts are included by any broadcaster.

The precise allocation of broadcasts is the responsibility of the broadcaster. Unresolved disputes between the broadcaster and the relevant political party, as to the length, frequency, allocation or scheduling of broadcasts, should be referred by the party or the broadcaster to the Authority.

## **12. Length of political broadcasts**

Television political broadcasts shall not exceed 5 minutes.

Radio political broadcasts shall not exceed 2 minutes 30 seconds.

## **13. Allocation of political broadcasts**

During the campaign period, parties will be offered a series of broadcasts in accordance with the following provisions.

Broadcasters are required to take decisions about allocations of party electoral broadcasts by reference to evidence of past electoral support and/or current support.

All parties will be offered a minimum of **ONE** broadcast and will qualify for additional broadcasts based on the additional criterion.

#### Threshold Criterion

Political parties which are standing a full or substantially<sup>1</sup> full list of candidates in each and every region in England will qualify for a minimum of **ONE** broadcast.

#### Additional Criterion

Political parties which meet the threshold criterion will qualify for additional broadcasts if they can demonstrate substantial levels of past and/or current electoral support at a national level.

Note: For detailed guidance, as well as past results, on European elections in England, and in particular for the South West Region, please see Appendix.

### **14. Scheduling of political broadcasts**

Election broadcasts must be carried in peak-time, with the precise time of the broadcast decided by the broadcaster.

### **15. Content of political broadcasts**

Editorial control of the content of political broadcasts normally rests with the originating political party. However, broadcasters are responsible to the Authority for ensuring that such broadcasts do not cause offence to good taste and decency. Broadcasters are recommended to seek an indemnity from the parties against defamation, breach of copyright and similar legal risks. Broadcasters should issue parties with general guidelines on the acceptability of content and technical matters.

### **16. Programmes at the time of elections**

There is no expectation that the time devoted to all parties and candidates in a European Parliamentary election will be equal. The broadcaster must exercise its judgement on this issue.

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<sup>1</sup> 'substantially' is designed to address the situation where a party intended to stand a full list but at a late stage failed to do so for example because a candidate had to withdraw.

Due impartiality must be strictly maintained in the coverage of any European Parliamentary Election campaign. If any candidate takes part in an item, then candidates of each of the parties should be offered the opportunity to take part.

Minor parties vary widely. Relevant factors to take into account in deciding how much coverage a party should get are significant levels of previous electoral support, evidence of current support and the number of candidates being fielded.

Independent candidates must also be considered using the same criteria as for minor parties and this ought to be reflected in the coverage.

Discussion and analysis of election issues should finish when the polls open. The broadcaster may not publish the results of any poll it has commissioned or undertaken on polling day itself, until the close of the poll.

For the purposes of this Code, "close of the poll" means, in the case of a general election of MEPs, the close of the polling in the Member State whose electors are the last to vote in the election.

## Appendix

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### European Parliamentary Elections for the South West region

#### Party coverage

The level of coverage given to political parties in each electoral area should reflect levels of past and/or current electoral support. In considering this, the following factors should be taken into account:

- their performance at the last equivalent election (i.e. the 2014 European election) in terms of representation and share of the vote.
- their performance in subsequent elections, where relevant.
- other evidence of current electoral support<sup>2</sup>.
- the number of candidates they are fielding in the election.

#### Past Results

These are the results for the 2014 and 2009 European Parliamentary elections in England:

	2014		2009	
England <sup>3</sup>	%	MEP	%	MEP
Conservative	24.9	17	29.0	23
Labour	25.2	17	15.1	10
Lib Dem	7.0	1	14.1	10
UKIP	29.2	22	17.6	12
Green	8.0	3	8.9	2
Others / Ind	4.5	0	15.3	2

Below are the results for the leading parties at the 2014 and 2009 European election for the South West region:

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<sup>2</sup> Electoral support data: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0018/144531/evidence-past-current-electoral-support-european-elections-may-2019.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0018/144531/evidence-past-current-electoral-support-european-elections-may-2019.pdf)

<sup>3</sup> Data obtained from [https://www.ofcom.org.uk/data/assets/pdf\\_file/0017/112094/evidence-past-current-electoral-support-may-elections-2019.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0017/112094/evidence-past-current-electoral-support-may-elections-2019.pdf)

# SOUTH WEST REGION

Turnout 2014: 36.9%

Party	2014			2009		
	Votes	%	MEPs	Votes	%	MEPs
<b>UK Independence Party</b>	484,184	32.29	2	34185	22.1	2
<b>Conservative</b>	433,151	28.89	2	468742	30.2	3
<b>Labour</b>	206,124	13.75	1	118716	7.7	0
<b>Green</b>	166,447	11.10	1	144179	9.3	0
<b>Liberal Democrat</b>	160,376	10.70	0	266253	17.2	1
<b>An Independence From Europe</b>	23,169	1.55	0	0	0	0
<b>English Democrats</b>	15,081	1.01	0	25313	1.6	0
<b>British National Party</b>	10,910	0.73	0	60889	3.9	0

## Elected Members 2014

CON	Ashley Fox
CON	Julie Girling
GRN	Molly Scott Cato
LAB	Clare Moody
UKIP	William Dartmouth
UKIP	Julia Reid

Parties shown in alphabetical order

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