

**Administrative Notice:- BC 03/21**

**Date 28/05/2021**

## **Administrative Notice with respect to Political Advertising in the Referendum Campaign**

This Notice is issued in accordance with s13(1) of the Broadcasting Act 2012 and sets out the Gibraltar Regulatory Authority's position in relation to political advertising in television and radio services.

### **1. Title**

- 1) This Notice may be cited as the Broadcasting (Political Advertising) Referendum Campaign Notice 2021.

### **2. Object and Effect of this Notice**

- 1) On 14<sup>th</sup> May 2021, the Government of Gibraltar published the Crimes (Amendment) Act Referendum Regulations 2021 (the "Regulations"). These Regulations apply in relation to the referendum being held on 24 June 2021 pursuant, to the Order for a Referendum issued on 14 May 2021 on the question of whether the Crimes (Amendment) Act 2019, that defines the circumstances which would allow abortion in Gibraltar, should come into force (the "Referendum").
- 2) Regulation 15, together with the Schedule of the Regulations, define Referendum expenses as, expenses *"incurred by or on behalf of any*

*individual, unincorporated association, or body*”, for the purposes of advertising (whatever the medium used), with a view to promote or procure a particular outcome in relation to the question asked in the Referendum, or otherwise in connection with promoting or procuring any such outcome.

- 3) Whilst this may be the case under the Regulations, it is important to note that the Broadcasting Act 2012 (the “Act”), prohibits political advertising in television and radio services.
- 4) Paragraph 1(1) of Schedule 3 of the Act requires that the Gibraltar Regulatory Authority (the “GRA”) establish standards that are to apply to the content of programmes to be included in television and radio services in Gibraltar. In response to the Regulations, on 14<sup>th</sup> May 2021, the GRA published the Code for TV and Radio Programmes in Relation to the Crimes (Amendment) Act Referendum Regulations 2021 (the “Code of Practice”).
- 5) Furthermore, as per paragraph 1(2)(b) of Schedule 3 of the Act, the standards ensure that advertising which is 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, is not included in television or radio services.
- 6) In this context, objects of a political nature and political ends, as stipulated under Schedule 3 3(1) of the Act, includes:
  - a) influencing the outcome of the Referendum;
  - b) influencing public opinion on a matter which, in Gibraltar, is a matter of public controversy; and
  - c) promoting the interests of groups of persons organized in Gibraltar or elsewhere, for political ends.

7) This has been codified under paragraph 8 of the Code of Practice. The Code of Practice can be found on the GRA's website: <https://www.gra.gi>.

**Having considered the Act, the Code of Practice, and the Regulations, the Authority hereby declares that, advertising, falling within the definition of Schedule 3 1(2)(b) and 3(1) of the Act, shall not be permitted in television or radio services in Gibraltar.**

For further information please contact the Gibraltar Regulatory Authority on +(350) 20074636 or [broadcasting@gra.gi](mailto:broadcasting@gra.gi).

**Paul J Canessa  
Chief Executive Officer  
Gibraltar Regulatory Authority**