GIBRALTAR REGULATORY AUTHORITY

STATEMENT TO CONSULTATION

Summary of all relevant stakeholders' views and the GRA's determination regarding the review of the Code on objectivity, impartiality, accuracy and undue prominence.

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FOREWORD

This Statement to Consultation contains all the relevant stakeholders' views on the proposed amendments to the Code on objectivity, impartiality, accuracy and undue prominence.

The GRA has considered all responses to this consultation process and made its determination.

CONTENTS

EXECUTIVE SUMMARY 1

1. INTRODUCTION 2

2. SUMMARY OF RESPONSES AND GRA'S CONCLUSIONS 3

2.3 GRA CONCLUSION TO QUESTION 1 5

2.6 GRA CONCLUSION TO QUESTION 2 9

2.9 GRA CONCLUSION TO QUESTION 3 12

2.12 GRA CONCLUSION TO QUESTION 4 15

3. COMMENTS OUTSIDE OF THE SCOPE OF THE CONSULTATION 16

GBC COMMENTS 16

GRA RESPONSE 16

EXECUTIVE SUMMARY

In accordance with the provisions of Sections 22 and 23, and Schedule 3 of the Broadcasting Act 2012 (the "Act"), the Gibraltar Regulatory Authority (the "GRA") is required to issue codes of practice for the content of programmes included in television and radio services in Gibraltar on matters concerning news, political broadcasts, elections and referendums. The GRA also has a duty to review a code from time to time.

The broadcasting landscape plays a pivotal role in shaping public opinion and fostering informed discourse within society. On 6th September 2021, the GRA, after having consulted with relevant stakeholders, revised and issued Code No. BC06/21 - "Code on objectivity, impartiality, accuracy and undue prominence" (the "Code"). Given the evolving media environment and societal expectations, periodical reviews of the Code are essential to maintain its relevance and effectiveness.

In particular, the matters that needed reviewing were in relation to:

i. "Composition of panels", referring to the assembling of panels for a debate on Controversial Matters or Policy Matters, (pages 16-17 of the Code);

ii. "Political broadcasts not made in relation to any election or referendum", (pages 24-25 of the Code); and

iii. "Political broadcasts made in relation to an election or referendum" (pages 28-29 of the Code).

On 29th May 2024, the GRA published Public Consultation BC03/24 to seek stakeholders' views on proposed amendments to the Code. Written representations were received, and having given the utmost regard to those views, the GRA published Additional Consultation BC01/2025, which included further amendments and provided new reasoning for those changes. Once again, written representations were received leading to the final amendments included in this document. These amendments will now be incorporated into the Code, which will come into effect on 5th March 2026.

The GRA received submissions to both round of consultations from the following respondents:

- Mr James Neish CEO[1] - Gibraltar Broadcasting Corporation ("GBC")
- Dr. Joseph Garcia MP - Gibraltar Liberal Party ("GLP")
- Mr. Keith Azopardi QC MP - Gibraltar Social Democrats ("GSD")

In the interests of best practice and transparency, the GRA sought input from all relevant stakeholders and invited them to make written representations, including all respective leaders of all political parties in Gibraltar. However, the Gibraltar Socialist and Labour Party and Together Gibraltar did not respond to this consultation process.

The GRA thanks all respondents for their submissions. Having considered the views received, the GRA sets out in this document its conclusions.

[1] CEO of GBC at the time of the consultation period.

1. INTRODUCTION

Scope of this review

In accordance with the provisions of Sections 22 and 23, and Schedule 3 of the Act, the GRA is required to issue codes of practice for the content of programs included in television and radio services in Gibraltar, on matters concerning news, political broadcasts, elections and referendums. Central to this role is the adherence to principles of objectivity, impartiality, accuracy, and the avoidance of undue prominence.

The purpose of the two rounds of consultation, (BC03/24 and BC01/25), was to allow stakeholders to put forward any recommendations or comments on the amendments contained in section 2 below. All comments and personal information submitted to the GRA as part of a response to this public consultation were processed in line with the Privacy Notice published on the GRA's website.

Background

The broadcasting landscape plays a pivotal role in shaping public opinion and fostering informed discourse within society. On 6th September 2021, the GRA, after having consulted with relevant stakeholders, revised and issued Code No. BC06/21 - "Code on objectivity, impartiality, accuracy and undue prominence" (the "Code").

However, in recognition of the evolving media environment and societal expectations, it was imperative to review and update the Code to ensure its relevance and effectiveness.

Review of the Code

The GRA has a duty to review the Code from time to time, as per the requirements of Schedule 3 1(1) of the Act, to address the matters highlighted in both rounds of consultations.

The matters which the GRA considered that needed to be reviewed were as follows:

i. "Composition of panels", referring to the assembling of panels for a debate on Controversial Matters or Policy Matters, (pages 16-17 of the Code);

ii. "Political broadcasts not made in relation to any election or referendum", (pages 23-24 of the Code); and

iii. "Political broadcasts made in relation to an election or referendum" (pages 26-27 of the Code).

2. SUMMARY OF RESPONSES AND GRA'S CONCLUSIONS

2.1 Extract from the Code: Standard 3 (Page 16) in respect to composition of panels.

(iv) Composition of panels

When assembling a panel for a debate on Controversial Matters or Policy Matters, a broadcaster must bear in mind the provisions of the Act and the Code and, particularly, the criteria of fairness, objectivity and impartiality.

A broadcaster may invite representatives of political parties and/or independent members of Parliament to form part of a given panel but need not do so. If, however, a broadcaster chooses to invite such representatives, it must decide whether panellists are being invited as:

(a) representing the Government, that is, representing those who occupy the Government benches in Parliament;

(b) representing the opposition, that is, representing those who occupy the opposition benches in Parliament;

(c) representing political parties whether these be represented in Parliament or otherwise but who have put forward candidates at the last general election to the Gibraltar Parliament; or

(d) independent members of Parliament.

The editorial responsibility for the composition of a given panel lies with the broadcaster. As a guideline however, it would be more appropriate for a broadcaster to invite panellists who represent political parties and/or are independent members of Parliament (as opposed to representing the Government or the opposition as the case may be) in a situation where the Government and/or the opposition are comprised of more than one political party and/or independent members and the views of those political parties and/or independent members (as the case may be) differ on the issue or issues that are the subject of the debate.

Proposed amendments to replace the paragraph that follows point *(d)* above

Question 1: Do you object to the Code being changed to reflect the proposed amendment?

Amendment from the first round of consultation:

"The editorial responsibility for the composition of a given panel lies with the broadcaster. In order to avoid undue prominence, it would not be appropriate for a broadcaster to organise a

panel for a debate, of members of different political parties who stood or are standing for election under the same manifesto.

The editorial responsibility for the composition of a given panel lies with the broadcaster. In order to avoid undue prominence, the broadcaster should take care to ensure that panels are appropriately balanced, in order that views can be expressed fairly. Therefore, the broadcaster should, where possible, do its utmost to ensure that the views of multiple parties who stood or are standing for election under the same manifesto, are expressed collectively and not by means of independent representation from each party."

Amendment from the second round of consultation:

"The editorial responsibility for the composition of a given panel lies with the broadcaster. In order to avoid undue prominence, the broadcaster should take care to ensure that panels are appropriately balanced in order that views can be expressed fairly. Unless exceptional editorial reasons dictate otherwise, the broadcaster will consider Members of Parliament on the Government benches who were elected under a single manifesto as a unified government entity. The broadcaster's primary criterion is to ensure a fair balance of all perspectives in any debate.

Furthermore, it would be inappropriate for a broadcaster to organise a panel for a debate featuring candidates from the different political parties who have run or plan to run as an alliance under a shared manifesto.

However, there may be occasions, on certain issues, when such political parties may have divergent or nuanced views. In such instances, the broadcaster should exercise its editorial responsibility and allow such political parties the opportunity to form part of a debate."

2.2 SUMMARY OF STAKEHOLDERS' RESPONSES

Comments from the first round of consultation:

GBC: GBC welcomed the clarification of panels but advocated for clearer language regarding parties standing on a joint manifesto to be treated as one entity. GBC highlighted concerns about panel composition fairness, particularly regarding the representation of parties not in Parliament, which it argued could skew discussions in favour of the GSLP/Liberals.

GLP: The GLP strongly opposed the amendment. It argued that debates between elected MPs and debates between unelected party representatives should remain distinct. It believed the proposal would restrict diversity, discriminate against unelected members, and create unnecessary complications for broadcasters. It added that the current wording of the Code had worked well and should, therefore, remain unchanged.

GSD: GSD supported the change, arguing that it was important in the interest of balance. It added that the existing wording was unfair and could allow for a distorted scenario where two Government voices in a debate against their one could arise. The GSD also argued that when it came to policy, Government parties act as one homogenous unit and are bound by collective responsibility under the Constitution.

Comments from the second round of consultation:

GBC: GBC suggested a minor amendment to replace the word "*should*" to "*may*". This change focuses on the broadcaster's role without implying expectation.

GLP: GLP suggested an amendment in the first paragraph to include "*under a single manifesto*" after the sentence "*or Members of Parliament who form a single parliamentary group on the Opposition benches*". The GLP once again strongly disagreed, arguing that while elected members from different parties running on a joint manifesto were bound by it, non-elected members or supporters were not. These individuals had the freedom to express differing views, and the manifesto should not restrict them. It added that the proposed amended risked suppressing debate, limiting political expression, especially for young people, and potentially violating the constitutional right to freedom of expression in Gibraltar.

The GLP proposed a different wording to replace paragraph 2:

"*In the event that a broadcaster chooses to organise a panel for debate between members or supporters of political parties who are not elected members, two or more of which contested a general election on the same manifesto, the broadcaster shall ensure balance and equality through the numbers on the panel. This balance could be achieved by inviting former MPs of specific political parties to a panel or by extending an invitation to panellists who are known to be supportive of a given shade of opinion*."

GSD: The GSD supported the principle that parties that had stood together as an electoral alliance should be treated as one bloc for the purposes of debates and panels. Although it noted that single issues with differing policy positions may exist, in an alliance these coalesce around a common manifesto. It further added that unless an issue emerged post-election, there should be no erosion of the principle otherwise this would create an imbalance.

2.3 GRA CONCLUSION TO QUESTION 1

Although the GRA agrees with the conceptual principles expressed by the GLP, it is of the view that identifying an individual's political alignment becomes challenging when that person is neither an official party member nor holds a formal position. Without clear indicators of affiliation, any such assessment risks being speculative and potentially unreliable, as it often depends on limited or subjective interpretations of one's opinions or actions. In addition, the phrase "*supportive of a given shade of opinion*" is particularly vague and open to multiple interpretations. In the GRA's view, it does not specify the extent or nature of the support in question, which makes it difficult to draw meaningful conclusions about an individual's political standpoint. This lack of clarity can lead to oversimplified or inaccurate characterisations of a person's beliefs or intentions.

The new wording of Standard 3 (page 16) of the Code, in respect to composition of panels, is as follows:

(iv) Composition of panels

When assembling a panel for a debate on Controversial Matters or Policy Matters, a broadcaster must bear in mind the provisions of the Act and the Code and, particularly, the criteria of fairness, objectivity and impartiality.

A broadcaster may invite representatives of political parties and/or independent members of Parliament to form part of a given panel but need not do so. If, however, a broadcaster chooses to invite such representatives, it must decide whether panellists are being invited as:

(a) representing the Government, that is, representing those who occupy the Government benches in Parliament;

(b) representing the opposition, that is, representing those who occupy the opposition benches in Parliament;

(c) representing political parties whether these be represented in Parliament or otherwise but who have put forward candidates at the last general election to the Gibraltar Parliament; or

(d) independent members of Parliament.

The editorial responsibility for the composition of a given panel lies with the broadcaster. In order to avoid undue prominence, the broadcaster should take care to ensure that panels are appropriately balanced in order that views can be expressed fairly. Unless exceptional editorial reasons dictate otherwise, the broadcaster will consider Members of Parliament on the Government benches who were elected under a single manifesto, or Members of Parliament who form a single parliamentary group on the Opposition benches as a unified entity. The broadcaster's primary criterion is to ensure a fair balance of all perspectives in any debate.

In the event that a broadcaster chooses to organise a panel for debate between members or supporters of political parties who are not elected members, two or more of which contested a general election on the same manifesto, the broadcaster shall ensure balance and equality through the numbers on the panel.

However, there may be occasions, on certain issues, when such political parties may have divergent or nuanced views. In such instances, the broadcaster may exercise its editorial responsibility and allow such political parties the opportunity to form part of a debate.

2.4 Extract from the Code: Point 6 of Part 1 (Page 25) in respect to the Government Ministerial Statements not made in relation to any election or referendum.

6 Government Ministerial Statements

A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include Government Ministerial Statements in its radio and television broadcasting schedules. Government Ministerial Statements are statements that Government Ministers may make on television or radio for the purpose of communicating information, explaining legislation passed by Parliament or seeking the co-operation of the general public on a given matter. Government Ministerial Statements shall not exceed 15 minutes' duration per broadcast.

Should the Opposition seek to reply to such statements on the grounds that the matters raised are of public or political controversy, public debate or relate to current public policy (as those terms are defined in the Guidance Notes to Standard 1 of Part 2 of the First Section of the Code) the public service broadcaster that has broadcast the Government Ministerial Statement shall allocate time to the Leader of the Opposition to enable the opposition to respond. Such a broadcast shall not exceed the duration of the Government Ministerial Statement or 10 minutes, whichever is the lesser.

Question 2: Do you agree with the Code being changed to reflect the proposed amendment?

Amendment from the first round of consultation:

"A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include Government Ministerial Statements in its radio and television broadcasting schedules. Government Ministerial Statements are statements that Government Ministers may make on television or radio for the purpose of communicating information, explaining legislation passed by Parliament or seeking the co-operation of the general public on a given matter. Government Ministerial Statements may not be related to matters of party politics. Government Ministerial Statements shall not exceed 15 minutes' duration per broadcast".

Amendment from the second round of consultation:

(Note: The GRA reconsidered the original proposed amendment in the first round of consultation based upon the feedback received and decided to revert to the wording of the extant version of the Code in its second round of consultation.)

"A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include Government Ministerial Statements in its radio and television broadcasting schedules. Government Ministerial Statements are statements that Government Ministers may make on television or radio for the purpose of communicating information, explaining legislation passed by Parliament or seeking the co-operation of the general public on a given matter. Government Ministerial Statements shall not exceed 15 minutes' duration per broadcast.

Should the Opposition seek to reply to such statements on the grounds that the matters raised are of public or political controversy, public debate or relate to current public policy (as those terms are defined in the Guidance Notes to Standard 1 of Part 2 of the First Section of the Code) the public service broadcaster that has broadcast the Government Ministerial Statement shall allocate time to the Leader of the Opposition to enable the opposition to respond. Such a broadcast shall not exceed the duration of the Government Ministerial Statement or 10 minutes, whichever is the lesser".

In addition, the GRA proposed to add a new paragraph to the Code as follows:

New Year's Message

"A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include one New Year's Message broadcast for the Chief Minister and one for the Leader of the Opposition, in its radio and television broadcasting schedules, and shall not exceed 15 minutes' duration".

2.5 SUMMARY OF STAKEHOLDERS' RESPONSES

Comments from the first round of consultation:

GBC: Overall, GBC were happy with the changes and asked to clarify what an Opposition right of reply to a Government Ministerial Statement would be called and had only one concern and that was for the potential for some aspects of a Government Ministerial address to overlap with party politics issues.

GLP: The GLP disagreed with the proposed amendment, stating that communicating information or explaining legislation often involved party political issues. The GLP warned that the proposed amendment could eliminate such broadcasts, which it argued were essential for informing the public on matters like treaties or policies.

GSD: The GSD opposed the proposed change, arguing that it would unfairly require broadcasters to decide whether a Ministerial broadcast was "*political*", and this was something that could only be made after airing, making it impractical. This responsibility would lead to subjective and problematic interpretations, as Government communications often involve politically sensitive issues that cannot easily be separated from politics.

It further added, that defining what is "*political*" is inherently subjective and could create confusion and inconsistent precedents. It proposed a simpler solution which was that whenever the Government made a Ministerial Statement, the Opposition would automatically have a right of reply and so ensuring clarity and avoiding interpretive disputes.

Comments from the second round of consultation:

GBC: GBC commented that for the New Year's Message, this should appear only on television or radio but not both. GBC also commented that the Government and Opposition should not be afforded the same duration. Instead, it suggested that the Chief Minister intervention should be no more than 15 minutes, and the Leader of the Opposition be afforded 8-10 minutes.

GLP: The GLP considered the proposal unusual and argued that the current system worked well and that no changes were necessary. It claimed that while it was normal for government leaders to have airtime to share their policies and outlook for the coming year, it was rare for opposition leaders to receive the same. The GLP raised concerns about the precedent it could set, especially

if future parliaments had opposition seats evenly split or involved multiple parties, potentially leading to more leaders requesting airtime.

GSD: The GSD had no further comments on the amended wording. It welcomed the new proposed addition of the New Year's Message, stating that this would remove any uncertainty, and the Opposition would no longer need to appeal to a GBC discretion that it be allowed to reply to a Ministerial Statement, as had happened previously.

2.6 GRA CONCLUSION TO QUESTION 2

The GRA, having considered all responses, has decided not to further amend the new proposed wording other than to remove the following words "*radio and*" from the New Year's Message proposed section given that GBC does not broadcast New Year's message on its radio service.

In addressing the GLP's response, the GRA acknowledges the validity of the concerns raised. However, the GRA considers that just because the current system functions effectively, it should not preclude the adoption of the proposed changes. The GRA is of the view that, in a healthy democracy, it is essential for citizens to be exposed to a range of political perspectives, for instance, through a New Year's Message. Providing airtime to the Leader of the Opposition enhances transparency and accountability by ensuring that the public has access to alternative ideas and policy positions.

Should multiple parties hold Opposition seats in the future, as the GLP suggests, fair and reasonable rules could be developed to allocate airtime appropriately. However, the norm is that in Parliament there is one Leader of the Opposition, recognised as such by the Speaker, regardless of the number of parties or independents forming the Opposition. In the Authority's view, this approach would not undermine existing traditions but rather demonstrate that democratic institutions are evolving to ensure that all voices, not solely those of the Government, are heard.

In conclusion, the GRA deems that affording less time to the Leader of the Opposition risks creating the perception that their views carry lesser weight, thereby weakening the democratic principle of equal representation, particularly in circumstances where the electorate is almost evenly divided. The Government already has numerous established avenues to communicate its message, such as through Ministerial Statements. Granting additional time under this proposal for a New Year's Message would therefore serve to promote fairness and a more balanced democratic message.

The new wording of Point 6 of Part 1 of the Code (Page 25), in respect to the Government Ministerial Statements not made in relation to any election or referendum, is as follows:

6. Government Ministerial Statements

A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include Government Ministerial Statements in its radio and television broadcasting schedules. Government Ministerial Statements are statements that Government Ministers may make on television or radio for the purpose of communicating information, explaining legislation passed by Parliament or seeking the co-operation of the general public on a given matter. Government Ministerial Statements shall not exceed 15 minutes' duration per broadcast.

Should the Opposition seek to reply to such statements on the grounds that the matters raised are of public or political controversy, public debate or relate to current public policy (as those terms are defined in the Guidance Notes to Standard 1 of Part 2 of the First Section of the Code) the public service broadcaster that has broadcast the Government Ministerial Statement shall allocate time to the Leader of the Opposition to enable the opposition to respond. Such a broadcast shall not exceed the duration of the Government Ministerial Statement or 10 minutes, whichever is the lesser.

The new wording of Point 6 of Part 1 of the Code (Page 26), in respect to the inclusion of a new section titled New Year's message, is as follows:

7. New Year's Message

A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include one New Year's Message broadcast for the Chief Minister and one for the Leader of the Opposition, in its television broadcasting schedules, and shall not exceed 15 minutes' duration.

2.7 Extract from the Code: Point 1 of Part 1 (Page 24) in respect to the number of political broadcasts not made in relation to any election or referendum.

1. Number of political broadcasts

Each calendar year, a Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall allocate a number of television broadcasting periods to the parties and independent members (if any) that comprise the Gibraltar Parliament. These periods will be no more than 17 in number and will be allocated pro rata between the Government on the one hand and the opposition on the other.

Question 3: Do you agree with the Code being changed to reflect the proposed amendment?

Amendment from the first round of consultation:

"Each year, commencing on the day that a new Gibraltar Parliament is constituted, a Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall allocate a number of television broadcasting periods to the members that comprise the Gibraltar Parliament. These periods will be no more than 17 in number and will be allocated pro rata between the Government on the one hand and the opposition on the other. For the avoidance of doubt, the term "opposition" in this case is intended to mean all Members of the Gibraltar Parliament who do not form part of the Government".

Amendment from the second round of consultation:

2.14.1 "Each year, commencing on the date of the Ceremonial Opening and swearing-in of all Members of Parliament, a Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall allocate a number of television broadcasting periods to the members that comprise the Gibraltar Parliament. These periods will be no more than 17 in number and will be allocated one per Member of Parliament on the Government benches (which includes backbenchers), and one per Member of Parliament on the opposition benches".

2.14.2 "The GRA further proposes to amend the length of broadcasting periods, i.e., political broadcasts referred in 2.14.1 above, (see point 3 of Part 1 of the Code on page 24) as follows:

A political broadcast shall not exceed 5 minutes in duration".

2.8 SUMMARY OF STAKEHOLDERS' RESPONSES

Comments from the first round of consultation:

GBC: GBC supported changing the allocation of Party Political Broadcasts (PPBs) to align with the election calendar year, considering it a fairer and easier system to monitor. However, GBC raised concerns about the GRA's reasoning (refer to section 2.9.3 of Public Consultation BC03/24), which it claimed could create an imbalance if one party used all its allocated broadcasts before Parliament was dissolved, while another had not. GBC suggested rewording the proposed section to clarify that restrictions apply once a party or parties have used their quota, ensuring fairness for all.

Additionally, GBC proposed reducing the maximum duration of PPBs from 8 minutes to 5 minutes, citing that shorter broadcasts would suit modern viewing habits, it would reduce TV schedule disruption, it would preserve GBC's prime slot and would encourage politicians to deliver concise, engaging messages across multiple media platforms. GBC added that its proposed time reduction reflected this evolution with the aim to keep broadcast practices current.

GLP: The GLP had no objections other than to highlight that any proposed changes could not impact on the existing number of broadcasts and how these were distributed. The GLP did raise an issue about the definition of the term "*opposition*". It argued that it did not take into account any future backbenchers on the Government side who were not part of the Government or part of the Opposition either.

GSD: The GSD had no issue with the proposed wording other than to suggest that the "*constitution*" of Parliament be defined so there was a date set to provide clarity. The GSD's suggestion was to define it as the date on which results were announced by the Returning Officer.

Comments from the second round of consultation:

GBC: GBC welcomed the change in calendar as well as the new duration limits of 5 minutes. However, GBC wanted to change the wording to "*allocate 5 minutes*" instead of "*not exceed*" in order to allow the broadcaster the flexibility of allowing for less i.e. 3 minutes.

GLP: The GLP was satisfied with the proposed changes.

GSD: The GSD had no issue with the operation of the annual allocation of broadcasts as long as it operated on a forward-looking basis from this year (2026). The GSD did not agree on the new 5 minute duration limit, claiming it would amount to an important restriction in the ability of an Opposition to hold Government to account. It claimed the Government had media resources that the Opposition did not have. Additionally, it claimed that the shortening of the slots would only exacerbate the current political imbalance further. Instead, the GSD proposed that if shortening was required, then it should not be shortened below 7.5 minutes. This proposed duration would allow the Opposition the flexibility of being able to give a more extended description if the issues deserved it.

2.9 GRA CONCLUSION TO QUESTION 3

The GRA has considered all responses and concluded that the new proposed amendments will be adopted. However, the GRA needs to address the matter of the duration of PPBs. Although the new proposed duration will be reduced from the current 8 minutes to 5 minutes, the GRA disagrees with GBC's argument whereby further shortening would be permissible. The original reasoning the GRA provided for this reduction from 8 minutes to 5 minutes still stands and for the avoidance of doubt is stated below:

> *"2.15.4 The GRA's new additional amendment regarding the duration of those broadcasting periods, i.e., the political broadcasts, from the original 8 minutes to 5 minutes is based upon shifting viewing trends. The original timings date from the Governor-in-Council's Direction to the GBC when it was constituted. Since then, audience attention spans have changed and with the rise of the internet and social media, television is no longer the only means available to politicians.*
>
> *2.15.5 The GRA believes that reducing the duration to 5 minutes ensures broadcasts remain concise while keeping the message focused. This shorter format also provides the broadcaster with greater flexibility, enabling broadcasts to align with the peak viewing time of 20:30."*

However, the GRA is adamant that further shortening the duration would not be reasonable given that PPBs are not as onerous as Party Election Broadcasts ("PEBs"), in that they are used infrequently throughout the calendar year and not as PEB which are all used in a short space of a few weeks during an election campaign. Therefore, the argument that GBC may use to qualify a further reduction due to scheduling requirements is not justified. As far as the GRA is concerned, the maximum 5 minutes duration would not be an inconvenience to scheduling requirements.

The new wording of Point 1 of Part 1 of the Code (Page 24), in respect to the number of political broadcasts not made in relation to any election or referendum, is as follows:

1. Number of political broadcasts

Each year, commencing on the date of the Ceremonial Opening and swearing-in of all Members of Parliament, a Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall allocate a number of television broadcasting periods to the members that comprise the Gibraltar Parliament. These periods will be no more than 17 in number and will be allocated one per Member of Parliament on the Government benches (which includes backbenchers), and one per Member of Parliament on the opposition benches.

The new wording of Point 3 of Part 1 of the Code (page 24), in respect to the length of political broadcasts, is as follows:

3. Length of political broadcasts

A political broadcast shall not exceed 5 minutes in duration.

2.10 Extract from the Code: Point 2 of Part 2 (Page 28) in respect to the number of political broadcasts made in relation to any election or referendum.

2. Allocation, length and frequency of political broadcasts at the time of an election

(1) A broadcaster will, in relation to any election, provide equal broadcasting time and opportunity to each candidate to an election (whether the candidate is a member of a political party or an independent) to explain his or her electoral programme.

(2) These broadcasts must be carried in peak-time, with the precise time of the broadcast being decided by the broadcaster.

(3) The length of the political broadcast at the time of an election shall not exceed 10 minutes.

(4) In the application of the provisions of the Third Section of the Code, the Authority shall bear in mind that the Gibraltar Broadcasting Corporation is currently the only public service broadcaster in Gibraltar.

Question 4: Do you agree with the Code being changed to reflect the proposed amendment?

Amendment from the first round of consultation:

Proposed amendment of (3) above as follows:

"*The length of the political broadcast at the time of an election shall not exceed 10 minutes except when, in the informed opinion of the Gibraltar Broadcasting Corporation and having taken into account the number of candidates standing for election, compliance with (1) and (2) above would prove impossible. In such eventualities, the Gibraltar Broadcasting Corporation, in consultation with all candidates, should determine an appropriate time for the length of such political broadcasts.*"

Amendment from the second round of consultation:

Proposed amendment of (3) above as follows:

"*The length of the political broadcast at the time of an election shall not exceed 5 minutes except when, in the informed opinion of the Gibraltar Broadcasting Corporation and having taken into account the number of candidates standing for election, compliance with (1) and (2) above would prove impossible. In such eventualities, the Gibraltar Broadcasting Corporation, in consultation with the candidates' election agents, should determine an appropriate time for the length of such political broadcasts*."

2.11 SUMMARY OF STAKEHOLDERS' RESPONSES

Comments from the first round of consultation:

GBC: GBC supported the changes but felt the new paragraph still left discussions open for longer or shorter election broadcasts. GBC added that in the 2023 election, GBC offered 7 minutes, and this worked extremely well with no representations made against this from any of the parties. Therefore, GBC proposed further reduction from 10 minutes to 5 minutes in keeping with trends and the new media landscape, in particular social media. GBC also proposed another amendment to include the words "*in consultation with election agents for all sides*" instead of "*in consultation with all candidates*" given that election discussions do not take place with candidates directly.

GLP: The GLP did not object to the amendment but added that it should only come into effect when a threshold number of candidates had put their names forward to contest an election. The current system would remain if there were 30 candidates contesting a general election or less and only move to the new proposed system when there were more than 30.

GSD: The GSD did not in principle object to the amendment but added that 6 minutes would be an adequate minimum threshold as this would preserve the ability for candidates to communicate with the electorate via GBC in the run-up to an election. The GSD further added that GBC's programming and scheduling issues should not take precedent over the ability to communicate adequately with the electorate during election time.

Comments from the second round of consultation:

GBC: GBC welcomed the new duration limits of 5 minutes. However, GBC wanted to change the wording to "*allocate 5 minutes*" instead of "*not exceed*" in order to allow the broadcaster the flexibility of allowing for less i.e. 3 minutes.

GLP: The GLP emphasised that the 5-minute election broadcasts were acceptable only if each candidate continued to receive one slot and broadcasts remain in peak time. Any further reductions should still comply with (1) and (2), as effective communication with voters should take priority over scheduling concerns.

GSD: The GSD did not agree on the new 5-minute duration limit. Whilst it understood the difficulties regarding programming, given the public service and dominant position of GBC, such issues cannot take precedence over the provision of a public service during the crucial election process. Although sympathetic, that if there was a high number of candidates and it then may be necessary to curtail some of the length of broadcasts, the GSD thought a minimum should be set at 7.5 minutes.

2.12 GRA CONCLUSION TO QUESTION 4

The GRA has considered all responses and concluded the new proposed amendments will be adopted.

However, the GRA disagrees with GBC's argument whereby further shortening would be permissible. The argument that GBC may use to qualify for a further reduction due to scheduling requirements is not justified. As far as the GRA is concerned, the maximum 5 minutes duration would not be an inconvenience to scheduling requirements. It is the GRA's view that programming constraints would only be an issue if a full slate of 10 candidates of more than 3 parties contest an election.

The GRA partly agrees with the GSD's comments. However, for the same reasons the GRA provided in the Additional Consultation under 2.20.1 – 2.20.5, 5 minutes is a reasonable duration. Notwithstanding, the GRA agrees with the GSD's and GLP's arguments that programming challenges should not override the public service role of election broadcasts and that these broadcasts ought to be available during peak time.

The new wording of Point 2 of Part 2 of the Code (page 28), in respect to the number of political broadcasts made in relation to any election or referendum, is as follows:

2. Allocation, length and frequency of political broadcasts at the time of an election

(1) A broadcaster will, in relation to any election, provide equal broadcasting time and opportunity to each candidate to an election (whether the candidate is a member of a political party or an independent) to explain his or her electoral programme.

(2) These broadcasts must be carried in peak-time, with the precise time of the broadcast being decided by the broadcaster.

(3) The length of the political broadcast at the time of an election shall not exceed 5 minutes except when, in the informed opinion of the Gibraltar Broadcasting

Corporation and having taken into account the number of candidates standing for election, compliance with (1) and (2) above would prove impossible. In such eventualities, the Gibraltar Broadcasting Corporation, in consultation with the candidates' election agents, should determine an appropriate time for the length of such political broadcasts.

(4) In the application of the provisions of the Third Section of the Code, the Authority shall bear in mind that the Gibraltar Broadcasting Corporation is currently the only public service broadcaster in Gibraltar.

3. COMMENTS OUTSIDE OF THE SCOPE OF THE CONSULTATION

Although the purpose of this consultation was to allow all relevant stakeholders the opportunity to make representations to the proposed amendments contained in section 2 of this document, it also provided the opportunity for stakeholders to contact the GRA if they had any additional concerns with the Code.

GBC COMMENTS

(i) GBC highlighted the disparity that exists between broadcasters and content made available online, especially on social media platforms. GBC suggests that the GRA develop stringent guidance for online content to address reporting during polling time i.e. purdah requirements;

(ii) It also suggested the possibility of having Ministerial Statements and Party Political Broadcasts uploaded to GBC's online catch-up service, which GBC was not currently doing;

(iii) Additionally, GBC suggested the possibility of relaxing the rules applicable to broadcasters on polling day given that this was being debated in the United Kingdom. The current rules state that while the polls are open, broadcasters are not allowed to report details of campaigning or election issues; and

(iv) That the GRA develop a "fast-track" complaints process to ensure that any complaints received about an election coverage would be assessed and when necessary, investigated promptly.

GRA RESPONSE

Disparity between Broadcasters and Content made available Online

The GRA notes GBC's concern regarding the difference in how broadcasters are regulated under the Code, compared to the lack of such requirements for online platforms like social media. However, the Act does not grant the GRA the power to address such issues. Even if the GRA were to issue general guidelines for online content, they would be non-binding and unlikely to achieve the outcomes desired by GBC.

In light of this, the GRA has been actively addressing the dangers of misinformation and disinformation through its "Media Literacy Matters" campaign, with a particular focus on social media and its potential impact on the electoral process.

Given this shared concern, a collaborative effort between GBC and the GRA could be an effective approach to raising media literacy awareness during an election year.

Ministerial Statements and Party Political Broadcasts uploaded to GBC's online catch-up service

The GRA raises no regulatory objections for GBC having Ministerial Statements and Party Political Broadcasts uploaded to GBC's website as part of its catch-up service.

The GRA is of the view that the same requirements of the Code as those for programmes on television and radio will apply to editorial content on all GBC's online platforms. These will apply to audio and video content as well as text content, e.g. podcasts and downloads, as well as any other social media identified with GBC.

Relaxation of the rules applicable to Broadcasters on Polling Day

The current rules applicable to GBC governing polling day are that any type of programmes that discuss or analyse all, or any of the issues on which an election is being contested, must not be broadcast once the polls are opened. This restriction also applies to publishing any exit poll commissioned by or on behalf of GBC.

The GRA is not of the view that relaxation of these rules should take place, as it considers that any changes have the potential to undermine GBC's commitment to impartiality. The existing rules are designed to ensure that voters are not influenced by GBC's programming, thereby safeguarding the integrity of the electoral process. It is the GRA's position that maintaining this neutrality is essential, and no broadcast should be perceived as influencing the outcome of an election.

Having said that, it is necessary to understand that the above does not represent an absolute restriction on broadcasting any content related to the election but rather, any broadcast which has the potential to influence the outcome of the election. The onus remains on the broadcaster to its editorial judgement and ensure the integrity of the election remains insofar as any content it broadcasts.

"Fast-track" Complaints Process

The GRA is mindful of the need to ensure that any complaints which raise substantive concerns about impartiality of broadcast coverage during an election period are dealt with effectively and as quickly as possible. However, the GRA welcomes this initiative and proposes to work closely with GBC with the purpose of developing a "fast-track" process. In the interest of transparency, the GRA would publish any new complaints procedures on its website.

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