



GIBRALTAR REGULATORY
AUTHORITY

Code on objectivity, impartiality, accuracy and undue prominence

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FOREWORD

Code on objectivity, impartiality, accuracy and undue prominence which deals with matters relating to news programmes, current affairs programmes, political broadcasts and programmes, and advertising relating to an election or referendum.

This Code replaces the previous Code (No. BC06/21) published on 6th September 2021 and includes the amendments following the two rounds of consultations (BC03/24 and BC01/25).

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1. Legislative basis

The Gibraltar Regulatory Authority (the "Authority") hereby issues this code of practice (the "Code") under and in accordance with the provisions of sections 22 and 23 and Schedule 3 of the Broadcasting Act 2012 (the "Act") in order to establish broadcasting standards on objectivity, impartiality, accuracy and prominence with regards to news programmes, current affairs programmes, political broadcasts and programmes and advertising relating to an election or referendum.

2. Jurisdiction

The Code applies to broadcasters within the jurisdiction of Gibraltar or those who make use of a frequency or satellite up-link or use satellite capacity appertaining to that of Gibraltar.

3. Commencement

The Code shall take effect from 5th March 2026.

4. Complaints

- (1) A viewer or listener (as the case may be) who is dissatisfied with the manner in which a broadcaster to whom the Code applies is implementing the Code, should first refer his or her dissatisfaction (the "Complaint") directly to the broadcaster.
- (2) Should the broadcaster fail to deal with the Complaint to the satisfaction of the viewer or listener, then the viewer or listener should refer the Complaint to the Authority and should follow the procedure for complaints set out in www.gra.gi. Alternatively, the viewer or listener should contact the Authority on telephone number: 200 74636.

5. The structure of the Code

The Code is divided into three sections.

The first section headed "Objectivity and impartiality for the purposes of Section 24 of the Act", establishes broadcasting standards applicable to the broadcasters of television and/or radio services so that they may adequately comply with the provisions of section 24(1) of the Act. This section is itself divided into two parts. The first deals with news programmes and the second with current affairs programmes.

The second section headed "Political Broadcasts" establishes broadcasting standards applicable to broadcasters of television and/or radio services when transmitting political broadcasts. This section is also divided into two parts. The first deals with political broadcasts generally and the second deals with political broadcasts made in the context of an election or referendum.

The third section headed "The content of programmes relating to an election or referendum" establishes a code of practice for the content of programmes to be included in television and radio services in Gibraltar in relation to any election or referendum.

6. FIRST SECTION - PART 1

Objectivity and impartiality for the purposes of section 24 of the Act

News programmes

Attention is drawn to a broadcaster's duties set out in section 24(1)(a) of the Act with regards to all news broadcast by a broadcaster.

Section 24(1)(a) of the Act reads as follows:

"24.(1) Every broadcaster shall ensure that –

- (i) all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views;"**

The broadcasting standards that the Code establishes with regards to the criteria of objectivity and impartiality referred to in section 24(1)(a) of the Act is set out in the Standards and accompanying Guidance Notes immediately below.

Standards and Guidance Notes

Standard 1

All news broadcast by a broadcaster must be presented objectively and with due impartiality and reported with due accuracy.

Guidance Notes

(ii) Due impartiality

"Due" is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another.

"Due" means adequate or appropriate to the subject and nature of the programme. Therefore "due impartiality" does not mean that an equal amount of time has to be given to every view or that every argument and every facet of every argument has to be represented.

The approach to due impartiality may therefore vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.

It is an editorial matter for the broadcaster how impartiality is preserved as long as the Act and the Code are complied with.

Whether news is presented with due impartiality will depend on all the relevant circumstances.

(iii) **Accuracy**

Accuracy entails getting the facts right. It is a requirement to report news with “due accuracy”. In complying with this requirement, broadcasters should refer to the interpretation of “due” set out in the meaning of “due impartiality” above in Guidance Note (i). Where a matter is of particular public interest, the requirement to present that matter with due accuracy will be correspondingly higher.

Significant mistakes in news should normally be acknowledged and corrected on air quickly. Corrections should be appropriately scheduled.

(iv) **All news**

The requirements for “due impartiality” and “due accuracy” apply to all news including news bulletins, news flashes and daily news magazine programmes.

(v) **Due impartiality over a series of news reports**

Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked “special” news reports each separately focusing on one particular viewpoint on a particular subject. Depending on the circumstances of each case, such an editorial approach might ensure compliance with the requirement of due impartiality when reporting news as long as it is clearly signposted to the audience, in line with Standard 4 of Part 2 of this First Section of the Code.

(vi) **Varying viewpoints**

In reporting on particular news items, a broadcaster should take account of all relevant facts, including the nature of the coverage and whether there are varying viewpoints on a particular item. For example, if a news item includes criticism of individuals or organisations, a broadcaster should consider whether it needs to reflect the viewpoints of the individuals or

organisations being criticised within their news output and/or whether it needs to reflect any refusal by that individual or organisation to comment. If the viewpoints of the individuals or organisations being criticised are to be reflected, then this should be done in an appropriate and proportionate manner.

Where a broadcaster attempts to seek alternative views, and these are not readily available (for example, an individual or organisation declines to give an interview or to comment) there are a range of editorial techniques for maintaining due impartiality. For example, a broadcaster could do any one or more of the following:

- (a) seek alternative viewpoints from a range of sources;
- (b) summarise with due objectivity and in context the alternative viewpoints, for example, through interviewees expressing alternative views;
- (c) make clear with appropriate frequency and prominence that a broadcaster has sought alternative views from particular individuals or organisations;
- (d) ensure that the views expressed in a news item are challenged critically by presenters and reporters within the programme.

A broadcaster must not assume prior knowledge, on the part of the audience, of particular alternative views.

(vii) **Politicians as newsreaders, interviewees or reporters**

The use of politicians as reporters or presenters in news programmes could be problematic in the context of the requirement for due impartiality.

No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience.

A politician, for the purposes of the paragraph immediately above, includes an elected representative (for example, a Member of the Gibraltar Parliament) a candidate to an election, an applicant to be a candidate to an election or a prospective candidate to an election (that is, a candidate for an election who knows that he or she has been chosen to represent a party at that election) an employee of a political party.

Standard 2

All news broadcast by a broadcaster must be reported and presented without any expression of the broadcaster's own views.

Guidance Notes

The Conduct of presenters and reporters

When reporting the news, presenters and reporters employed by a broadcaster must take care that they present the news with due impartiality and maintain the editorial independence of the channel they represent.

7. FIRST SECTION - PART 2

Objectivity and impartiality for the purposes of section 24 of the Act

Current affairs programmes

Attention is drawn to a broadcaster's duties set out in section 24(1)(b) of the Act with regards to the broadcast treatment of current affairs.

Section 24(1)(b) of the Act reads as follows:

"24(1) Every broadcaster shall ensure that –

.....

- (b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of its own views."**

The broadcasting standards that the Code establishes with regards to the requirements of section 24(1)(b) of the Act are set out in this Part 2 of this First Section of the Code.

Standards and Guidance Notes

Standard 1

All current affairs programmes must be broadcast in a fair manner and presented objectively, with due impartiality and without the broadcaster expressing its own views on the matter being broadcast.

Guidance Notes

(i) Current affairs programmes

Section 24(1)(b) of the Act applies to all current affairs programmes. The section however makes a specific reference to current affairs programmes that deal with matters of public controversy or matters the subject of current public debate. Therefore, in the application of

the standards set out in this Part 2 of the First Section of the Code, particular regard must be had to such matters.

The Authority takes the view that the broadcasting standards that apply to current affairs programmes that deal with matters of public controversy or matters that are the subject of current public debate, should equally apply to current affairs programmes that deal with matters of political controversy or matters relating to public policy.

A matter which is of public or political controversy or of current public debate ("Controversial Matters") is a public or political issue on which politicians, the public and/or the media are in debate. A matter relating to current public policy ("Policy Matters") need not be the subject of debate but relate to a policy under discussion or already decided by Government, statutory bodies or by bodies mandated by those public bodies to make policy on their behalf, for example, non-governmental organisations.

There is another category of current affairs programmes and that is those that deal with Controversial Matters or Policy Matters which are of a significant level of importance and are likely to be of the moment ("Major Controversial Matters" and "Major Policy Matters"). The Authority also takes the view that the standards set out in this Part 2 of the First Section of the Code also apply to these matters but that those standards must be applied with greater sensitivity and having due regard to the nature of the matters in question.

In essence therefore, this Part 2 of the First Section of the Code applies to three types of current affairs programmes. These are the following.

- (a) Current affairs programmes that do NOT deal with Controversial Matters and Policy Matters. Standards 1 to 9 of this Part 2 of the First Section of the Code and the accompanying Guidance Notes apply to these even in those cases where specific reference is only made to Controversial Matters and Policy Matters.
- (b) Current affairs programmes that deal with Controversial Matters and Policy Matters. Standards 1 to 9 of this Part 2 of the First Section of the Code and the accompanying Guidance Notes apply to these but particular regard must be had to these types of programmes and the Standard and Guidance Notes must be applied more strictly.
- (c) Current affairs programmes that deal with Major Controversial Matters and Major Policy Matters. Standards 1 to 10 of this Part 2 of the First Section of the Code and the

accompanying Guidance Notes apply to these but must be applied with due regard to the nature of the matter in question.

It must be noted that Standards 1 to 10 of this Part 2 of the First Section of the Code also apply to the reporting and presentation of news broadcasts unless otherwise specifically stated.

(ii) **Controversial Matters and Policy Matters**

Whether a Controversial Matter or a Policy Matter is being dealt with in a programme will depend on a range of factors. Just because a Controversial Matter or a Policy Matter is referred to in a programme, or broadcasters deal with particular matters that elicit strong emotions, does not mean that Standards 1 to 10 of this Part 2 of the First Section of the Code are engaged. Conversely, just because a number of individuals and institutions, or the majority of the audience to a service, share the same viewpoint on a contentious issue, does not necessarily mean that a matter is not, for example, a Controversial Matter.

There may be a range of instances where a programme would not necessarily be deemed to be dealing with a Controversial Matter or a Policy Matter for example, where references to a Controversial Matter or Policy Matter is essentially descriptive and incidental to the main editorial premise for a programme, and where the programme does not include views or opinions or the merits of a particular Controversial Matter or Policy Matter.

Standard 2

Current affairs programmes must exclude all expressions of the views and opinions of the broadcaster on a Controversial Matter or a Policy Matter.

Guidance Notes

The exclusion of views or opinions

The broadcaster, for the purposes of this Guidance Note, includes the licensee of the broadcasting service, the officers of the licensee and those persons with an editorial responsibility for the broadcasting service or part of the broadcasting service.

If a programme contributor, whom the Authority deems to be a broadcaster as described in the paragraph immediately above, expresses a view on a Controversial Matter or a Policy Matter within that broadcasting service, there will be a breach of this Standard 2 unless that person is speaking in a legislative forum or in a court of law. This will be the case whether or

not the programme contributor characterises his/her views as being a personal opinion and as not being expressed on behalf of the broadcaster.

Standard 3

Due impartiality on a Controversial Matter or a Policy Matter must be preserved by the broadcaster. This may be achieved within a programme or over a series of programmes taken as a whole.

Guidance Notes

(i) The preservation of due impartiality

A broadcaster must ensure that due impartiality is maintained in any programme or section of a programme that deals with a Controversial Matter or a Policy Matter. However, 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 programme.

It will not always be necessary to present an opposing view which is at odds with the established view of the majority or inconsistent with established fact in order to preserve due impartiality. Further, whether or not due impartiality has been preserved will also be dependent on a range of other factors such as (a) the nature of the programme; (b) the programme's presentation of its argument; (c) the transparency of its agenda; (d) the audience it is aimed at; and (e) what the audience's expectations are.

It is important to note that the broadcasting of highly critical comments concerning the policies and actions of, for example, any one state or institution, is not in itself a breach of due impartiality. It is, in fact, essential that current affairs programmes are able to explore and examine issues and take a position even if that is highly critical. However, a broadcaster must maintain an adequate and appropriate level of impartiality in its presentation of a Controversial Matter. Depending on the specifics of the issue, it may be necessary, in order to fulfil the due impartiality requirements, that alternative viewpoints are broadcast.

Just because a Controversial Matter or a Policy Matter is receiving little coverage within the media does not obviate the need for the broadcaster to provide alternative viewpoints on such an issue where appropriate.

Due impartiality will not be maintained merely by offering people or institutions likely to represent alternative viewpoints the opportunity to participate in programmes as they could very well decline the offer to participate. If a broadcaster cannot obtain, for example, an interview or statement laying out a particular viewpoint on a Controversial Matter or a Policy Matter, then the broadcaster must find other methods of ensuring that due impartiality is maintained. These might include some of the editorial techniques outlined in the paragraph immediately below.

It is an editorial matter for the broadcaster as to how it maintains due impartiality. Where in a programme that deals with a Controversial Matter for example, alternative views are not readily available, broadcasters might consider employing one or more of the following editorial techniques:

- (a) interviewers could challenge more critically the alternative viewpoints being expressed, for example, by programme guests or audience members, so as to ensure that programme participants are not permitted to promote their opinions in a way that potentially compromises the requirement for due impartiality;
- (b) where an interviewee is expressing a particular viewpoint, interviewers could reflect alternative viewpoints through questions to that interviewee;
- (c) alternative viewpoints could be summarised, with due objectivity and in context, within a programme;
- (d) having available interviewees to express alternative views; or
- (e) if alternative viewpoints cannot be obtained from particular institutions or individuals, broadcasters could refer to public statements by such institutions or individuals or such viewpoints could be expressed, for example, through presenters' questions to interviewees.

In audience participation programmes where viewers or listeners are encouraged to telephone in to a programme, while a broadcaster can encourage callers from different perspectives, it should not "manufacture" them. However, whether or not viewers or listeners make calls, it is the responsibility of the broadcaster to ensure that due impartiality is maintained. Therefore, in the situation where, for example, a Controversial Matter is being covered in an audience participation programme and

there are no views being expressed in opposition to the viewpoint being featured, broadcasters must have systems in place to ensure that due impartiality is maintained. For example, if a presenter or broadcaster is aware that they are receiving few audience interventions with an alternative point of view, they could consider some of the editorial techniques in the paragraph immediately above.

(ii) **Meaning of a “series of programmes taken as a whole”**

This means more than one programme in the same broadcasting 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 or a “cluster” or “season” of programmes on the same subject.

The expression “aimed at a like audience” means that the linked programmes that make up a “series” should be broadcast when it is likely that those who watched or listened to the first programme can choose to watch or listen to the second programme. In other words, if the first programme goes out at 20:00 it is most unlikely that it would be acceptable for a single linked “balancing” programme to go out at 03:00. The broadcaster is not expected, however, to predict the audience make-up and try to achieve a similar audience for the second or subsequent programmes.

In applying due impartiality over editorially linked programmes, broadcasters should comply with Standard 4 immediately below concerning the signalling of editorially linked programming.

(iii) **Participants in programmes**

Participants in current affairs programmes that deal with Controversial Matters or Policy Matters, do not have to represent political parties. The obligation to ensure due impartiality relates to issues, not to parties, and some important issues do not divide opinion along party lines. Indeed, there are occasions when it is preferable to confine discussion to representatives of only one party, for example, when a broadcaster wants to deal with a matter which concerns the affairs of only one party.

(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.

(v) **Explanatory note**

When considering points (iv) (a) to (c) above, a broadcaster must, in the first instance, determine the kind of debate it will organise. For the avoidance of doubt, when assembling a panel for a debate, broadcasters must take into account whether panellists are being invited as representing:

- (a) the elected members of the Government and elected members of the opposition; or
- (b) political parties as represented in Parliament and political parties which have contested an election in Gibraltar.

In the case of (a) above, broadcasters are justified in inviting one representative from each, i.e. one from the Government and one from the opposition. In the case of (b) above, broadcasters should invite a representative from each party represented in Parliament, in addition to a representative of political parties which have contested an election in

Gibraltar. This is without prejudice to the freedom of the broadcaster to invite other persons to form part of the panel.

(vi) **Point of contact**

A broadcaster's first point of contact when seeking to invite a representative of the Government as a panellist, should be the Government's Press Office.

Standard 4

The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series on which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air.

Standard 5

Views and facts must not be misrepresented. Views must also be presented with due weight over appropriate timeframes.

Guidance Notes

The presentation of views and facts

In understanding what is meant by "due weight" it is useful to refer to the definition of "due" in the meaning of "due impartiality" in Guidance Note (i) accompanying Standard 1 in Part 1 of this First Section.

Broadcasters must ensure that they are articulating alternative viewpoints in a duly objective manner. Programme content should not be skewed (e.g. through the editing of views) in a manner that undermines impartiality.

Standard 6

Any personal interest of a reporter or presenter, which would call into question the due impartiality of a programme, must be made clear to the audience.

Guidance Notes

Personal interest of reporter or presenter

The Authority would expect that, when dealing with a Controversial Matter or a Policy Matter, broadcasters have put in place procedures so that reporters and presenters are at least aware

of this Guidance Note and have an opportunity to make a declaration to the broadcaster. If the broadcaster could not reasonably have known of such an interest, then the Authority would take that into account in the event of a complaint.

Standard 7

Presenters and reporters (with the exception of news presenters and reporters in news programmes), presenters of “personal view” or “authored” programmes or items, and chairs of discussion programmes may express their own views on Controversial Matters or Policy Matters. However, alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole. Additionally, presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality. Presenter phone-ins must encourage and must not exclude alternative views.

Guidance Notes

(i) Presenters and reporters – own views

Broadcasters are free to include “issue-led” presenters in programming, as long as they maintain due impartiality as appropriate. In clearly signalled “personal view” programmes, many in the audience are comfortable with adjusting their expectations of due impartiality. However, in order to maintain due impartiality, alternative viewpoints should be adequately represented.

In audience participation programmes, for example, where viewers and listeners are encouraged to telephone, email or text in to the programme, broadcasters do not necessarily have to ensure an equal number of points of view are featured in any one programme or even across the series as a whole.

Broadcasters must ensure that, if alternative views are included within a “personal view” programme, to maintain due impartiality, such views must not be included in a way that they are merely dismissed by the presenter and used as a further opportunity to put forward the presenter’s own views. For example, a presenter should not use alternative viewpoints, contrary to the presenter’s own, only in a dismissive way, and only as a means of punctuating the presenter’s own viewpoint.

If a presenter has strongly held views, and there are few, if any, alternative views expressed by the audience, then the broadcaster must take appropriate action and have systems in place to ensure that due impartiality is maintained in the same programme or over a series of programmes taken as a whole.

(ii) **Politicians in presentational roles and non-political programmes**

Some output which covers normally non-controversial areas (such as favourite music or books, sporting allegiances or personal biography) may seek, on an occasional basis, to include contributors or presenters who are otherwise known for their partiality, for example politicians, campaigners or others who are identified with particular views. On these occasions, an appropriate breadth and diversity should be achieved over time by a consistent application of editorial judgement which might mean ensuring that, for example, potentially favourable content includes other individuals with differing views. The appropriate timeframe for achieving the necessary breadth and diversity will vary according to context.

Any proposal to invite a politician to be a guest on a programme or area of content where to do so is the exception rather than the rule, must be considered carefully

Standard 8

A broadcaster must ensure that a person who is interviewed as a representative of a political party is in a position to speak on behalf of that party. Such an interviewee must be informed of the way in which the interview will be used, whether it will be a live or recorded interview and whether it may be edited. An interview or an edited version of an interview must not be broadcast in a way which misrepresents the interviewee's contribution.

Guidance Note

Conditions for interviews

Sometimes interviewees may wish to establish conditions (usually with regards to the conduct and use of the interview) subject to which they may be prepared to be interviewed. Such conditions may not be improper in themselves but care should be taken by the broadcaster to ensure that the interview and the content of the programme in which the interview is to be broadcast is determined by editorial criteria.

Standard 9

A personal view or authored programme or item must be clearly signalled to the audience at the outset. This is a minimum requirement and may not be sufficient in all circumstances.

Guidance Notes

(i) The signalling of personal view or authorised programme or item

The signalling of an item or programme as a personal view or authored programme is a matter for the broadcaster.

Broadcasters should be aware that complying with this Standard on its own does not mean that a broadcaster has preserved due impartiality.

(ii) Meaning of “personal view” and “authored”

“Personal view” programmes are programmes presenting a particular view or perspective. Personal view programmes can range from the outright expression of highly partial views, for example by a person who is a member of a lobby group and is campaigning on the subject, to the considered “authored” opinion of a journalist, commentator or academic, with professional expertise or a specialism in an area which enables her or him to express opinions which are not necessarily mainstream.

Standard 10

In dealing with a Major Controversial Matter or a Major Policy Matter an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes.

Guidance Notes

Significant views and due weight

This Standard makes clear that, if a Major Controversial Matter or a Major Policy Matter is being dealt with, then firstly an appropriately wide range of significant views must be included

in the programme (or in clearly linked and timely programmes) and, secondly, such views must be given due weight.

As part of treating viewpoints with “due weight”, a broadcaster may debate and discuss such views. However, broadcasters must not dismiss or denigrate such viewpoints and include them in a programme simply as a means to put forward their own views.

Where programmes handle a Major Controversial matter or a Major Policy Matter and where alternative views are not readily available, broadcasters might consider employing one or more of the editorial techniques listed in Standard 3 of this Part 2 of the First Section of the Code.

8. SECOND SECTION

POLITICAL BROADCASTS

This section deals with the treatment of political broadcasts and includes the broadcasting of ministerial statements.

This section is in two parts. The first part of this section deals with the treatment of political broadcasts that are not made in relation to any election or referendum. It also deals with the broadcasting of ministerial statements. Schedule 3 of the Act therefore does not apply to these. The second part of this section deals with the treatment of political broadcasts that are covered by Schedule 3 of the Act and are, therefore, broadcasts that are made in relation to an election or referendum.

PART 1

Political broadcasts NOT made in relation to any election or referendum

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.

Notification of the intention to avail itself of such allocations will be given by the party and independent members in writing, to the broadcaster not less than seven days prior to the intended date of the broadcast. The precise scheduling of broadcasts is the responsibility of the broadcaster.

Subjects and speakers will be chosen by the parties and independent members and any party and independent member, if it wishes, may use one or more of its allocated broadcasting periods to reply to a previous broadcast made by another party or independent member as the case may be.

2. Content of political broadcasts

Editorial control of the content of political broadcasts rests with the political party or independent member who has requested the broadcast. However, broadcasters are responsible for ensuring that such broadcasts do not cause offence to good taste and decency and should therefore issue guidelines on the content of such broadcasts. Broadcasters are recommended to seek an indemnity against defamation, breach of copyright and similar legal risks from the party or individual who has submitted the broadcast.

3. Length of political broadcasts

A political broadcast shall not exceed 5 minutes in duration.

4. Suspension of these arrangements

These arrangements will be suspended throughout the period of an election for any seat(s) to the Gibraltar Parliament. That period is deemed to commence on the day an election is called and to end the day after the new Parliament sits for the first time or, in the case of a bye-election, on the day following the poll.

5. Disputes

A dispute between a broadcaster and a political party or independent member of Parliament as to the length, frequency, allocation or scheduling of a broadcast, may be referred to the Authority by the party, the independent member of Parliament or the broadcaster as the case may be.

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.

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.

8. National interest

In exceptional circumstances, on matters of serious national interest, a public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall, at the request of the Chief Minister, make available to the Chief Minister a programme time slot of a maximum of 30 minutes' duration.

Within a reasonable period of time after that broadcast, and exercising its editorial judgment, the public service broadcaster that has made available the programme time slot to the Chief Minister shall grant the Leader of the Opposition an equivalent programme time slot to enable him or her to express his/her view on the matter.

9. **SECOND SECTION**

POLITICAL BROADCASTS

PART 2

Political broadcasts made in relation to an election or referendum

1. **Legislative basis**

- (1) Paragraph 1(1) of Schedule 3 of the Act provides for the setting, reviewing and revising of a code of practice for the content of programmes to be included in television and radio services in Gibraltar in relation to any election or referendum. Paragraph 4(2) of Schedule 3 provides that this code of practice shall include conditions governing political broadcasts.

Paragraph 1(1) and 4(2) of Schedule 3 read as follows:

"1.(1) The Authority shall set, and from time to time review and revise, a code of practice for the content of programmes to be included in television and radio services in Gibraltar in relation to any election or referendum."

"4.(2) The standards referred to in paragraph 1(1) shall include conditions governing political broadcasts."

- (2) Paragraph 4(1) of Schedule 3 of the Act requires that broadcasters in Gibraltar include, in their radio and television services, the type of political broadcasts described in that paragraph.

Paragraph 4(1) of Schedule 3 of the Act reads as follows:

"4.(1) Any broadcaster in Gibraltar shall include in its radio and television services political broadcasts made on behalf of –

- (a) political parties with candidates standing at the election; and**
- (b) individual independent candidates."**

- (3) Paragraph 4(3) of Schedule 3 of the Act allows the Authority to make provision for determining, in relation to each political party and individual independent

candidate on whose behalf such broadcasts may be made, the length and frequency of the broadcasts.

Paragraph 4(3) of Schedule 3 of the Act read as follows:

"4.(3) The Authority may, in particular, include provision for determining, in relation to each political party and individual independent candidate on whose behalf such broadcasts may be made, the length and frequency of the broadcasts."

- (4) This part of the Code therefore is issued under and in accordance with paragraphs 1(1) and 4(2) and (3) of Schedule 3 of the Act.

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. Political broadcasts at the time of a referendum

A broadcaster must seek to ensure that equal airtime is afforded to all sides of the debate.

10. THIRD SECTION

The content of programmes relating to an election or referendum

1. Legislative basis

Paragraph 1(1) of Schedule 3 of the Act requires the Authority to establish standards that are to apply to the content of programmes to be included in television and radio services in Gibraltar in relation to any election or referendum.

Paragraph 1(1) of Schedule 3 of the Act reads as follows:

“1.(1) The Authority shall set, and from time to time review and revise, a code of practice for the content of programmes to be included in television and radio services in Gibraltar in relation to any election or referendum.”

The standards, amongst other things, are to secure the matters set out in paragraphs 1(2)(a) and (b) of Schedule 3 of the Act. Paragraph 1(2)(a) reads as follows:

“(2) The standards referred to in sub-paragraph (1) shall secure that –

(a) programmes, and in particular news, included in television and radio services shall be presented with due accuracy and impartiality in accordance with paragraph 2 below;”

A combination of paragraph 1(2)(a) and paragraphs 2(1) and (2) of Schedule 3 of the Act deal with the applicability of the criteria of “due accuracy” and “impartiality” referred to in paragraph 1(2)(a) of Schedule 3 of the Act. Paragraphs 2(1) and (2) of Schedule 3 of the Act read as follows:

“Due impartiality and undue prominence

2.(1) The code of practice shall require that television and radio services shall exclude all expressions of the views or opinions of the person providing the services on any of the following matters –

- (a) matters of political controversy; and**
- (b) matters relating to public policy,**

and shall preserve due impartiality on the part of the person providing the service as regards those matters.

(2) Programmes included in television and radio services shall not give undue prominence to the views and opinions of particular persons or bodies on any of those matters.”

2. Standards and Guidance Notes on due accuracy and impartiality

The Standards and accompanying Guidance Notes set out in the First Section of the Code that deal with the application of the criteria of “due accuracy” and “due impartiality” are to apply to paragraphs 1(2) and 2(1) and (2) of Schedule 3 of the Act subject to (and within the context of) the specific provisions set out in that Schedule.

The Standards and accompanying Guidance Notes that apply are the following:

- (i) Standard 1 (and accompanying Guidance Notes) set out in Part 1 of the First Section of the Code;
- (ii) Standard 3 (and accompanying Guidance Notes), Standard 4, Standard 5 (and accompanying Guidance Notes), Standard 6 (and accompanying Guidance Notes), Standard 7 (and accompanying Guidance Notes), Standard 8 (and accompanying Guidance Notes) and Standard 9 (and accompanying Guidance Notes) set out in Part 2 of the First Section of the Code.

Broadcasters must bear in mind that, during campaigns for elections and referendums and in the period leading up to those campaigns, these Standards and accompanying Guidance Notes should be applied with greater sensitivity.

3. Undue prominence

“Undue prominence” is a significant imbalance of views broadcast within the coverage of programmes to which paragraph 2(2) of Schedule 3 of the Act applies.”

4. Further guidance

Paragraphs 2(3) and (4) of Schedule 3 of the Act provide an element of further guidance as follows:

Paragraph 2(3) of Schedule 3 of the Act reads as follows:

“(3) The requirements specified in sub-paragraph (1) may be satisfied by being satisfied in relation to a series of programmes taken as a whole.

Guidance Note (ii) (accompanying Standard 3 of Part 2 of the First Section of the Code) deals with the interpretation of the phrase a “series of programmes taken as a whole” and equally applies to this paragraph 2(3) of Schedule 3 of the Act subject to (and within the context of) the specific provisions set out in Schedule 3. Of the Act.

Paragraph 2(4) of Schedule 3 of the Act reads as follows:

(4) The requirement specified in sub-paragraph (2) is one that needs to be satisfied only in relation to all the programmes included in the service in question taken as a whole.”

“Programmes included in the service in question taken as a whole” means all programming on a service dealing with the same or related issues within an appropriate period.

5. Additional requirements that apply to the broadcasting of programmes at the time of an election

(1) Coverage of candidates at an election

Candidates at an election may vary. They may form part of a political party or may be standing as independents. Parties themselves may vary in support and prominence.

It may however not be possible or fair to allow each candidate or party to be given the same coverage. A broadcaster will therefore have to exercise its judgment as to how much coverage each candidate or party is to be given.

A broadcaster should however take the following factors into account when deciding the coverage that it is to give to candidates or parties;

- (i) the level of support at previous elections;
- (ii) the level of support going into the current election;
- (iii) in the case of parties, the number of candidates that each party shall be presenting at the election.

If a candidate is to take part in a programme item, then a broadcaster, in deciding which other candidates should be offered an opportunity to also take part, should take into account the factors set out immediately above.

(2) **Polls**

The broadcasting of programmes that discuss or analyse all or any of the issues on which an election has been contested, should cease once the polls for that election are opened.

A broadcaster may not, until the Close of the Polls, publish the results of any poll it may have commissioned or undertaken on polling day. For the purposes of the Code, "Close of the Polls" means the close of the polling in Gibraltar at a general election for Parliament.

6. **Additional requirements that apply to the broadcasting of programmes at the time of a referendum**

(1) **Polls**

The broadcasting of programmes that discuss or analyse all or any of the issues on which a referendum is being held, shall cease once the polls for that referendum are opened.

A broadcaster may not, until the Close of the Referendum Polls, publish the results of any poll it may have commissioned or undertaken on polling day. For the purposes of the Code, "Close of the Referendum Polls," means the close of the polling in Gibraltar at a referendum.

7. **Advertising**

As far advertising is concerned, paragraph 1(2)(b) of Schedule 3 of the Act reads as follows:

"(2) The standards referred to in sub-paragraphs (1) shall secure that –

.....

(b) 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."

Paragraphs 3(1) and (2) of Schedule 3 of the Act provide certain guidance and clarification with regards to the standards that relate to advertising and which are referred to in Paragraph 1(2)(b) of Schedule 3 of the Act.

Paragraphs 3(1) and (2) of Schedule 3 of the Act reads as follows:

"Objects of a political nature and political ends

3.(1) For the purposes of paragraph 1(2)(b), objects of a political nature and political ends include –

- (a) influencing the outcome of any election or referendum;**
- (b) influencing public opinion on a matter which, in Gibraltar, is a matter of public controversy; and**
- (c) promoting the interests of a party or other groups of persons, organised in Gibraltar or elsewhere, for political ends.**

(2) However, subparagraph (1) is not to apply to, or to be construed as prohibiting, the inclusion in a television or radio service of a political broadcast under paragraph 4."

8. General

The application of Standards and Guidance Notes to this Third Section

Given that Schedule 3 of the Act deals with elections and referendums and, therefore, matters of a significant level of importance and of moment, Standard 10 (and accompanying Guidance Notes) of Part 2 of the First Section of the Code apply to this Third Section subject to (and within the context of) the specific provisions of Schedule 3 of the Act.

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