



Note to Broadcasters – Election programming in the General Election taking place on 4 July 2024

This note sets out:

- 1) key points for broadcasters to note about General Election programming;
- 2) a summary of Broadcasting Code requirements for election programming;
- 3) due impartiality requirements in the pre-election period;
- 4) a summary of requirements relating to politicians as presenters; and
- 5) links to other Ofcom documents and information to assist broadcasters in their compliance of election programming.

Key points

Following the announcement on 22 May 2024 of the General Election, we are today reminding broadcasters of their obligations to ensure their content complies with **the due impartiality, due accuracy and special election rules in the Broadcasting Code**.

These rules are designed to safeguard the integrity of democratic debate, which is clearly of particular importance during an election period. We recognise the important role that the broadcast media play in ensuring that audiences are able to access news and current affairs they can trust. Ofcom always takes account of the right to freedom of expression of both audiences and broadcasters.

During this time we will expect broadcasters to ensure that in particular:

- they consider whether the special impartiality requirements of Section Five are engaged, particularly before the official ‘election period’ begins. We would expect broadcasters’ election coverage to comply with the highest standards of due impartiality;
- during the election period, no candidate acts as a presenter in any type of programme and that all rules in Section Six of the Code are complied with; and
- in news content, due accuracy is maintained, and in non-news content, factual material does not materially mislead the audience.

Ofcom will expedite its consideration of editorial standards issues during the election period, as appropriate. **We are likely to consider breaches of Sections Five and Six in election programming as serious. In such cases we have a wide range of statutory sanctions available from imposing a financial penalty, directing a licensee to broadcast a correction or statement of Ofcom’s findings through to revocation of a licence in the most serious cases.**

Summary of Broadcasting Code requirements for election programming

On 4 March 2024 and 24 April 2024, we issued Notes to Broadcasters on election programming, reminding all broadcasters of the heightened due impartiality requirements which apply during election periods. Given the announcement regarding the forthcoming UK General Election, we are reminding broadcasters again of these requirements.

All broadcasters must comply with the rules for election-related programming – in particular [Section Five](#) (Due Impartiality)¹ and [Section Six](#) (Elections and Referendums)² of the Code, as well as the prohibition on political advertising contained in section 321 of the Communications Act 2003 and reflected in Section 7 of the BCAP Code. The highest level of due impartiality applies during election periods and we are likely to consider breaches of Sections Five and Six in election programming as serious. In any such cases we have a wide range of statutory sanctions available from imposing a financial penalty, directing a licensee to broadcast a correction or statement of Ofcom’s findings through to revocation of a licence in the most serious cases.

The rules in Section Six of the Code will apply when Ofcom defines the ‘election period(s)’ to have commenced. Before and during the election period, the rules in Section Five of our Code will continue to apply. The election period for the General Election will commence when Parliament is dissolved on 30 May 2024.

It is the broadcaster’s responsibility to ensure that due impartiality in programmes is maintained. It is an editorial matter for the broadcaster as to how it chooses to maintain due impartiality in programmes, and there is a range of editorial techniques it can use to do this, as set out in detail in our Code, Guidance and past decisions.

If a complaint raises a substantive due impartiality issue about any election-related programming (both news and non-news) during the election period which Ofcom considers might require redress before the General Election, it will be considered by Ofcom’s [Election Committee](#). Ofcom will expedite assessment and investigation of election programming about which we receive complaints or we identify ourselves. In these cases, it will be necessary for Ofcom to act quickly to determine the outcome in a proportionate and transparent manner before the General Election and broadcasters should be prepared to engage with Ofcom on short timescales.

Broadcasters should refer to our notes of [4 March 2024](#) and [24 April 2024](#) for full reminders of the heightened Code requirements that apply to election programming. Those notes also include reminders and guidance relating to:

- the definition of what constitutes a “candidate” under the rules relating to elections in Section Six of the Code;
- the treatment of independent candidates under Ofcom’s rules on Party Political and Referendum Broadcasts; and
- synthetic content (including deepfakes) in broadcast programming.

As in previous years, we will shortly be publishing a digest of past electoral and current support. The digest will also set out the factors we consider when making decisions on election-related programming, including putting more weight on evidence of past electoral support than evidence of current support (e.g. opinion polls).

¹ See also Ofcom’s published [Guidance to Section Five](#).

² See also Ofcom published [Guidance to Section Six](#).

‘Due impartiality’ requirements in the pre-election period

The election period will begin on 30 May 2024, from this date the rules in Section Six will apply. Prior to this date it is likely that discussion of the upcoming General Election will engage the rules relating to matters of major political and industrial controversy and major matters relating to current public policy contained in Rules 5.11 and 5.12 of the Code. These state respectively that:

“...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service (listed above) in each programme or in clearly linked and timely programmes.”

and

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented.”

We would expect the highest standards of due impartiality to apply to coverage of the election during this period and would be likely to view any breach of these rules as serious.

Politicians who are not standing as candidates acting as presenters during the election period

We remind broadcasters of Rule 6.6 of the Code, which states:

“Candidates in UK elections, and representatives of permitted participants in UK referendums, must not act as news presenters, interviewers or presenters of any type of programme during the election period”.

This means that no candidate who is standing nominated at the start of the election period may appear as a presenter of any type of programme, and not just programmes dealing with election or political issues, until after the close of the poll. The Code defines a “candidate” as having the meaning given to it in section 93 of the Representation of the People Act 1983 (as amended), i.e. a candidate standing nominated at the election or included in a list of candidates submitted in connection with it³. This rule is designed not just to prevent electoral issues from being reported in a partial manner, but also to help secure the integrity of the democratic process, and the public’s trust in that integrity, by preventing any unfair electoral advantage being afforded to a particular candidate through their appearance on licensed services. Broadcasters should ensure they keep informed as to whether any programme presenters are standing as candidates in elections being contested.

In addition, Rule 5.3 states that:

³ For more information on the definition of what constitutes a “candidate” under the rules relating to elections in Section Six of the Code, see our [Note to Broadcasters](#) published on 11 January 2021 and our [Note to Broadcasters](#) published on 4 March 2024.

“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”.

Section Five (due impartiality and due accuracy) of the Code and the [Guidance accompanying it](#) make clear that this section of the Code applies to broadcast news “in whatever form” it appears in a licensed service (reflecting the statutory provisions in this area). For example, this would include news bulletins, news flashes and daily news magazine programmes.

As set out above, candidates in elections are prevented from acting as a presenter in any programming during the election period. Politicians who are not standing as a candidate in this election are prevented from presenting news content (unless it is exceptionally justified) but are allowed to present current affairs programmes such as audience phone-ins and discussion programmes. However, we would consider that the very highest standards of due impartiality should apply. Ofcom’s [Guidance](#) on Section Five sets out who we consider to be a ‘politician’ for the purposes of this rule.

Broadcasters should note that programmes can contain both news and current affairs content. Determining the format for a specific segment in a programme is an editorial decision for broadcasters, provided it complies with the Code. We approach each case on the facts to determine whether the content constitutes news or current affairs, based on the evidence.

Whether or not a programme contains news or current affairs (or both) depends on a number of factors, including its content and format.

Additional factors may also be relevant for broadcast content to constitute news. These might include: a newsreader presenting directly to the audience; a running order or list of stories, often in short form; the use of reporters or correspondents to deliver packages or live reports; and/or a mix of video and reporter items. Factors that could lead us to classify content as current affairs include a longer-form programme; extensive discussion, analysis or interviews with guests, often live; and long-form video reports.

Both news and current affairs content must comply with all other relevant rules in Sections Five and Six of the Code which apply to content broadcast during election periods. This includes the rules relating to matters of major political or industrial controversy and major matters relating to current public policy (Rules 5.11 and 5.12). It is the broadcaster’s responsibility to ensure that due impartiality in such programmes is maintained.

It is an editorial matter for the broadcaster as to how it maintains due impartiality in programmes, and there is a range of editorial techniques it may use to do this, such as: the inclusion of interviewees who can offer alternative viewpoints; a presenter summarising an alternative viewpoint; and/or a presenter challenging the views of interviewees.

We expect broadcasters who use politicians as presenters to pay particular attention to research on [Audience attitudes towards politicians presenting on TV and radio](#) published on 24 April 2024, our updated [Guidance to Section Five](#), and our recent [Decisions](#) on politicians acting as presenters. Broadcasters should note that, in light of these publications, we are likely to view breaches of the due impartiality rules in election programming presented by (non-standing) politicians as serious. In such cases we have a wide range of statutory sanctions available from imposing a financial penalty, directing a licensee to broadcast a correction or statement of Ofcom’s findings through to revocation of a licence in the most serious cases.

Key links and other information

Please see our website for further details on our rules on politicians appearing on TV and radio and our published [Guidance to Section Five](#) and [Guidance to Section Six](#). Other useful information can be found in:

- Ofcom's previous notes to broadcasters on election issues, including those published on [27 March 2023](#), [4 March 2024](#) and [24 April 2024](#);
- Ofcom's previous note to broadcasters of 3 April 2023 on [Synthetic media \(including deepfakes\) in broadcast programming](#);
- recent research on [Audience attitudes towards politicians presenting on TV and radio](#);
- further information about Ofcom's [Election Committee](#) and its previous decisions on due impartiality complaints regarding election coverage;
- Ofcom's [Election Digest](#) updated on 19 March 2024 (please note this is due to be updated further following publication of this note); and
- the website for [The Broadcasters' Liaison Group](#).

Ofcom is a post-transmission regulator and cannot assist broadcasters with their compliance decisions. However, if a broadcaster would welcome Ofcom's help in understanding the Code's requirements on election programming and how we apply them, they should contact the Standards team at: ofcomstandardsteam@ofcom.org.uk