

Government Notice No. 308 of 2022

THE INDEPENDENT BROADCASTING AUTHORITY ACT

Regulations made by the Independent Broadcasting Authority, with the approval of the Minister, under section 38 of the Independent Broadcasting Authority Act

1. These regulations may be cited as the Independent Broadcasting Authority (Amendment of Schedule) Regulations 2022.
2. In these regulations –
“Act” means the Independent Broadcasting Authority Act.
3. The Second Schedule of the Act is amended –
 - (a) by inserting, after paragraph 3, the following new paragraph –

3A. Programmes on radio and television

(1) (a) Due impartiality on political matters, controversial matters and matters relating to current public policy or events shall be preserved on the part of any person providing a service in a broadcasting licensee.

(b) Impartiality may be achieved within a programme or over a series of programmes taken as a whole.

(2) (a) Where a broadcasting licensee attempts to seek alternative views, but these are not readily available (for example, an individual or organisation declines to give an interview or give comments), he shall comply with a range of editorial techniques for maintaining due impartiality.

- (b) A broadcasting licensee –
 - (i) shall seek alternative viewpoints from a range of sources;
 - (ii) summarise with due objectivity and in context the alternative viewpoints, for example, through interviewees expressing alternative views, make clear with appropriate frequency and prominence that a broadcasting licensee has sought alternative viewpoints from particular individuals or organisations; and/or
 - (iii) ensure that the views expressed in a programme are challenged critically by presenters and reporters within the programme.

(c) No broadcasting licensee shall assume prior knowledge on the part of the audience of particular alternative views.

(3) (a) Every presenter or reporter of personal view programmes or chair of discussion programmes may express his own views on –

- (i) political matters;
- (ii) controversial matters;
- (iii) matters relating to current public policy or events.

(b) No presenter shall use the advantage of regular appearances to promote his views in such manner that compromises the requirement for due impartiality.

(c) A presenter of any type of programme shall encourage and broadcast different points of view and must not exclude alternative views.

(4) (a) No due impartiality shall be maintained merely by offering people or institutions likely to represent alternative viewpoints (for example, representatives of the Government) the opportunity to participate in programmes, who decline to do so.

(b) Where a broadcasting licensee cannot obtain, for example, an interview or statement laying out a particular viewpoint on a political matter, controversial matter or a matter of current public policy or event, the broadcasting licensee shall find such other methods as may be appropriate for the purpose of ensuring that due impartiality is maintained.

(c) The methods under sub subparagraph (b) may include some of the editorial techniques specified in subparagraph (5)(b).

(5) (a) It shall be an editorial matter for the broadcasting licensee as to how it maintains due impartiality.

(b) Where alternative views are not readily available, a broadcasting licensee may consider employing one or more of the following editorial techniques –

(i) interviewers can challenge more critically 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;

- (ii) where an interviewee is expressing a particular viewpoint, interviewers can reflect alternative viewpoints through questions to that interviewee;
- (iii) alternative viewpoints can be summarised, with due objectivity and in context, within a programme;
- (iv) having available interviewees to express alternative views; or
- (v) if alternative viewpoints cannot be obtained from the Government, institutions or individuals, broadcasting licensees can refer to public statements by the Government, institution or individual, or such viewpoints can be expressed, for example, through presenters' questions to interviewees.

(6) (a) A broadcasting licensee shall not manufacture any participant in any programme where viewers or listeners are encouraged to participate.

(b) It shall be the responsibility of the broadcasting licensee to ensure that due impartiality is maintained.

(c) (i) Where a matter of political controversy is being covered in an audience participation programme and there are no views being expressed in opposition to

the viewpoint being featured, broadcasting licensees shall have such systems as may be necessary in place to ensure that due impartiality is maintained.

(ii) Where a presenter or broadcasting licensee is aware that they are receiving few audience interventions with an alternative point of view, he may consider some of the editorial techniques specified in subparagraph (5)(b).

(7) (a) Every broadcasting licensee shall ensure that a presenter of a programme treats his participants fairly.

(b) No presenter of a programme shall have the right to degrade others, to be unduly fierce in his criticism, or to use the airwaves to make personal attacks on other persons.

(8) Broadcasting licensees shall ensure that programmes or a series of programmes taken as a whole must be protected against capture by individuals, pressure groups, political parties or members of political parties.

(9) In this paragraph –

“audience participation programme” means a programme where viewers or listeners are encouraged to telephone, email, text, engage through social media or otherwise participate in the programme;

“due impartiality” –

(a) means such impartiality that –

(i) is an important qualification to the concept of impartiality;

(ii) is adequate or appropriate to the subject and nature of the programme;

(iii) may 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; but

(b) does not mean that an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented;

“impartiality” means not to favour one side over another;

“series of programmes taken as a whole” –

(a) means more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience;

(b) may include, for example, 2 or more programmes on the same subject matter;

“personal view in programme” means such programme that –

(a) presents a particular view or perspective;

(b) may range from the outright expression of highly partial views, for example by a person who is a member of a group or party and is campaigning on the subject,

to the considered 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.

- (b) in paragraph 4, by adding the following new subparagraph –
 - (4) The requirements imposed under paragraph 3A on broadcasting licensees shall apply to this paragraph.
- (c) by repealing paragraph 6 and replacing it by the following paragraph –

6. Elections

During any period in respect of National Assembly elections or such other election that the Authority may determine, all licensees shall comply with such guidelines as the Authority may issue.

- 4. These regulations shall come into operation on 25 November 2022.

Made by the Independent Broadcasting Authority on 6 September 2022 and approved by the Minister on 23 November 2022.
