

PRIME MINISTER

2



FCO reaction to the  
suggestion put to  
you by Bernard  
Ingham last night.

Foreign and Commonwealth Office

London SW1A 2AH

24 April 1980

MAD 24/4

M

FC  
P

Disc Mike,

Death of a Princess

You asked for advice on the suggestion by Mr Eldon Griffiths MP that Section 8, paragraph 7, subparagraph (e) of the Independent Broadcasting Authority Act 1973 (attached) would have provided an adequate justification for our inserting at the time of the broadcast of "Death of a Princess", a statement by the Government.

To deal first with the legal angle, Section 8 of the IBA Act covers advertising. Paragraph 7 is not an empowering section; it is designed to allow official statements to be made on independent television channels despite the previous paragraph (6) which prohibits the inclusion of material which would suggest or imply that any programme broadcast had been supplied or suggested by an advertiser. It could not be taken as a basis for inserting government statements of a political nature about particular programmes and neither the IBA nor the individual TV franchise holders would accept it as such.

Section 22 of the Act is an empowering section. Paragraph (1) allows a Minister to broadcast "if it appears to him to be necessary or expedient to do so in connection with his powers as such". This is interpreted by Paragraph 5(9) of the Annan Report to cover emergencies (eg, flooding, animal disease) or eg, police recruitment, but not for statements of policy. In the case of "Death of a Princess", the Lord Privy Seal accepted the advice that there was no legal basis for such a Government intervention.

He also took the view that for the Government to exert too much pressure would simply increase the publicity and hence the damage done to our relations with Saudi Arabia. Nonetheless the day before the broadcast, Sir Philip de Zulueta and subsequently the Lord Privy Seal spoke to Lord Windlesham,

/Managing



Managing Director of ATV, to ensure that he was aware of Saudi reactions to the programme. They also suggested a short statement by the TV company in advance of the programme might lessen the damaging effect of the programme. In the event, ATV inserted a short passage saying that the programme was a dramatisation and that justice was equal for all in Saudi Arabia. But this was in no sense a government statement.

*Yours etc*

*Paul*

(P Lever)  
Private Secretary

M Pattison Esq  
10 Downing Street  
London

24 APR 1960

APR 24 1960  
9 8 7 6 5 4 3 2 1

(7) Nothing in subsection (6) of this section shall be construed as prohibiting the inclusion, in any part of a programme broadcast by the Authority which is not an advertisement, of any of the following matters, that is to say—

- (a) items designed to give publicity to the needs or objects of any association or organisation conducted for charitable or benevolent purposes ;
- (b) reviews of literary, artistic or other publications or productions, including current entertainments ;
- (c) items consisting of factual portrayals of doings, happenings, places or things, being items which in the opinion of the Authority are proper for inclusion by reason of their intrinsic interest or instructiveness and do not comprise an undue element of advertisement ;
- (d) announcements of the place of any performance included in the programme, or of the name and description of the persons concerned as performers or otherwise in any such performance, announcements of the number and description of any record so included, and acknowledgments of any permission granted in respect of any such performance, persons or record ;
- (e) items inserted at the request, or under the authority, of a Minister of the Crown (including a Minister of Northern Ireland) ;
- (f) such other matters (if any) as may be prescribed by regulations made by the Minister by statutory instrument after consultation with the Authority,

or as prohibiting the inclusion of an advertisement in any programme broadcast by the Authority by reason only of the fact that it is related in subject-matter to any part of that programme which is not an advertisement.

(8) So much of subsection (6) of this section as prohibits the inclusion in programmes (other than advertisements) broadcast by the Authority of anything which could reasonably be supposed to have been included therein in return for payment or other valuable consideration to the Authority shall not apply to any programme so broadcast in an educational service provided under section 3(2)(c) of this Act.

(9) Before making any regulations under this section the Minister shall lay a draft thereof before each House of Parliament, and shall not make the regulations until a resolution has been passed by each House of Parliament approving the draft.

Government  
control over  
Authority as  
to certain  
other matters.

22.—(1) The Minister or any other Minister of the Crown may, if it appears to him to be necessary or expedient to do so in connection with his functions as such, at any time by notice in writing require the Authority to broadcast, at such times as may be specified in the notice and from such of the stations used by them as may be so specified, any announcement so specified, with or without visual images of any picture, scene or object mentioned in the announcement, and it shall be the duty of the Authority to comply with the notice.

(2) Where the Authority broadcast any announcement in pursuance of a notice under the preceding subsection they may, if they think fit, announce that they are doing so in pursuance of such a notice.

(3) Subject to subsection (4) of this section, the Minister may at any time by notice in writing require the Authority to refrain from broadcasting any matter or classes of matter specified in the notice, and it shall be the duty of the Authority to comply with the notice.

(4) If under subsection (3) of this section the Minister by notice in writing requires the Authority to refrain from broadcasting anything, the Authority may, if they think fit, broadcast an announcement of the notice or of the revocation or expiration of the notice.

(5) The Minister may at any time, after consultation with the Authority, by notice in writing require the Authority—

(a) to adopt or use, or refrain from adopting or using, technical measures or processes specified in the notice;

(b) to install, establish, maintain or use any such additional station, stations or apparatus as may be so specified, situate in such places and complying with such requirements as may be so specified;

(c) to broadcast such test or experimental transmissions from such station or stations, and at such times and for such periods, as may be so specified,

and it shall be the duty of the Authority to comply with the notice.

(6) A copy of any notice served on the Authority under subsection (5) of this section shall be laid by the Minister before each House of Parliament.

(7) The powers conferred by this section are in addition to any powers specifically conferred on the Minister by any other provisions of this Act.

(8) In relation to any broadcasting station in Northern Ireland, the reference in subsection (1) of this section to a Minister of the Crown shall be deemed to include a reference to any Minister of Northern Ireland.