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*ABG*

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

2 October 1989

*Dear Catherine,*

**BROADCASTING BILL:  
ADVERTISING IN RELATION TO INDUSTRIAL  
DISPUTES**

The Prime Minister has seen the Home Secretary's letter of 26 September to the Secretary of State for Employment. She is content for him to proceed on the lines proposed.

I am copying this letter to the Private Secretaries to Members of MISC 128 and Trevor Woolley (Cabinet Office).

*Yours,  
Paul*

PAUL GRAY

Miss Catherine Bannister,  
Home Office

*[Handwritten mark]*



*Prime Minister*

QUEEN ANNE'S GATE LONDON SW1H 9AT

*Brian Gough has no comments  
Comment with this package? 26 September 1989*

*Rec'd  
29/9  
Dear Norman,*

*Yes*

**BROADCASTING BILL :  
ADVERTISING IN RELATION TO INDUSTRIAL DISPUTES**

*raf*  
Thank you for your recent letter in response to mine of 21 July in which I suggested the need to amend the present very wide restrictions on broadcast advertising in relation to industrial disputes.

The Broadcasting Act 1981 forbids any advertisement which has any relation to any industrial dispute. I had proposed that this rule should be made more precise by bearing specifically on advertisements in furtherance of any industrial dispute. The reason for this change is that the IBA have in practice found it necessary to exercise discretion in interpreting the present rule in order to avoid a result which went beyond the original intentions of Parliament. The kind of advertisements that have given rise to difficulty include one by the DHSS explaining how claimants could obtain their benefits during a postal strike and another by the Department of Transport advising motorists how to avoid congestion during a rail strike. On a strict interpretation both these advertisements should have been disallowed since they bore a relation to an industrial dispute. In the event the IBA decided to let the advertisements go ahead, but they point out that their decisions could have been the subject of legal challenge by the unions concerned, or indeed by some other party, because of the apparently comprehensive wording of the prohibition.

/We shall,

The Rt Hon Norman Fowler MP  
Department of Employment  
Caxton House  
Tothill Street  
LONDON  
SW1H 9NF



We shall, as you say, need to look to Parliamentary Counsel to advise on how the new prohibition should be formulated in the Bill. It seems to me that it needs to cover the following two categories:

- a. advertisements, whether or not inserted by the parties in dispute, which express a view on the merits of one or more of the issues involved in the dispute. This would extend to an advertisement where the merits of the case were objectively argued, on the basis that an advertisement which one person might regard as equally balanced might well be regarded in a different light by another;
- b. advertisements containing factual information which, taken at face value, do not argue the merits of any particular case, but which in the context of the industrial dispute could serve to promote the interests of one or other party. For example, an advertisement which simply set out the details of a pay offer could be regarded as an attempt to sway public opinion in favour of the management's position, even if it made no attempt to discuss the merits of the offer as such.

I am however anxious that we should not exclude advertisements which neither argued the merits of any particular case, nor stated facts relating to the conduct of any party, but instead were aimed at the viewing public to give them information which would help them to avoid any personal inconvenience which might otherwise result from the dispute.

It was with these distinctions in mind that I proposed in my earlier letter that the new provision should bite only on advertisements inserted in furtherance of an industrial dispute. I think on reflection that it will be desirable also to prohibit advertisements showing partiality in relation to an industrial dispute, so as to rule out the possibility of biased statements by non-participants in the dispute. I hope that you and MISC 128 colleagues will agree that a measure along these lines is more sensible than simply re-enacting the present blanket prohibition.

I am copying this letter to MISC 128 colleagues and Sir Robin Butler.

Yours,  
Douglas

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