



R4/7
HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

-4 JUL 1990

Dear Andrew,

RELIGIOUS BROADCASTING

Thank you for your letter of 3 July.

... Mr Mellor replied to Michael Alison's letter of 28 June on
3 July. I attach a copy of that letter and the relevant press
release.

Yours sincerely,

JANE HARRISON
Private Secretary

Andrew Turnbull Esq
Principal Private Secretary
10 Downing Street



file for
a: pps/mellow

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

3 July 1990

RELIGIOUS BROADCASTING

BF // Michael Alison sent a copy of his letter to your Minister of 28 June to the Prime Minister. She would be interested to learn how it is proposed to respond to Mr. Alison's suggestions.

ANDREW TURNBULL

Miss Jane Harrison,
Minister of State's Office,
Home Office.

AT



*file for
at/ps/reh/son*

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

3 July 1990

RELIGIOUS BROADCASTING

Thank you for copying to me your letter to Mr. Mellor. I have shown it to the Prime Minister who has asked me to find out from Mr. Mellor how he proposes to respond to the concerns you have expressed.

ANDREW TURNBULL

The Rt. Hon. Michael Alison, M.P.



Prime Minister
Mr Mellow has sought to meet Michael
Alison's concerns that the traditional
religious advisors to BBC and IBA would try
to exclude any new entrants, but he proposes
to do so by publication of guidelines rather
than including definitions in the Bill.

cc Proposed Guidelines
HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

AT 517
3 July 1990

Dear Mr Alison,

RELIGIOUS BROADCASTING

I was most grateful for your letter of 28 June in response to mine of 20 June. The religious broadcasting amendments were tabled yesterday. I thought you might like to see the enclosed press release.

I was very glad that you felt able to welcome the proposed amendment to Clause 6. I thought your argument for preferring "abusive" to "insulting" was a good one, and the amendment now incorporates the point.

I have reflected very carefully on your point about the "appropriateness" test in Schedule 2. I understand why you would like to see this pinned down. And it is certainly no part of the Government's intention that the discretion should be used to exclude religious groups merely because they are insufficiently "establishment" or "mainstream". I do, however, have reservations about tying the discretion exclusively to the consumer protection and fit and proper persons safeguards. This is partly for technical drafting reasons but mainly because I am not satisfied that these criteria would exhaust the circumstances in which the discretion should be used to refuse a licence. Suppose, for instance, that the ITC received an application from a new religious cult or extremist group to own a satellite channel. There might be no hard evidence that the group did not intend to comply with the consumer protection safeguards and no provable record of wrong doing or irresponsible behaviour upon which to ground invoking the fit and proper persons provision. I question whether it would be right if the regulatory body had no power to regard such a group as disqualified in such circumstances.


/I have therefore

The Rt Hon Michael Alison MP

I have therefore tried to meet your point by the alternative means of requiring the regulatory bodies to publish general guidance to applicants as to the principles to be applied by them in determining whether it was appropriate for religious groups to hold the relevant licences. This would provide a vehicle for making clear that consumer protection considerations would normally be the basis upon which the discretion would operate. You will see that I have tried to get some of this flavour across in the press release, and Robin Ferrers will also seek to do so in moving the amendments.

I hope you will see this as a serious effort to meet the concerns expressed in your letter. I am most grateful, as before, for all your help with this sensitive subject.

I am copying this letter to Ian Orr-Ewing.

Yours sincerely,


DAVID MELLOR
(Approved by the Minister in draft
and signed on his behalf)



Home Office

NEWS RELEASE

50 Queen Anne's Gate London SW1H 9AT
(Night line 071-273 4595)

Contact Number:

071-273 4620

2 July 1990

RELIGIOUS BROADCASTING

MELLOR ANNOUNCES NEW BALANCE BETWEEN FREEDOM AND RESPONSIBILITY

The Government is today tabling amendments to the Broadcasting Bill for the Lords Committee stage which follow up undertakings on religious broadcasting given by Home Office Minister of State David Mellor QC MP.

He said today: "This Bill gives far greater freedom to religious broadcasters than previous broadcasting legislation. At the same time, it contains clear safeguards against abuse. The balance which will now be struck between freedom and responsibility in religious broadcasting should, I believe, be welcomed by all who take an interest in this important subject."

Mr Mellor said that he was proposing three main changes:

"First, we are deleting the 'no-editorialising' and 'no undue prominence' rules in relation to all religious broadcasting. There was much anxiety about the effect of these rules on religious groups who had won licences to run satellite or cable channels or radio stations. Some feared, for instance, that broadcasts of church services would have been prevented. I do not believe that the rules would have been this restrictive in their effect. But I did not want there to be any unnecessary anxiety or uncertainty.

"So, secondly, we are replacing them with a tailor-made safeguard for religious broadcasting. This will require all religious programmes to avoid any improper exploitation of the susceptibilities of the audience and any abusive treatment of the religious beliefs of others. This is a much clearer safeguard against abuse of religious broadcasting. It will operate alongside the other viewer and listener protection safeguards in the Bill.

"Thirdly, there is no intention that religious groups should be prevented from owning satellite and cable channels and radio stations merely because they are innovative or not mainstream. I would envisage that the Independent Television Commission and Radio Authority would not normally regard religious groups as disqualified unless they were thought unlikely to comply with the viewers and listener protection safeguards, or to be unfit persons to hold broadcasting licences.

"We therefore think it right to require the regulatory bodies to publish general guidance for applicants as to the principles which they will apply in deciding whether any religious group is disqualified from holding satellite, cable or radio licences.

"These proposals would complete the refinements which we have agreed to make to the Bill on religious broadcasting. They are another example of our readiness to listen to arguments and to propose changes to the Bill where we thought there was a good case for doing so. I have held meetings with representatives of many groups with an interest in religious broadcasting. I am particularly grateful to Michael Alison MP for co-ordinating many of these representations."

NOTE FOR EDITORS

The Bill will start its Lords Committee stage next week. It has already been amended to require Channel 3 and Channel 5 licensees to give a sufficient amount of time to religious programmes; and to give the ITC discretion to allow religious groups to own cable and non-DBS satellite channels. The Radio Authority, under the amendments being tabled today, would have discretion to allow religious groups to own local, restricted and satellite radio licences, and licences for licensable sound services.