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the department for Enterprise

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The Rt. Hon. Nicholas Ridley MP  
Secretary of State for Trade and Industry

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*see Colin*

**BROADCASTING BILL: IMPARTIALITY AND BALANCE**

*Acas*

My Secretary of State has seen your letter of 17 November to Dominic Morris about the requirements for impartiality and balance that should be included in the Broadcasting Bill.

He agrees that the Home Secretary's proposals represent a practical way of implementing the necessary conditions and is content to support them.

I am copying this letter to the recipients of yours.

*Yours*  
*Rosalind Cole*  
ROSALIND COLE  
Private Secretary



From: THE PRIVATE SECRETARY

HOME OFFICE  
QUEEN ANNES GATE  
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17 November 1989

*Dear Dominic***BROADCASTING BILL: IMPARTIALITY AND BALANCE**

The Home Secretary has been giving thought to the specific requirements for impartiality and balance which should be included in the Broadcasting Bill.

The White Paper made clear that programmes should omit all expressions of the views and opinions of the persons providing the service on religious matters or on matters which were of a political or industrial controversy or relate to current public policy and that due impartiality should be preserved when dealing with such matters. The Home Secretary believe that it would be desirable to include two additional features.

First; he proposes that the ITC should be required to draw up and publish a code on impartiality. The view that has prevailed hitherto is that due impartiality cannot necessarily be achieved in a single programme. It is argued that a requirement for every viewpoint to be equally balanced by an opposite viewpoint in the context of an individual programme would tend to stifle effective presentation and analysis of the issues. The Broadcasting Act 1981 recognises this and provides that impartiality may be achieved over a series of programmes. This provision has however itself been criticised on the basis that it does not acknowledge that the timescale over which a balanced presentation of arguments should occur must depend on the subject matter. Matters of major political significance for example may need to be presented with due impartiality within a single programme, whereas for other matters of less immediacy impartiality may satisfactorily be achieved over a range of programmes within a longer timescale. It would be

/unsatisfactory for

Dominic Morris, Esq  
Private Secretary

2.

unsatisfactory for the Bill itself to have to make distinctions of this kind. A better approach in my view would be for the ITC to be required to produce and enforce a code of practice indicating the ways in which impartiality should be achieved in different circumstances. The present statutory proviso about impartiality over a series of programmes would remain; but the code would provide additional guidance to broadcasters about its practical application.

Secondly, there is no provision in the Cable and Broadcasting Act 1984 which mirrors the requirement for due impartiality in relation to local cable services. Instead, there is a lighter provision that undue prominence should not be given in the programmes (taken as a whole) to the views and opinions of particular persons or bodies. Under the proposed future arrangements, the services carried by local delivery operators will be licensed in their own right by the ITC. Insofar as these are national channels, like the Sky Channels, it is clearly right that the due impartiality test should apply, as it will to the other terrestrial channels. But the Home Secretary believes that there is a case for giving the ITC a discretion to apply the undue prominence test to services which it considers to be aimed primarily at specific local areas or communities (eg a local interest service provided by a cable operator for his own franchise area). It has already been agreed that the undue prominence test is appropriate for local radio stations, and it would seem wrong not to adopt the same approach in relation to purely local television services, particularly in the light of the precedent of the 1984 Act. Such a requirement would allow small scale neighbourhood or ethnic minority channels to represent the particular interests of the audiences they served, while still permitting the ITC to ensure that no undue prominence was given to any particular viewpoint.

The Home Secretary wishes to make two other minor amendments to the proposals in the White Paper. First, the White Paper proposed that due impartiality must be achieved when dealing with matters of political or industrial controversy. The Home Secretary proposes to restrict these to matters of current political or industrial controversy. He sees no need to require due impartiality where programmes deal with matters of purely historical interest, which do not relate to current political controversy or public policy. Secondly, the Broadcasting Act 1981 prohibits the expression of opinion on all matters other than broadcasting which are of political or industrial

3.

controversy or relate to current public policy. Without this exception, broadcasters would not be permitted to participate in a televised debate on the subject of broadcasting. That would seem unnecessarily restrictive, and the Home Secretary proposes therefore that the exception should be retained.

The Home Secretary would be grateful to know whether the Prime Minister and other colleagues are content with these proposals.

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

Yours ever



C J WALTERS

BROADCASTING : Policy pr 10.