



Prime Minister ²

To note.

PHP

22/5

22/5

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

21 MAY 1990

ms

Dear colleague.

In my letter of 27 March about the Broadcasting Bill and quality issues I outlined two amendments which we proposed to table for the Report Stage on the question of religious broadcasting. Now that the Bill has had its Report and Third reading you may like to have an update on the implications of the Bill for religious broadcasting.

As you will know, there is no suggestion whatsoever, contrary to some misapprehensions, that TV and radio stations should not be allowed to broadcast religious programmes. On the contrary, a number of measures to liberalise the regulation of religious broadcasting were included in the Bill at the outset.

First, the Bill removes the automatic ban on religious advertising contained in Schedule 2 to the Broadcasting Act 1981. Secondly, the Bill removes the existing mechanisms under the 1981 Act for disqualifying religious groups from owning radio stations. This radical change means that Christian and other religious groups in the UK can not only make programmes for radio but for the first time will be able to hold licences to run their own radio stations. Thirdly, there is the scope which the Bill opens up for many new channels and stations, and thus many new outlets for religious programmes. Alongside these changes, the BBC remain committed to continuing to provide religious programmes on both TV and radio.

As promised in my letter of 27 March, we tabled Report Stage amendments proposing two further important changes. These have now been included in the Bill.

Safeguard for religious broadcasting

Following debates in the Committee on religious broadcasting, and in the light of representations from a number of Christian and other religious groups, I agreed to consider whether there was a need to include in the statutory requirements for Channel 3 and Channel 5 licences a specific reference to religious programmes. A Government amendment has now been included in the Bill under which Channel 3 and Channel 5

/licensees will

licensees will be required to give a sufficient amount of time to religious programmes. This provides for the first time an express guarantee that religious programmes will continue to be shown on the main independent terrestrial services, as they will on the BBC. As I said in my letter of 27 March, religious broadcasting, by its very nature, has a special claim for protection, which I thought right to acknowledge on the face of the Bill. This undertaking has now been fulfilled.

Ownership

The second key area is that of ownership. The Bill as introduced marked a major development by removing the existing mechanisms for disqualifying religious groups from owning radio stations. We think this departure from the past is justifiable because of the prospect that there will be 200-300 more radio stations by the end of the 90s which, because of the licensing criteria, will provide a great diversity of programming. In the case of television, although new channels will proliferate, this will not be on the same scale as radio, and services such as Channel 3 and Channel 5 will remain very powerful and influential for years to come. I do not believe it would be right to leave open even the theoretical possibility that such channels could fall into the hands of religious extremists or fanatics. There was no support in the Standing Committee for the proposition that religious groups should be able to own Channel 3 or 5 franchises. The same line of reasoning applies to the proposed new national commercial radio stations. But I undertook, in the light of discussion in the Committee, to bring forward a Report Stage amendment giving the Independent Television Commission the power to allow religious groups to own cable and non-DBS satellite channels where satisfied that this would be appropriate. This undertaking has also been met, and a suitable provision has now been included in the Bill. We propose to seek to bring the radio provisions into line in the Lords by giving the Radio Authority discretion to allow religious ownership of all kinds of independent radio stations other than the national ones.

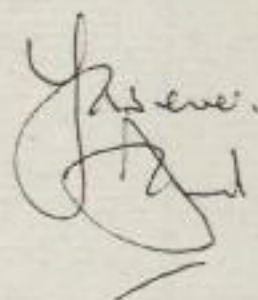
Content requirements

A further issue which we discussed during the Report Stage was the question of what content safeguards there should be against abuse of broadcasting by, for instance, religious extremists or fanatics or people aping the worst sort of US TV evangelists. The Bill contains a number of safeguards, most of which derive from similar provisions of long standing in previous broadcasting legislation. For instance, all broadcasting licensees would have to be fit and proper persons; abide by codes covering advertising, sponsorship and appeals for donations (among other matters); and comply with the core consumer protection requirements on taste, decency, offensiveness and encouragement of crime or disorder. Under the Bill as it stands all licensees would additionally have to avoid editorialising on religious as well as political matters; and

/radio stations

radio stations and, at the ITC's discretion, local licensable programme services, would also, in relation to both religious and political matters, be subject to a no undue prominence requirement. It is common ground that most of these requirements are necessary and should remain in place. But some concern has been expressed about the application of the no editorialising and no undue prominence rules to religious broadcasting. These are less restrictive requirements than some have feared. For instance, they would not automatically rule out the broadcasting of church services, as some have suggested. Nevertheless, I recognise that some concern remains about how these tests would operate in practice. We have no wish to inhibit, still less stifle, lively new ideas for Christian and other religious broadcasting provided such services are responsible. I therefore indicated during the Report Stage that the Government was prepared to consider a revised approach to the safeguards in relation to religious broadcasting. What I have in mind is that the undue prominence and no editorialising requirements would cease to apply to religious broadcasting for any sort of licensee, and would be replaced by a new tailor-made requirement relating to the content of religious output. The main ingredients would be that any treatment by licensees of religious matters must be responsible and not exploitative. We are considering further the detailed formulation of this new requirement. It would be open to the ITC and Radio Authority to flesh it out in their codes on programme standards. The requirements relating to fit and proper persons, offensiveness, advertising and donations would remain unchanged, and would all be capable of application to religious broadcasting. My aim would be to ensure that any revised approach along these lines should provide sufficient safeguards against abuse of religious broadcasting while ending any remaining uncertainty about what might otherwise have been the effects of applying the no editorialising and no undue prominence rules to religious matters. In this way I hope we can open the way for good quality, reasonable broadcasters whilst keeping the door firmly shut on the cults or unscrupulous American tele-evangelists. The relevant amendments will be made in the Lords to sort out the last remaining area of concern.

All in all I hope you will agree that the Bill now does everything reasonable people could hope by way of permitting reasonable religious programmes to flourish, and I am grateful for the help of so many colleagues in passing on to me their constituents' views and helpful suggestions.

A handwritten signature in dark ink, appearing to read 'D. Mellor', with a stylized flourish underneath.

DAVID MELLOR