

PRIME MINISTER

BROADCASTING BILL: IMPARTIALITY

You are to discuss this with the Home Secretary and Mr. Baker tomorrow morning at 0930. Mr. Whittingdale will also attend. The Committee Stage of the Broadcasting Bill in the House of Lords is likely to reach the relevant clauses next Thursday.

Lord Wyatt and others have put down amendments (flag A) designed to ensure greater impartiality. A problem exists at two levels:

- current legislation and guidance is inadequate;
- even where there are codes, broadcasters are adept at getting round them.

The Wyatt amendments address the following issues.

- (i) The current law calls for due impartiality in matters of current political or industrial controversy or relating to current public policy. This allows events of even recent history to be given tendentious treatment. The Home Secretary (flag B) has agreed to accept an amendment deleting "current".
- (ii) In meeting the due impartiality requirement a series of programmes may be considered as a whole. This provides scope for observing the letter but not the spirit of the guidelines, e.g. by tucking away the balancing programme in an obscure part of the timetable.

Lord Wyatt has tabled amendments requiring that:

- (a) at the end of any programme over 15 minutes which is not impartial, there should be a discussion allowing the opposing point of view to be put;
- (b) within one month, the programme will be broadcast putting forward the other side of the case;

- (c) after any partial programme, there will be broadcast an announcement stating when this second programme will be shown.

This probably goes further than is required; either (a) or (b) and (c) jointly would be sufficient.

The Home Secretary proposes to deal with this by getting the regulators to spell out in detail the way in which impartiality is to be achieved including such matters as the nature and timescale of the series over which programmes can be considered as a whole. He believes it is better to deal with these matters in a code rather than on the face of the Bill.

- (iii) Should impartiality be enforced by the BBC and ITC or by an independent adjudicator such as the Broadcasting Complaints Commission or the Broadcasting Standards Commission. The Home Secretary argues that neither Lord Rees-Mogg nor Lady Anglesey wish to take on this responsibility. Lord Wyatt believes there should be an independent adjudicator.
- (iv) At present personal view/special mandate programmes are treated as outside the impartiality requirements. Baroness Cox and Lord Orr-Ewing see this as a loophole and have put down an amendment to bring them within the impartiality regime.

In whatever is decided, care needs to be taken over the treatment of drama. The letter from Ian Curteis (flag C) warns of the dangers of requiring all plays to be impartial. He believes these requirements should be confined to news, documentaries and current affairs.

You could open the meeting by asking Mr. Baker to set out his views. The Home Secretary could then explain why he believes his approach is adequate for dealing with the problem. You will want

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to ensure that whatever is decided can be successfully defended as maintaining impartiality rather than suppressing freedom of expression.

You may like to see the letter (flag D) from Lord Pearson. He feels he ought to vote for the Wyatt et al amendments but having so recently joined the House he hopes it will be possible for him not to have to vote against the Government.

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ANDREW TURNBULL
27 June 1990

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Broadcasting Bill

AMENDMENTS TO BE MOVED IN COMMITTEE

Clause 6

BY THE LORD WYATT OF WEEFORD
THE LORD ORR-EWING
THE BARONESS ELLES

- Page 6, line 10, leave out ("person providing the service") and insert ("persons providing the service and programmes")

BY THE BARONESS COX

- Page 6, line 11, leave out ("current")

BY THE LORD WYATT OF WEEFORD
THE LORD ORR-EWING

- Page 6, line 19, at end insert ("subject to the following provisions, namely—

- (a) at the end of any programme lacking due impartiality, there shall be broadcast a discussion with a duration sufficient to demonstrate adequately the main opposing views and featuring participants qualified competently to represent those views; but this provision shall not apply to programmes of less than fifteen minutes' duration;
- (b) within one calendar month of the broadcasting of any programme lacking due impartiality, there shall be broadcast another programme or programmes on the same topic, in the same series, at a comparable time and with comparable prominence, putting forward the main arguments excluded from the initial programme;
- (c) when any programme lacking due impartiality is broadcast there shall also be broadcast an announcement stating the date and time of any subsequent programme or programmes in the same series and that this subsequent programme or programmes will contain the main views opposing those put forward in the initial programme.")

(2)

Clause 6—continued

BY THE BARONESS COX
THE LORD ORR-EWING

Page 6, line 19, at end insert—

("() Programmes which are categorised as being the 'Personal View' of particular individuals, programmes produced under the special mandate of particular television services, and programmes categorised by any other special designation, shall not be exempt from the impartiality provisions set out in section 6(1) and (2) above.")

BY THE LORD ORR-EWING

Page 6, line 33, leave out ("person providing the service") and insert ("persons providing the service and programmes")

BY THE BARONESS COX

Page 6, line 34, leave out ("current")

Clause 85

BY THE LORD WYATT OF WEEFORD
THE LORD ORR-EWING

Page 71, line 43, leave out ("or matters of current political or industrial controversy or relating to current public policy; and")

BY THE BARONESS COX

Page 71, line 43, leave out ("current")

BY THE LORD WYATT OF WEEFORD
THE LORD ORR-EWING

Page 71, line 44, at end insert—

("() that due impartiality is preserved on the part of the persons providing the service and the programmes as respects matters of political or industrial controversy or relating to current public policy; and")

Page 72, line 2, leave out ("person providing the service") and insert ("persons providing the service and the programmes")

BY THE BARONESS COX

Page 72, line 4, leave out ("current")

BY THE LORD WYATT OF WEEFORD
THE LORD ORR-EWING

Page 72, line 6, leave out ("the programmes included in that service shall be taken") and insert ("a series of programmes may be considered")

Page 72, line 7, at end insert ("subject to the same provisions as set out in section 6(2)(a), (b) and (c) above")

(3)

Clause 85—continued

BY THE BARONESS COX
THE LORD ORR-EWING

Page 72, line 7, at end insert—

("() Programmes which are categorised as being the 'Personal View' of particular individuals, programmes produced under the special mandate of particular radio services, and programmes categorised by any other special designation, shall not be exempt from the impartiality provisions set out in section 85(2) and (3) above."

BY THE LORD WYATT OF WEEFORD
THE LORD ORR-EWING

Page 72, line 9, leave out paragraph (a) and insert—

("(a) draw up, and from time to time review, a code giving guidance—

(i) as to the rules to be observed in determining what constitutes a series of programmes for the purposes of subsection (3), and

(ii) as to the rules to be observed in other respects in connection with the application of paragraph (a) of subsection (2) in relation to any such licensed service as is mentioned in that subsection; and")

Clause 140

BY THE LORD WYATT OF WEEFORD

Page 108, line 44, at end insert ("; and

(d) standards to be observed and practices to be followed for the preservation of due impartiality in matters of political or industrial controversy or relating to current public policy.")

Clause 142

BY THE LORD WYATT OF WEEFORD

Page 110, line 7, at end insert ("; or

() to alleged failures on the part of such programmes to preserve due impartiality in matters of political or industrial controversy or relating to current public policy.")

From: Lord Pearson of R



The Prime Minister
10 Downing Street
London SW1

27th June 1990

Dear Prime Minister,

I fear I am in trouble with my conscience over Clause 6 (political impartiality) of the forthcoming Broadcasting Bill.

As it stands this will weaken even the present inadequate legal safeguards, and, amongst other things, will certainly make our life more difficult at the next General Election.

I will of course listen to the arguments, but I have been close to this subject for several years, and fear I shall have to support the amendments tabled by Lord Orr-Ewing and others. It would be a great relief if the Government could reach agreement with them beforehand.

I know its only one vote, but in the circumstances it would be a particularly painful one, and I felt I should contact you in advance.

Yours Sincerely,

Malcolm Pearson
