

Communications Commission

The Programme Code

Revised Summer 2004

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FOREWORD

The Communications Commission *Programme Code* sets out the editorial standards which audiences are entitled to expect from broadcasting services in the Isle of Man. It aims to ensure that requirements covering programme content which Tynwald stipulated in the Broadcasting Act 1993 are met, while allowing for and encouraging creativity, development and innovation.

All broadcasters from places in the Isle of Man have to have a licence from the Communications Commission. A condition of every licence is compliance with the *Programme Code*. It is the responsibility of the licence holders to ensure their programmes and services operate within the framework of the Code.

Where the Code has been breached, the Commission may use sanctions against licence holders, including revocation of their licences, to support the Code and the standards audiences can expect. Licensees are obliged to report to the Commission on how they deal with complaints from the public which they receive directly themselves. The Commission takes all complaints seriously and, where it feels a complaint to be justified, will take action with the licensee concerned.

The Legal Background to the Code

The *Programme Code* gives effect to some requirements directly stipulated by the Broadcasting Act 1993 such as due impartiality, the portrayal of violence and the need for due responsibility in religious programmes.

The Communications Commission has drawn up the Code in the light of the provisions of the Human Rights Act 2001. Relevant provisions of the European Convention on Human Rights are set out in Section 2. However, all sections of the Code have been reviewed to ensure compliance with the Act and the Convention.

General Guidance on the Code

The Communications Commission is willing to give general guidance on the interpretation of this Code. However, licensees have the responsibility of ensuring that any programmes they transmit comply with the Code. Programme makers, independent producers or others supplying programme material should seek guidance on specific proposals from the licensee.

No Code of this kind can be all-inclusive. The Code is not a complete guide to good practice in every situation, nor does it say everything that can be said on the topics it covers. Licensees should, therefore, aim to operate within the spirit of the Code as well as the strict letter of it. The Code is subject to interpretation in the light of changing circumstances and on some matters it may be necessary to introduce fresh requirements or advice from time to time.

SECTION 1: Family audience policy, offence to good taste and decency, portrayal of violence and respect for human dignity

1.1. GENERAL REQUIREMENT

Section 5(a) of the Broadcasting Act 1993 requires that the Communications Commission does all it can to secure that every licensed service includes nothing in its programmes which offends against good taste or decency or is likely to encourage or incite to crime or lead to disorder or be offensive to public feeling. Section 6(1)(a) permits the Communications Commission to draw up a code giving guidance as to the rules to be observed with respect to the showing of violence, or the inclusion of sounds suggestive of violence, in programmes included in licensed services, particularly when large numbers of children and young people may be expected to be watching or listening to the programmes. Programme services are free to deal appropriately with all elements of the human experience but should avoid gratuitous offence by providing information and guidance to audiences, bearing in mind the expectations of those watching or listening. Decisions on programme content will vary according to the time of day, nature of the station and the likely audience. This is true not only in respect of children but for audiences in general. Viewers or listeners are more likely to experience distress or offence as a result of strong material if they are taken unawares.

1.2. FAMILY AUDIENCES AND THE WATERSHED

Material unsuitable for children must not be transmitted at times when large numbers of children may be expected to be watching or listening.

However, the Communications Commission accepts that, even though some children are always likely to be present in the audience, the likelihood varies according to the time, subject matter and channel. The majority of homes do not contain children and viewers and listeners have a right to expect a range of subject matter.

The necessary compromise is embodied in the Communications Commission's Family Audience Policy which assumes a progressive decline throughout the evening in the proportion of children, matched by a progression towards material more suitable for adults.

Within the progression, 9pm is normally fixed as the time up to which licensees are responsible for ensuring that nothing is broadcast that is unsuitable for children. The earlier in the evening a programme is broadcast, the greater the care required.

Not all daytime or early evening programming will be suitable for very young children. Licensees should provide sufficient information, in terms of regular scheduling patterns and on-air advice, to assist parents to make choices.

After the watershed, and until 5.30am, material more suitable for an adult audience may be broadcast. However, care should be taken in the period immediately after the watershed. There should be a gradual transition and it may be that a programme will be

acceptable at 11.30pm, for example, that would not be suitable at 9pm. Material which is particularly adult in tone should be scheduled appropriately and clearly signposted.

Particular care should be taken over programmes of special appeal to children which may start before the watershed but run beyond that time; and with programming during school holidays, when children will be part of the audience throughout the day and may also go to bed later.

There is evidence that children find violence which resembles real life more upsetting than violence in a fantasy context but any sequence which might unsettle younger children needs special care. Particular distress can be caused where such violence occurs in a domestic setting and scenes of serious domestic conflict, whether or not accompanied by physical violence or threat, can cause fear and insecurity. News bulletins should take account of the Family Audience Policy (see 1.7(ii)).

While it is accepted that stylised violence can be entertaining and often humorous in comedy and in animation, more serious representation, for example in children's drama, should always be editorially justified and should ensure that the consequences of violence are treated appropriately.

Bad language (including profanity) should not be used in programmes made for children (see 1.5).

Unless otherwise stated, any reference in the Code to 'children' means those aged 15 or under. A reference to 'young persons' means those aged 16 or 17 and a reference to very young children means those aged four or under.

1.2(i) Children and Imitative Behaviour

The portrayal of any dangerous or harmful behaviour easily imitated by children should be avoided, especially before the watershed, and must be excluded entirely in children's programmes. This applies especially to the use, in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances. Certain household goods, such as microwaves and tumble-dryers readily accessible to children, can cause harm if misused and care should be taken with the portrayal of any such use. Certain locations, such as railway lines, can raise similar concerns.

Films or television programmes including hanging or preparations for hanging capable of easy imitation should not be scheduled to start during family audience time unless there are strong grounds for believing that imitation is unlikely (e.g. a historic setting). Special care is required with material including 'comic' treatments that may lead children to fail to recognise potentially dangerous play especially where there is no serious outcome.

Smoking and drinking should be avoided in children's programmes, and included only when there is a strong editorial case for their inclusion. In other programmes likely to be widely seen or heard by children and young people, smoking and drinking should be included only where context or dramatic veracity requires it. In such programmes smoking should not be prominently featured as a normal and attractive activity. The same concerns apply and particular care is needed with any programme dealing with or involving representations of drug abuse (see also 5.7 and 5.8).

1.2(ii) Prizes in Children's Competitions

Prize values in children's competitions should normally be considerably lower than those on offer to adults, should be appropriate to the age of the target audience and should be designed to appeal to audience interests and not to greed. Cash sums are not acceptable.

1.3 INFORMATION, ADVICE AND WARNINGS

Labelling, classification details and other information announcements have a helpful role in enabling audiences to make appropriate choices at all times. Licensees should consider whether any elements of programming might disturb audiences, in particular younger children. Appropriate information should be provided at the start of any programme, or news report, which might disturb younger children.

Warnings about issues of taste, decency and potential offence are unlikely to be appropriate before the watershed (although exceptional circumstances may arise during news reports).

Later in the evening, clear and specific warnings should be employed where there is the likelihood that some viewers or listeners may find the programme disturbing or offensive. This does not diminish the licensees' responsibility for sensitive scheduling of programmes to reduce the risk of offence to the minimum.

1.3(i) Warnings in Relation to Programmes Likely to Harm Children

Broadcasters must take appropriate measures to ensure that their output does not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence. Broadcasters must include acoustic warnings or visual symbols or both to alert audiences to other programmes that are likely to impair the physical, mental or moral development of minors. Such programmes, even broadcast late at night, must therefore, at a minimum, be preceded by verbal warnings to this effect.

Warnings should be included, for example, where programmes include the strongest acceptable sexual material, violence or themes (such as child abuse or the use of drugs) treated in a way likely to be harmful to children.

1.4 FEATURE FILMS AND OTHER ACQUIRED MATERIAL

Where a British Board of Film Classification (BBFC) classification exists for the version of a film or programme proposed for television transmission, it should be used as a guide to scheduling. A BBFC video classification, rather than the cinema classification, should always be the guide where one exists.

The following basic rules apply.

- (a) No '12' rated version should normally start before 8pm.
- (b) No '15' rated version should normally start before 9pm.

- (c) No '18' rated version should start before 10pm. This rule may be relaxed if the classification was made more than 10 years ago and the film is now clearly suitable for earlier transmission.
- (d) No 'R18' version should be transmitted at any time.
- (e) No version refused a BBFC certification should be transmitted at any time.

These are minimum requirements. In particular, many '15' rated films will not be suitable for television transmission as early as 9pm if, for example, they include graphic scenes of drug taking, sexual intercourse or higher than usual levels of violence. Where no BBFC certification exists and the licensee relies on this Code for guidance, special consideration should be given to the interests of children.

Questions arising from particular BBFC decisions should be taken up with the BBFC but the final responsibility must always rest with the licensee.

1.4(i) Trailers and Programme Promotions

Viewers and listeners do not choose to see or hear promotional material, so special care is required in scheduling. All trailers and promotions broadcast before the watershed must comply with Family Audience Policy.

1.5 BAD LANGUAGE

There is no absolute ban on the use of bad language. But many people are offended, some of them deeply, by the use of bad language, including expletives with a religious (and not only Christian) association. Offence is most likely if the language is contrary to audience expectation. Bad language must be defensible in terms of context and scheduling with warnings where appropriate.

The most offensive language must not be used before the watershed and bad language of any sort must not be a frequent feature before then (see also Section 1.2).

Bad language (including profanity) should not be used in programmes specially designed for children.

1.6 SEX AND NUDITY

Similar considerations apply. Much great fiction and drama has been concerned with love and passion which can shock and disturb. Popular entertainment and comedy have always relied to some extent on sexual innuendo and suggestive behaviour but gratuitous offence should be avoided. Careful consideration should be given to nudity on television before the watershed but some nudity may be justifiable in a non-sexual and relevant context.

Representations of sexual intercourse should not occur before the watershed unless there is a serious educational purpose. Any portrayal of sexual behaviour must be defensible in context. If included before the watershed it must be appropriately limited and inexplicit.

Sex scenes of a more adult nature, which are more graphic and prolonged, should be limited to much later in the schedule (see also Section 1.3(i)).

1.7 VIOLENCE

The real world contains violence in many forms. It is reasonable for broadcasting to reflect this but it is clear that the portrayal of violence, whether physical, verbal or psychological, can upset, disturb and offend and can be accused of desensitising audiences, of making them unduly fearful or of encouraging imitation. These are legitimate public concerns requiring careful consideration whenever violence, real or simulated, is to be broadcast. The treatment of violence must always be appropriate to the context, scheduling, channel and audience expectations.

(a) Offensive violence

At the simplest level, some portrayed acts of violence may go beyond the bounds of what is tolerable in that they could be classified as material which, in the words of the Broadcasting Act, is 'likely to be offensive to public feeling'. Licensees must consider the editorial justification carefully, including the context of the violence portrayed, the time of the broadcast, any warning provided and the likely audience. There can be no defence of violence broadcast for its own sake, or for the gratuitous presentation of sadistic practices. Research indicates that audiences are most likely to be offended by explicit distress and injury, and of televised blood, particularly if they occur suddenly or unexpectedly.

(b) Psychological harm to young and vulnerable audiences

There is portrayed violence which is potentially so disturbing that it might be psychologically harmful, particularly for young or emotionally insecure audiences. Research evidence shows that the socially or emotionally insecure individual, particularly if adolescent, is especially vulnerable. The susceptibilities of this minority must be balanced against the rights of the more robust majority. Responsible scheduling and appropriate content advice to audiences are both particularly relevant here.

(c) Imitable violence

Violence portrayed in broadcasting may be imitated in real life. Portrayals of dangerous behaviour, capable of easy imitation, must always be justified by the dramatic and editorial requirements of the programme. Unfamiliar methods of inflicting pain and injury capable of easy imitation should not be included.

(d) Cumulative effects of violence

The regular and recurrent inclusion of violence may lead audiences to become less sensitive to violence or to overestimate the level of violence in the real world. Licensees must take into account the potential cumulative effect of violent material.

(e) Sexual violence

Research indicates that there is particular danger in representations of violence in a sexual context. Rape, or other non-consensual sex, especially where there is physical detail or the action is to any degree prolonged, require great care. Graphic portrayal of violent sexual behaviour, or violence in a sexual context, is justifiable only very exceptionally.

1.7(i) Suicide and Suicide Attempts: the Risk of Imitation

Common sense dictates that the subject of suicide be handled with care and discretion, particularly in popular drama serials. There should be no more detailed demonstration of the means or method of suicide than is justified by the context, scheduling and likely audience for the programme. Where appropriate, advice or guidance should be sought from voluntary organisations such as the Samaritans.

1.7(ii) Violence in News and other Programmes

(a) News and current affairs programmes are subject, like any other programming, to the requirements of Family Audience Policy. This does not restrict the range of subjects covered in any news bulletin or programme or imply that some news events may not be properly covered before the watershed; it does require that all material is presented in a manner that takes account of the likely composition of the audience, and that appropriate warnings are given. Care should be taken about the frequency with which reports of violence are repeated in succeeding news bulletins, particularly when significant numbers of children could be in the audience.

(b) Special consideration should be given to the possible effect of coverage of violent events upon viewers or listeners for whom it might cause particular anxiety. Nothing broadcast should encourage or incite to crime or lead to disorder.

(c) Whether in news, current affairs or other programmes, actuality recordings of executions or other events in which people are being killed or about to die require exceptional justification. See also Section 5.6 of this Code (presence of television cameras and sound recorders at demonstrations and scenes of public disturbance).

1.8 RESPECT FOR HUMAN DIGNITY AND TREATMENT OF MINORITIES

Audiences have a right to expect that licensed services will reflect their responsibility to preserve human dignity, as far as possible, in respect of both individuals (see Section 2) and individuals as members of groups. Individuals should not be exploited needlessly or caused unnecessary distress, nor should the audience be made to feel mere voyeurs of others' distress.

In particular, consideration should be given to the treatment of vulnerable minorities, bearing in mind the likely effects of both misrepresentation and under-representation.

1.8(i) Ethnic Minorities

No programme should be transmitted which is intended to stir up racial hatred or, taking into account the circumstances, is likely to do so: where appropriate, schedules should give a fair reflection of the contribution of all races to society.

Racist terms should be avoided. Insensitive comments or stereotyped portrayal may cause offence. Their inclusion is acceptable only where it can be justified within the context of the programme.

Careful account should be taken of the possible effect upon the racial minority concerned, as well as the population as a whole, and of changes in public attitudes to what is, and is not, acceptable.

1.8(ii) People with Disabilities

The same concerns apply. There is a danger of offence in the use of humour based on physical, mental or sensory disability, even where no malice is present. Reference to disability should be included only where necessary to the context and patronising expressions replaced by neutral terms. It should be possible for people with disabilities to be included in programmes of all kinds.

More information on the portrayal of people with disabilities is available from the Broadcasting and Creative Industries Disability Network (BCIDN), Employers' Forum on Disability, Nutmeg House, 60 Gainsford Street, London SE1 2NY (tel. 020 7403 3020).

1.8(iii) Other Minorities

Similar considerations apply to the treatment of other, less obvious and vulnerable, minorities including older people and minority religious faith groups.

1.9 HYPNOTISM

Care needs to be taken to minimise the risk of hypnosis being induced in susceptible viewers and listeners. In particular, the hypnotist must not broadcast his or her verbal routine and must not be shown on television performing straight to camera.

1.10 THE OCCULT AND 'PSYCHIC' PRACTICES

Actual demonstrations of exorcisms and occult practices such as those involving supposed contact with spirits or the dead, are not acceptable in factual programming except in the context of a legitimate investigation. They should not, in any case, be broadcast before the watershed.

Horoscopes, palmistry and similar 'psychic' practices are only acceptable where they are presented as entertainment or are the subject of legitimate investigation. They should not include specific advice to particular contributors or members of the audience about health or medical matters or about personal finance. They should not be included at times when large numbers of children are expected to be in the audience.

Fiction programmes containing 'psychic' phenomena should not normally be scheduled before the watershed, although a fantasy setting, for example, may justify such scheduling.

1.11 RECORDED PROGRAMMES

Programmes not used immediately should be checked before transmission to ensure that any content is not rendered tasteless or offensive by intervening events, such as death, injury or other misfortune.

1.12 IMAGES OR SOUNDS OF VERY BRIEF DURATION

1.12(i) General Requirements

Section 5(c) of the Broadcasting Act 1993 requires that the Communications Commission do all it can to secure that 'programmes do not include any technique which exploits the possibility of conveying a message to, or otherwise influencing the minds of persons receiving the programmes without their being aware, or being fully aware, of what has occurred'.

1.12(ii) Programme Practice

Images or sounds of very brief duration are unlikely to be in conflict with the Act unless there is some intention of covertly influencing the minds of viewers or listeners, for example, for a commercial or political purpose. A very brief image or sound used in context and as part of a straightforward message will probably not offend against the Act. In such circumstances the audience will know exactly what the message is that is being conveyed and how it is intended to influence them.

Where, however, a very brief image or sound is used out of context and relates to something entirely different from what precedes or follows it, the duration should be sufficiently long to be clearly discernible and understandable.

1.12(iii) Use of Flashing Images and Regular Patterns on Television

Flashing lights and certain types of regular visual patterns can cause problems for some viewers who have photosensitive epilepsy. People below the age of 20 years are the most susceptible group and many are unaware of their susceptibility.

Care must be taken to minimise these risks in all television programmes, but especially those where young people are likely to be watching in significant numbers. This might mean cutting or amending certain scenes or sequences or rejecting entirely some material, such as a pop video.

At times difficulties in minimising the effects may be encountered, for example with some types of live coverage, such as a news report or acquired material, such as a film. Where there is likely to be significant risk, viewers should be given an appropriate warning at the start of the programme or programme item.

SECTION 2: Privacy, Fairness and Gathering of Information

2.1 GENERAL

The principles of the right to respect for private and family life and the right to freedom of expression are reflected in Articles 8 and 10 of the European Convention on Human Rights, incorporated into Isle of Man law in the Human Rights Act 2001. As a public authority, the Communications Commission must seek to ensure that the guidance given throughout this Code is consistent with these principles.

Article 8 - Right to Respect for Private and Family Life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 10 - Freedom of Expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Licensees may make programmes about any issues they choose. However, the method of treatment is limited by the obligations of fairness and a respect for truth, two qualities which are essential to all factually based programmes.

2.1(i) The Public Interest

There will be occasions when an individual's right to respect for private and family life, or a licensee's right to freedom of expression, may be restricted in the public interest. Any act that relies on a defence of public interest must be proportional to the actual interest served. This will be a balancing exercise which will depend on the individual circumstances of each case. Where, for example, there is a significant intrusion into an individual's private affairs, particularly where that individual is innocent of any offence

and/or where there is a significant risk of distress, an important public interest is likely to be required.

Examples of a public interest which may justify an intrusion into an individual's privacy include: (i) detecting or exposing crime or a serious misdemeanour; (ii) protecting public health or safety; (iii) preventing the public from being misled by some statement or action of an individual or organisation; (iv) exposing significant incompetence in public office. Where freedom of expression is to be restricted, examples of public interest include ensuring the fair conduct of judicial proceedings or protecting public morals.

2.1(ii) The Public Domain

In considering the application of the Code, the Commission will have regard to the extent to which material has, or is about to, become available to the public.

2.2 FILMING AND RECORDING OF MEMBERS OF THE PUBLIC

2.2(i) In Public Places

When coverage is being given to events in public places, editors and producers must satisfy themselves that words spoken or action taken by individuals are sufficiently in the public domain to justify their being communicated to the radio or television audience without express permission being sought from the individuals concerned. This applies in particular to material from closed-circuit television cameras of which the individual is unlikely to have been aware.

2.2(ii) In Semi-Public Places

When permission is received to film or record material in an institution, such as a hospital, factory, or department store, which has regular dealings with the public, but which would not normally be accessible to cameras or audio recorders without such permission, it is very likely that the material will include individuals who are themselves incidental, rather than central, figures in the programme. The question arises how far and in what conditions such people retain a right to refuse to allow material in which they appear to be broadcast. As a general rule, no obligation to seek agreement arises when the appearance of the persons shown is incidental and they are clearly random and anonymous members of the general public. When their appearance is not incidental, where they are not random and anonymous or where, though unnamed, they are in particularly sensitive situations (for example, as psychiatric or intensive care patients), individual written consents to use this material should be sought. Any exceptions should be justifiable in the public interest.

When by reason of age, disability or infirmity a person is not in a position either to give or to withhold agreement, permission to use the material should be sought from the next of kin or from the person responsible for their care, unless a decision to proceed without such permission can be justified as a matter of important public interest.

2.2(iii) Filming or Recording on Police Operations

When permission is given to film or record police or similar official operations of any kind (e.g. Customs and Excise, Trading Standards) involving members of the public in other

than public places (e.g. visits to homes under warrant, raids on premises, etc) it is the responsibility of the producer or senior crew-member to make his position known to the members of the public involved and to identify the licensee or programme maker for whom he or she is working as soon as practically possible. If asked to leave premises by the person responsible for the premises or by police, he/she should normally comply. In such cases, it must be recognised that there may have been a trespass. If asked to stop filming or recording by the person responsible for the premises or by police, programme makers should normally comply. In any event, reference should be made before transmission to the licensee's most senior programme executive or the designated alternate, who will need to be convinced that broadcasting any of the material serves the public interest.

Programme makers should also make reasonable endeavours either to inform persons in advance of transmission of any material in which they are prominently featured, or disguise their identities in any material broadcast, where not to do so would be unfair. In cases where those filmed or recorded have been found guilty of the offence which gave rise to the raid it may not be necessary to inform them of the transmission or disguise their identities. When in doubt, licensees should take legal advice.

Filming or recording of private individuals, without their consent and in their own home, is likely to constitute a breach of Article 8(1) of the European Convention on Human Rights, and therefore may have to be justified by reference to the provisions of Article 8(2) of the Convention.

A licensee must also be aware of the reporting restrictions on pre-trial investigations into an alleged criminal offence in the Isle of Man where persons under the age of 16 are involved in the offence. These are dealt with in more detail in Section 2.11 below.

2.2(iv) In Circumstances of Distress

The individual's right to privacy at times of bereavement or distress must be respected. Care should be taken to ensure that sources of information are the most reliable and verifiable which are available at the time.

Scenes and descriptions of human suffering and distress are often an integral part of any news report of the effects of natural disaster, accident or human violence, and may be a proper subject for direct portrayal rather than indirect reporting. But before presenting such scenes a producer needs to balance the wish to serve the needs of truth, the desire for compassion and the public interest against the risk of sensationalism and the possibility of an unwarranted invasion of privacy. This applies both to individuals personally involved and, in the event of death or serious injury, to members of the immediate family. Insensitive questioning not only risks inflicting additional distress on the interviewee; it may also offend many audiences.

2.3 FAIRNESS IN REVISITING PAST EVENTS

In non-news programmes concerning a natural disaster, accident, human violence or a serious crime, producers should assess the likelihood of personal distress arising from the programme and, where practicable, contact at an early stage any central figures involved (including members of the immediate family of any who have died) and give due consideration to their perspectives, taking account of how recently the event took place,

the nature of the portrayal of those concerned, the extent to which the event continues to attract wider media attention, and the extent to which an important public interest is to be served, as distinct from public curiosity alone. In particular, where innocent parties are involved, special care should be taken not to present them in an unfair light. In any event, producers should, where practicable, inform all such people of times of intended transmission of programmes and when programme trails will start to be transmitted.

2.4 SECRET FILMING AND RECORDING

The use of hidden microphones and cameras for the filming or recording of individuals who are unaware of it is acceptable only when it is clear that the material so acquired is essential to establish the credibility and authority of a story where this cannot or is unlikely to be achieved using 'open' filming or recording techniques, and where the story itself is equally clearly of important public interest. When, in the considered judgment of the producer, such a case arises, he or she must, wherever practicable, obtain the explicit consent of the licensee's most senior programme executive or the designated alternate before such material is recorded. Consent is required again before any material obtained by secret recording is transmitted. This applies whether the material was produced or commissioned by the licensee or acquired from an external source. Licensees must ensure full records are kept of the consultation process followed in each case and of any material recorded and transmitted. The Communications Commission may ask to see such records, which must be retained for 18 months after transmission.

The requirements in the preceding paragraph also apply to the secret recording of telephone conversations where these are intended for transmission.

2.5 FAIRNESS IN THE CONDUCT OF INTERVIEWS

Interviewees should be made adequately aware of the format, subject matter and purpose of the programme to which they have been invited to contribute, and the way in which their contribution is likely to be used. Written confirmation should be provided if requested and in all cases where allegations of criminality or other serious wrongdoing are to be put to an interviewee. Interviewees should also be informed of any significant changes to the programme as it develops, which might reasonably affect their original consent to participate, and cause material unfairness.

For programmes dealing with political or industrial controversy or current public policy, interviewees should also be told the identity and intended role of other proposed participants in the programme, where this is known.

2.5(i) Editing of interviews

Fairness and impartiality apply equally to the editing of interviews as to their conduct. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewee.

Interviews held on library tapes should be checked before use to see whether the views expressed are still valid, and, where necessary, captioned or appropriately introduced to indicate the date they were originally recorded.

2.6 INTERVIEWS WITHOUT PRIOR ARRANGEMENTS

Impromptu interviews with public figures and people in the news are a normal and usually unproblematic part of newsgathering. However interviews sought on private property without the subject's prior agreement should not be included in a programme unless they have a public interest purpose. The same consideration applies to restaurants, churches and other places where the subject would reasonably expect personal privacy.

Interviews in which criminal or other serious allegations are put to individuals should not be attempted without prior warning unless a previous request has been refused or received no response, or where there is good reason for not making a prior approach. Particular care needs to be taken where the person approached is not the subject of the allegations, for example a relative, friend or associate, to avoid the risk of unwarranted invasion of their privacy.

2.7 OPPORTUNITY TO TAKE PART

Where a programme alleges wrongdoing or incompetence, or contains a damaging critique of any individual or organisation, those concerned should normally be offered an opportunity to take part or otherwise comment on the allegations. If a statement is offered, and the licensee considers it necessary to edit this, editing should be done in such a way as to represent its original content as fairly as possible. If the proposed contributor is unable or unwilling to participate, this need not prevent the programme going ahead, but care must be taken to give as fair an account as possible of his/her position. Reference to his/her absence should be made in a fair and appropriate manner.

2.8 SET-UP SITUATIONS

Set-up situations where members of the public or celebrities are featured without their knowledge or without prior warning are an established part of some entertainment programmes. Nevertheless, the use of such situations should always be carefully considered, and safeguards used to prevent unwarranted invasions of privacy.

Where material is recorded, the consent of the subjects should be obtained before transmission. In live situations, particular care should be taken to avoid offence to the individuals concerned. Requests to leave private property or stop recording should be complied with promptly.

A different kind of set-up situation is one where the subject consents to being recorded for a different purpose from that covertly intended by the programme makers. With unsuspecting members of the public, the use of such material without the subject's permission can only be justified if it is necessary in order to make an important point of public interest. With celebrities and those in the public eye, material should not be used without similar public interest justification if it is likely to result in unjustified public ridicule or personal distress. In all cases, consent to proceed should, where practicable, be given before recording by the licensee's most senior programme executive or the designated alternative. Such consent is required again before transmission.

2.9 LATER RE-USE OF MATERIAL

Licensees should consider carefully whether unfairness to contributors results from reuse of material in later and different programme contexts, for example reuse of material recorded for a factual programme in an entertainment context. Particular care should also be taken where personal tragedy or criminal matters are involved.

2.10 INVOLVEMENT OF CHILDREN IN PROGRAMMES

Children are involved in programmes in a number of ways and programme makers must have due regard to their welfare at all times. Particular care should be taken to avoid causing any distress or alarm to children involved in programmes. Under no circumstances may children be put at physical or moral risk, for example, in factual programmes concerning criminal activity.

Any interviewing of children requires care. The consent of a parent or guardian, as well as the child should normally be sought beforehand, with exceptions for the least sensitive interview topics. Children should not be questioned to elicit views on confidential family matters, nor asked for expressions of opinion on matters likely to be beyond their judgment. Programme makers should consider consulting appropriate professionals if they are in any doubt about a child's capacity to understand or express him/herself.

2.11 REPORTING OF SEXUAL AND OTHER OFFENCES INVOLVING CHILDREN

Where children are or have been involved in police enquiries or court proceedings concerning sexual offences, special care needs to be taken to avoid the so called 'jigsaw effect'. This happens when several reports in different media give different details of a case which, when pieced together, reveal the identity of a child involved.

Particular care needs to be taken when reporting sexual crimes within a family. Naming the accused and describing the crime can have the effect of identifying the victim. Giving information about an accused person's address may contribute to the jigsaw which identifies the victim.

When covering any pre-trial investigation into an alleged criminal offence, licensees should pay particular regard to the potentially vulnerable position of any person under 18 involved as a witness or victim, before broadcasting their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of this person.

Particular justification is required for the broadcasting of such material related to the identity of any person under 18 who is involved in the offence as a defendant or potential defendant. Under the Summary Jurisdiction Act, 1989, it may also be an offence to publish the names or addresses, identity of schools or other educational establishments of persons aged 16 or under who are involved in court proceedings, or to publish any other information which could reveal their identities.

2.12 IMPARTIALITY AND FAIRNESS IN DRAMA AND DRAMA-DOCUMENTARY

Where proposed subject matter relates to political or industrial controversy, or current public policy, this section should be read in conjunction with the provisions contained in Section 3.

Drama is by definition the work of a creative imagination and the impartiality due in respect of a play is not the same as that required of a current affairs programme. Nevertheless, questions of impartiality and fairness may arise in the area of drama, particularly drama-documentary, when the boundaries between what is fact and what is fiction may become blurred. For this reason, a clear distinction should be drawn between plays based on fact and dramatised documentaries which seek to reconstruct actual events. Much confusion may be avoided if plays based on current or very recent events are carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

The dramatised documentary which lays claim to be a factual reconstruction of events is bound by the same standards of fairness as those that apply to factual programmes in general. It is inevitable that the creative realisation of some elements (such as characterisation, dialogue and atmosphere) will introduce a fictional dimension, but this should not be allowed to distort the known facts.

The evidence on which a dramatic reconstruction is based should be tested with the same rigour required of a factual programme. Sequences which are based on extracts of court proceedings or other matters of public record must be fair and accurate.

Care should be taken in scheduling drama and drama-documentary programmes portraying controversial matters covered by the Act. Impartiality may need to be reinforced by providing an opportunity for opposing viewpoints to be expressed. This might take the form of a studio discussion following the drama itself, or a separate programme providing a right of reply within a reasonable period.

2.12(i) Dramatised 'Reconstructions' within Factual Programmes

The use of dramatised 'reconstructions' in factual programmes is a legitimate means of obtaining greater authenticity, so long as it does not distort reality.

Whenever a reconstruction is used in a documentary, current affairs or news programme it should accurately reflect the known facts and be labelled unless there is no reasonable possibility of the audience being misled.

2.12(ii) Simulated News Bulletins

Any simulation of a news bulletin or news flash to be included in any programme should either be introduced, subtitled or produced in such a way that there can be no reasonable possibility that it could be taken to be an actual news bulletin.

2.13 PROVISION OF TAPES AND TRANSCRIPTS TO OTHERS

When a person or organisation can establish a reasonable claim that something derogatory has been broadcast about them, or that they are affected by alleged criticism, unfairness or inaccuracy, and request a recording or transcript, it should normally be provided or, as an alternative, the complainant should be invited to the licensee's premises to hear or view a playback of the relevant programme or portion of the programme. The licensee may, however, feel it is more appropriate, as a first step, to attempt to satisfy the complainant in some other way, for example, by a letter of explanation or apology. It may be necessary to establish the complainant has a proper interest in the matter at issue.

A recording or transcript may also be delayed where there is clear legal advice that the particular circumstances or a request make provision inadvisable.

2.14 RIGHT OF REPLY

Corrections of factual errors should be broadcast as soon as is sensibly possible after the original error. A right of reply should be offered to a relevant person or persons if the licensee determines that fairness and impartiality merit such a step.

Despite all the efforts made by licensees to observe accuracy and impartiality requirements (see also Section 3), there may be occasions when an individual or organisation is misrepresented in a programme. A mis-statement of fact can sometimes be simply corrected, particularly if the programme is live, since there is then the opportunity for a correction to be made within the programme itself. If this is not possible then, unless the need for correction is urgent, the licensee should, if the error has occurred in a regular bulletin, feature or programme, wait until the next one in the series in which the correction can practicably be broadcast.

Calls for a right of reply may come from those who feel that a programme as a whole or in part has been misleading and unfair in a more general sense than that resulting from straightforward mis-statement of fact. Requests for such a reply may come either direct to the Commission or to the licensee. If the Commission, having considered the recording of the programme or feature complained of, upholds the complaint, it may require the licensee to broadcast a correction or apology or both in such form, and at such time or times, as the Commission may determine.

SECTION 3: Impartiality

(a) As stated in the Foreword, the Broadcasting Act 1993 enables the Communications Commission to draw up, and from time to time review, a code giving guidance as to the rules to be observed for the purpose of preserving due impartiality on the part of licensees as respects matters of political or industrial controversy or relating to current public policy. The Impartiality Code relates specifically to Section 5(e) of the Act. It is published under Section 6(1).

(b) For ease of reference, guidelines relating to the requirement under Section 5(b) that news be presented with due accuracy and impartiality and the requirement under Section 5(d) relating to the views and opinions of persons providing a licensed service are also incorporated here.

(c) This section refers mainly to programmes covered by the impartiality requirements, i.e. those dealing with matters of political or industrial controversy, and current public policy. The only exceptions to this are in relation to news (3.3), where the due accuracy requirement relates to news on all topics, and to appearances by politicians and other political activists.

3.1 DUE IMPARTIALITY

The Broadcasting Act requires the Communications Commission to do all that it can to secure 'that due impartiality is preserved on the part of the person providing the service as respects such matters [of political or industrial controversy or relating to current public policy]'.

Under the Act, matters relating to current political issues, those of a current industrial relations nature, and current public policy which is subject to opposing points of view should be regarded as 'controversial'. The due impartiality requirement does not apply to every topic where differences of opinion may exist.

The term 'due' is significant; it should be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. While the requirement of due impartiality applies to all areas of controversy covered by the Act, it does not mean that broadcasters have to be absolutely neutral on every controversial issue. And while broadcasters should deal even-handedly with opposing points of view in the arena of democratic debate, it does not mean that 'balance' is required in any simple mathematical sense or that equal time must be given to each opposing point of view.

Opinion should be clearly distinguished from fact. Judgment will always be called for. The requirement will also vary with the type of programme; the considerations applying to drama, for example, are different from those applying to current affairs programmes.

The provision that due impartiality must be preserved 'on the part of the person providing the service' is also significant. Subject to the safeguards contained in this Code, the provision allows for individual contributors to put forward what may be a personal or subjective view, or for such views to be reflected in a programme. It is for each licensee, acting through the executives who commission and schedule programmes, to ensure the service they provide deals fairly with matters of political or industrial controversy, or current public policy and that undue prominence is not given to the views of particular persons or bodies on such matters.

Speeches in Tynwald are exempt from this provision.

3.1(i) Editorialising

The Act places the additional duty on the Communications Commission to do what it can to secure the exclusion of the licensee's views and opinions on controversial matters.

If, in a programme included in a licensed service, a director or officer of a licensee does express an opinion on a controversial matter, it must be in a context which makes clear that the opinion expressed is not that of the licensee.

Licensees may however, in relevant circumstances, comment upon matters concerning the provision of programme services.

3.2 IMPARTIALITY OVER TIME

There are times when licensees will need to ensure that the principal opposing viewpoints are reflected in a single programme or programme item, either because it is not likely that the licensee will soon return to the subject, or because the issues involved are of current and active controversy. At other times, a narrower range of views may be appropriate within individual programmes. The Communications Commission recognises that such issues call for editorial judgment based on the particular circumstances and that an impartial programme service does not necessarily have to ensure that in a single programme, or programme item, all sides have an opportunity to speak.

3.2(i) The 'Series' Provision

A series of programmes can be considered as a whole. For this purpose, the Communications Commission defines a series as more than one programme broadcast in the same service, each one of which is clearly linked to the other(s) and which deal with the same or related issues.

It is not sufficient to claim that programmes on other stations, channels or other media will ensure that opposing views will be heard.

Some series consist of programmes broadcast at regular intervals under the same title, but which may deal with widely disparate issues from one edition to the next. In this case, each programme should normally aim to be impartial in itself. Alternatively, producers may choose to deal with the same subject over two or more programmes or, for instance, offer separate in-depth interviews to the espousers of opposing views and in this way achieve impartiality over time.

The intention to achieve impartiality in this way should be planned in advance and, wherever practicable, made clear to the audience.

3.3 NEWS

In addition to the general requirements relating to matters of political or industrial controversy or current public policy, the Act requires that any news, given in whatever form, must be presented with due accuracy and impartiality.

Reporting should be dispassionate and news judgments based on the need to give audiences an even-handed account of events. In reporting on matters of industrial or political controversy, the main differing views on the matter should be given their due weight in the period during which the controversy is active. Editorial discretion will determine whether a range of conflicting views is included within a single news item or whether it is acceptable to spread them over a series of bulletins.

3.4 PERSONAL VIEW PROGRAMMES

Programmes in which an individual contributor is given the opportunity to put forward his or her own views, without necessarily referring to opposing views have a valuable place in the schedules. Personal view programmes on 'controversial' matters covered in the Act are, however, subject to specific safeguards in order to ensure compliance with the general provisions relating to due impartiality.

The safeguards, which apply to all personal view programmes on 'controversial' matters, are as follows:

- (a) Each programme must be clearly identified as giving a personal view both in advance announcements and at the start of the programme itself.
- (b) Facts must be respected, and licensees have an obligation to do what they can to ensure that the opinions expressed, however partial, do not rest upon false evidence.
- (c) A suitable opportunity for response to the programme should be provided, where appropriate, for example in a right to reply programme or in a prearranged discussion programme.

3.4(i) Personal View Programmes: the Timescale

As with current affairs and documentary programmes, a series of personal view programmes has no need to give equal time to every relevant point of view. But licensees should take care to ensure that a sufficiently broad range of views is expressed in any series of such programmes, and across the service as a whole during each calendar year, taking account of the frequency of the programmes within the series, the length of individual programmes and the nature of the subject matter.

For series which are a regular fixture in the schedules, such as a nightly, weekly or monthly access programme, the views expressed on controversial matters should be kept in reasonable balance throughout the progress of the series and licensees must be able to demonstrate this.

For an occasional series of programmes dealing with different aspects of the same subject matter, it will normally be necessary to maintain impartiality within the series.

Occasionally, however, the series itself may take a particular approach to a controversial issue or comprise a group of programmes presented from the same personal viewpoint, perhaps reflecting an original body of thought or research which may not readily be balanced.

The Communications Commission recognises that such series are likely to have a long gestation period and are unlikely to be included in the schedules very often.

3.5 INTERVIEWS AND DISCUSSIONS ON CONTROVERSIAL TOPICS

Sometimes, interviewees - including representatives of the Government - will seek to impose their own conditions on the conduct and use of an interview. Such requests are not improper in themselves, but care should be taken to ensure that what is included in the programme is determined by editorial criteria and not as the result of pressure. Licensees should consider whether, in the interests of due impartiality and fairness, they should disclose such agreements at the time of the broadcast.

For the provisions relating to other aspects of the conduct of interviews, see Section 2.5.

For the provisions relating to Impartiality and Fairness in drama and drama-documentary, see Section 2.12.

3.6 POLITICIANS IN PRESENTATION ROLES AND NON-POLITICAL PROGRAMMES

Programmes in which politicians and other activists in fields of political and industrial controversy appear outside their normal political role present different problems. Care and discretion are required over the use of such persons to produce or present programmes. Because of the need to preserve due impartiality, no currently active politicians should appear as newscasters, interviewers or reporters in any news programme, unless their use can be clearly justified, in which case their position should be clearly identified.

Care should be taken in making use of active politicians and political activists to present other programmes, such as studio discussions or current affairs programmes. Impartiality will normally require that such presenters be drawn from across the political spectrum.

Guidance on the appearance of candidates in programmes during election periods is given in Section 4.1.

SECTION 4: Political and Tynwald Broadcasting

4.1 PROGRAMMES AT THE TIME OF ELECTIONS

The general provisions of Section 3 of this Code apply to all coverage of elections. There is no expectation that the time devoted to all candidates in an election will be exactly equal. Licensees must exercise their judgment, based on factors such as the number of candidates. However, new and unknown candidates may also be among those with significant views and perspectives, to which appropriate coverage may need to be given.

Discussion and analysis of election issues should finish when the polls open. A licensee may not publish the results of any poll it has commissioned or undertaken on polling day itself, until the polls have closed.

Appearances by candidates in Isle of Man elections as newsreaders, interviewers or presenters of any type of programme should cease for the election period (which is defined in section 4.1(i) below).

4.1(i) Coverage of Constituencies at House of Keys and Local Government Elections in the Isle of Man

It is not necessary to secure the agreement of all candidates before any candidate can take part in an item about the relevant constituency, and likely candidates are not prevented from taking part in the period before the close of nominations. Nevertheless, due impartiality must be strictly maintained in coverage of the campaign in any constituency. If any candidate takes part in an item about a particular constituency then all candidates should be offered the opportunity to take part.

Any constituency report or discussion after the close of nominations must include a list of all candidates standing, giving first names and surnames. This should be conveyed in caption and/or voice.

Where a politician is appearing as a speaker on policy matters, care should be taken to avoid allowing him or her the opportunity to make constituency points, when no other candidates will have a similar opportunity.

The election period, during which the requirements in this sub-section of the Code must be applied, is defined as starting at the close of nominations. The election period ends with the close of poll.

4.2 USE OF RECORDINGS OF TYNWALD OR LOCAL AUTHORITY PROCEEDINGS

Where Tynwald (including the Legislative Council and/or the House of Keys) or a Local Authority permits the use of coverage of their proceedings:

- (a) no extracts of proceedings may be used in any light entertainment programme or in a programme of political satire;
- (b) subject to paragraph (a) above, extracts of proceedings may be included in broadcast 'magazine' programmes which also contain music or humorous features, provided that the different types of items are kept separate;
- (c) no extracts of proceedings may be used in any form of advertising, promotion or other form of publicity, except in the form of trailers for programmes which use extracts within the requirement of these guidelines and where the trailers also comply with those requirements; and
- (d) in the case of the broadcasting of any proceedings, the standing orders of the relevant branch of the legislature or local authority must also be complied with.

SECTION 5: Terrorism, Crime, Antisocial Behaviour etc

Any programme item which on any reasonable judgment would be said to encourage or incite crime or to lead to disorder is unacceptable.

5.1 PAYMENTS

No payment should be made for an interview about his/her crimes to a criminal whose sentence has not yet been completed.

Former criminals should not be paid for interviews about their crimes unless an important public interest is served.

No payment should be made to individuals, convicted or otherwise, for interviews about acts committed by them of a seriously antisocial nature, unless an important public interest is served. No commitment should be made to pay any witness in a criminal trial before a verdict has been reached.

5.2 TERRORISTS OR CRIMINAL ACTIVITY

Particular care is required with a programme that carries the views of people or organisations who use or advocate the use of violence or other criminal activity within the Isle of Man or elsewhere to attain political or other ends. Programmes must not give the impression of condoning criminal activity, even (or especially) where its seriousness may not be accepted or recognised in every section of society.

5.3 HIJACKING AND KIDNAPPING REPORTS

It is unacceptable to broadcast any information, whether derived from monitoring of communications or from any other source, that could endanger lives or prejudice the success of attempts to deal with a hijack or a kidnapping.

5.4 DEMONSTRATION OF CRIMINAL TECHNIQUES

In programmes dealing with criminal activities, whether in fictional or documentary form, there may be a conflict between the demands of realism and the risk of unintentionally assisting the criminally inclined. Careful thought should be given and, where appropriate, advice taken from the police, before items are included which give information about criminal methods and techniques. Similar caution is needed in the representation of police techniques of crime prevention and detection.

5.5 RELATIONS WITH THE POLICE

Licensees should not be seen as an agent, rather than an independent upholder, of law and order.

Where programme makers are invited to film or record official police operations (e.g. a drugs raid) care should be taken to ensure that editorial control remains with the programme company and that any filming or recording of members of the public is

undertaken with due regard to the requirements for privacy (see Section 2.2(iii) and Section 2.4).

5.6 PRESENCE OF TELEVISION CAMERAS OR SOUND RECORDERS AT DEMONSTRATIONS AND SCENES OF PUBLIC DISTURBANCE

The aim of any public meeting or demonstration is to attract public attention, but there is always the possibility that the presence of reporters will, however unwittingly, encourage incidents that would not otherwise have occurred.

If coverage is recorded, incidents known to be 'manufactured' should be excluded or revealed for what they are. Where coverage is live, every effort must be made to place what is being seen and heard in context, so that audiences can properly evaluate the significance of any activities that have been manufactured for the television cameras or microphones.

5.7 SMOKING AND DRINKING

Tobacco and alcohol can constitute health risks. It is, therefore, desirable that programmes generally should not include smoking and drinking unless the context or dramatic veracity requires it. Particular care is needed with programmes likely to be seen or heard by children and young people (see Section 1.2(i)).

5.8 DRUG TAKING AND SOLVENT ABUSE

Care needs to be taken to avoid any impression that illegal drugs are an acceptable feature of modern Manx society, particularly in programmes of special appeal to children and young people. The same caution should be applied to solvent abuse, and detailed demonstrations or descriptions of methods of illegal drug-taking that could easily be imitated should be avoided.

Drug and solvent abuse should not be presented in such a way as to appear problem-free or glamorous (see Section 1.2(i)).

SECTION 6: Charitable Appeals and Publicity for Charities

Under Section 6(1)(c) of the Broadcasting Act 1993 the Communications Commission may give guidance as to the rules to be observed with respect to appeals for donations.

6.1 APPEALS IN GENERAL

Before broadcasting an appeal a licensee must satisfy itself that the organisation concerned can produce satisfactory evidence of charitable status, or, in the case of an emergency appeal, that a responsible public fund has been set up to deal with it. It is up to the licensee to take all possible precautions to ensure that the charity is a bona fide organisation.

Appeals should be allocated among a range of charities. In order to prevent undue prominence being given to a particular cause or charity, a spread of charities and causes

should benefit: none should receive an undue share of appeal time. The Commission reserves the right to call for fully audited accounts of any appeal.

6.2 PUBLICITY FOR CHARITIES IN PROGRAMMES

Programmes describing areas of need or distress should avoid undue publicity for individual charities at the expense of others in the field. Even if there is no direct appeal for funds, involvement in programmes can help charities in their fundraising efforts. References to a charity's financial state, fundraising activities or need should be considered with care.

Game shows in which prize money is donated to charity should not give undue publicity for individual charities (see also Section 6.4).

6.3 SPONTANEOUS PUBLIC RESPONSE TO PROGRAMMES

The report of a disaster or account of particular charitable work may evoke a spontaneous response from audiences to donate funds or goods. During the production of such a programme the licensee should plan what information and advice to give the public.

6.4 FUND-RAISING PROGRAMMES AND COVERAGE OF FUND-RAISING EVENTS

Programmes designed specifically to raise money for charity through appeals to audiences and programmes covering events designed to raise charitable funds, with audience involvement, must comply with Section 6.1 and with the general requirements of the Communications Commission Code of Advertising and Sponsorship. When a fund-raising event is organised by, and under the direct control of, the licensee independent professional advice should be sought to ensure a proper distribution of audiences' donations and an appropriate range of beneficiaries.

6.5 COMMUNITY SERVICE ANNOUNCEMENTS (CSAs)

Community Service Announcements provide publicity for voluntary and community organisations and are transmitted free of charge.

Licensees should note that it is the responsibility of licensees to check the credentials of organisations applying for CSAs and their ability to cope with the response (see Section 6.1 for CSAs featuring charities).

SECTION 7: Religion

This section applies both to programmes specifically categorised as religious and, where appropriate, to general programmes which deal with religious matters.

7.1 Section 5(g) of the Broadcasting Act 1993 requires 'due responsibility' to be exercised with respect to the content of religious programmes.

7.2 Religious belief and practice are central to many people's lives and capable of evoking strong passions and emotions. In general, religious programmes should reflect the

worship, thought and action of the mainstream religious tradition present in the Isle of Man, recognising that this is mainly, though not exclusively, Christian. The Isle of Man does contain communities with different faiths, with religious sensitivities particular to each. To avoid unintentional offence, broadcasters should be aware of these sensitivities. Licensees may find it helpful to take advice from a group that is representative of the religious tradition.

7.3 Every attempt must be made to ensure that the belief and practice of religious groups are not misrepresented, and that programmes about religion are accurate and fair. Religious programmes may quite properly be used to propound, propagate and proclaim religious belief but neither programmes nor follow-up material may be used to denigrate the beliefs of other people. A religious body or member of it may positively advocate the merits of a particular religious belief, or view of life, but religious programmes must not persuade or influence viewers or listeners by preying on their fears.

7.4 The identity of religious bodies featured in programmes must be clear to the audience, where practicable, in sound and/or vision.

See also Section 3 for guidance on achieving due impartiality when political issues are included in religious programming.

SECTION 8: Miscellaneous Matters

8.1 USE OF PREMIUM RATE TELEPHONE SERVICES IN PROGRAMMES

(a) These guidelines concern any premium rate telephone service used or promoted in or around programmes (except in advertisements or in advertorials or teleshopping/home shopping features).

(b) The licensee must retain control of and responsibility for the service arrangements and the premium line messages (including all matters relating to their content).

(c) Any premium rate telephone service must (in addition to these guidelines) comply fully with the Code of Practice issued by the Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS). Licensees should note the special provisions in the ICSTIS Code of Practice that relate to competitions generally and to children's services in particular.

(d) The call charge rate must be stated clearly with the premium rate number. Where the call is interactive (i.e. it is necessary for the purpose of the call for the viewer or listener to provide a response), prices must be given as the total price per minute and/or likely total cost to the viewer or listener of the complete call. Where the call is not interactive the price information must include the likely total cost to the caller.

8.2 GAME SHOWS AND AUDIENCE COMPETITIONS

Licensees must retain full responsibility for audience competitions during their programmes.

8.3 VIDEO NEWS RELEASES

The source of televisual material supplied by, or on behalf of, official bodies, commercial companies or campaigning organisations should be labelled in vision. There must always be an editorial reason for its inclusion in programmes.

8.4 ROYAL AND OBITUARY

8.4(i) Use of Recordings of Royal Occasions and of Broadcasts by Members of the Royal Family

Permission should be sought from Buckingham Palace or the Lieutenant Governor of the Isle of Man to use recordings of Royal occasions. Permission is also required for the use, in whole or in part, of broadcasts by members of the Royal Family. In particular, no part of any Christmas broadcast by Her Majesty may be used in another programme without the express agreement of the Press Secretary to the Queen.

8.4(ii) Obituary Procedures

Licensees should make arrangements for the interruption and, if need be, cessation of normal programming following the death of a member of the Royal Family or certain other eminent national or international figures.