

# **POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part X : Miscellaneous and general**

##### ***Section 144 : Broadcasting of local items during election period***

289. *Section 144* substitutes a new section 93 of the Representation of the People Act 1983. The existing section 93 imposes two restrictions on broadcasting during parliamentary and local elections. The first restriction, set out in section 93(1)(a), is that pending an election it is not lawful for an item about the constituency or electoral area to be broadcast if any of the persons who are candidates at the election takes part in the item and the broadcast is not made with his consent. There is thus a legal requirement for the candidate's consent to the broadcasting of an item in which he has taken part must be secured by the person responsible for making the broadcast.
290. The second of the present restrictions, contained in section 93(1)(b), is that if an item about the constituency or local government electoral area, as appropriate, is broadcast pending an election, then if the broadcast either is made before the last time for the delivery of nomination papers or is made after that time but without the consent of any candidate validly nominated for the election, any person taking part in the item for the purposes of promoting or procuring his election is guilty of an illegal practice unless the item is made without his consent. The object of the restriction is to prohibit an electioneering broadcast made before all the candidates have been nominated or one which is made without the consent of all the candidates.
291. These restrictions have been criticised by the broadcasting authorities (BBC, Independent Television Commission, Radio Authority and the Welsh Channel Four Authority) for effectively giving any candidate a veto over the broadcasting of an item relating to a particular parliamentary constituency or local government electoral area.
292. To address this the new section 93 does away with the current restrictions and instead places a duty on the broadcasters to adopt up a code of practice concerning the involvement of candidates in election period broadcasts about the constituency or local government electoral area. Before drawing up such a code the broadcasters are required to have regard to any views expressed by the Electoral Commission about its contents.