

Reference: 01662552

Information Requests
information.requests@ofcom.org.uk

18 September 2023

Freedom of Information request: Right to know request

Thank you for your request for concerning news and talk show definitions. Your request was received on 18 August 2023 and we have considered it under the Freedom of Information Act 2000.

Your request

You asked:

1. *What is Ofcom's legal definition of a 'news programmes in the UK'?*
2. *What is Ofcom's legal definition of a 'talkshow channel'?*
3. *How does GB News avoid being subject to Section Five?*

Our response

By way of background, when an applicant applies for a television broadcasting licence with Ofcom, it is invited to provide a description of its channel in its licence application form. However, the description supplied in the licence application does not have a direct bearing on any regulatory assessments Ofcom makes under the Broadcasting Code (the “Code”).

There are no legal definitions of either ‘news programmes’ or ‘talkshow channels’. Ofcom will always assess content as broadcast, and we determine on the specific circumstances of each case whether a particular broadcast is ‘news’ or ‘non-news’ content for the purpose of assessing compliance with the Code.

Ofcom’s Standards and Audience Protection Team gives consideration to the above on a case-by-case basis. The following statements provide some more clarification on when we may assess a broadcast to contain news content:

- [Ofcom’s rules on politicians on TV and radio](#) (20 December 2022)
- [Can politicians present TV and radio shows? How our rules apply](#) (21 March 2023)
- [Note to broadcasters: Politicians acting as presenters during the election period](#) (27 March 2023)

Section 5 of the Code applies to all Ofcom broadcast licensees including GB News.

Ofcom announced today that it has found GB News in breach of the due impartiality rules in respect of the programme *Saturday Morning with Esther and Philip*, broadcast on 11 March 2023. Ofcom has a further six investigations into GB News' compliance with the due impartiality rules in Section 5 of the Code – further details can be found here: [Ofcom finds GB News in breach of due impartiality rules](#).

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF