

Code on the Scheduling of Television Advertising

This Code sets out the rules with which television broadcasters licensed by Ofcom¹ ('broadcasters') must comply when carrying advertising. These rules give effect to relevant provisions of the Communications Act, the Audiovisual Media Services (AVMS) Directive and those policies determined by Ofcom following consultation.

Broadcasters must also comply with the UK Code of Broadcast Advertising (the BCAP Code) issued by the Broadcast Committee of Advertising Practice.

Definitions

In this Code:

'television advertising' means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property rights and obligations, in return for payment.

'broadcasting day' is deemed to start at 06:00 and run for the following 24 hours.

'Parliamentary proceedings' includes proceedings on the floor of either House and Parliamentary Committees.

'public service channels' are Channel 3 services, Channel 4, Channel 5 and S4C.

'formal Royal ceremony' means a formal ceremony or occasion of which the Sovereign or members of the British Royal Family enjoying the prefix 'Royal Highness' are the centre. It applies to occasions such as the State Opening of Parliament and Trooping the Colour.

'films' means films made for television (including single dramas but excluding series, serials and documentaries) and cinematographic works.

'teleshopping' means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

'teleshopping windows' are extended teleshopping features with a minimum uninterrupted duration of 15 minutes.

¹ For the purpose of this Code, this includes S4C, which is authorised by the Broadcasting Act 1990.

Rules

Identification of advertising

1. **Broadcasters must ensure that television advertising and teleshopping is readily recognisable and distinguishable from editorial content and kept distinct from other parts of the programme service. This shall be done by optical (including spatial) means; acoustic signals may also be used.**

Time devoted to advertising

Rules 2 to 5 do not apply to:

- advertising by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;
- local digital television programme services ("L-DTPS") not receivable outside the UK (e.g. a DTT service not receivable outside the UK, or an encrypted satellite service); and
- teleshopping windows (see Rules 6 and 7).

2. **Time devoted to television advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes.**

Further to Rule 2:

3. **Non public service channels must show no more than an average of 12 minutes of television advertising and teleshopping spots for every hour of transmission across the broadcasting day, of which no more than 9 minutes may be television advertising.**

Teleshopping and self-promotional services are exempt from Rule 3 (for an explanation of these types of services see http://licensing.ofcom.org.uk/binaries/tv/tlcs_guidance.pdf).

4. **On public service channels, time devoted to television advertising and teleshopping spots must not exceed:**
 - i. **an average of 7 minutes per hour for every hour of transmission time across the broadcasting day; and**
 - ii. **an average of 8 minutes per hour between 18:00 and 23:00.**

During programmes broadcast by the national Channel 3 breakfast licensee, the amount of time permitted for television advertising and teleshopping spots between 06:00 to 09:25 may be averaged across the week.

There may be occasions when a broadcaster transmits less advertising than it scheduled. If this happens for reasons of good programme presentation, or because of unforeseen technical or human errors, Ofcom may grant the broadcaster a limited exemption from Rule 3 or 4 to enable it to transfer unused minutage to other parts of its schedule. In such circumstances, the broadcaster must contact Ofcom, in writing, to

seek permission to transfer unused minutage. The request must set out:

- i. the reason for the proposed transfer; and
- ii. the date(s) and time(s) of the proposed recoupment, which must be within 7 days of the lost minutage.

In no circumstances can the transfer result in any clock hour containing more than 12 minutes of advertising.

- 5. Advertising breaks during programmes on public service channels may not exceed 3 minutes 50 seconds, of which advertising and teleshopping spots may not exceed 3 minutes and 30 seconds.**

Advertising breaks in films are not subject to Rule 5.

Teleshopping windows

- 6. Teleshopping windows must be at least 15 minutes long.**
- 7. On public service channels, teleshopping windows may be scheduled only between 00:00 and 06:00.**

Placement of advertising

- 8. Where television advertising or teleshopping is inserted during programmes, television broadcasters must ensure that the integrity of the programme is not prejudiced, having regard to the nature and duration of the programme, and where natural breaks occur.**
- 9. Isolated television advertising and teleshopping spots, other than in the transmission of sports events, shall remain the exception.**
- 10. The transmission of films and news programmes may be interrupted by advertising or teleshopping only once for each scheduled period of at least 30 minutes.**
- 11. Breaks are not permitted within schools programmes.**
- 12. Children's programmes with a scheduled duration of 30 minutes or less may not be interrupted by advertising. The transmission of children's programmes with a scheduled duration of longer than 30 minutes may be interrupted by advertising or teleshopping once for each scheduled period of at least 30 minutes.**
- 13. Programmes including a religious service may not include advertising or teleshopping breaks during the service.**
- 14. Broadcasts of a formal Royal ceremony may not include advertising or teleshopping breaks during the ceremony.**
- 15. Broadcasts of live Parliamentary proceedings:**

- i. may not include advertising and teleshopping breaks in programmes of a scheduled duration of 30 minutes or less;
 - ii. in programmes that have a scheduled duration that is greater than 30 minutes, the transition between live coverage of Parliamentary proceedings and advertising should take place where natural breaks occur via a programme presenter in sound or vision. Programme directors/editors must have the discretion to reschedule or cancel breaks to avoid artificial interruptions in live proceedings. Breaks should be dropped altogether where this would be incompatible with editorial responsibility, for example in coverage of matters of great gravity or emotional sensitivity.
16. For programmes other than those set out in Rules 10 to 15 above, the number of internal breaks permitted is set out in the tables that follow. For every additional 20-minute period beyond that set out in the tables, a further break is permitted.

Table 1: Number of internal breaks permitted in programmes on public service channels

Scheduled duration of programme	Number of breaks
21 – 44 minutes	One
45 – 54 minutes	Two
55 – 65 minutes	Three
66 – 85 minutes	Four
86 – 105 minutes	Five
106 – 125 minutes	Six

Table 2: Number of internal breaks permitted in programmes on other channels

Scheduled duration of programme	Number of breaks
< 26 minutes	One
26 – 45 minutes	Two
46 – 65 minutes	Three
66 – 85 minutes	Four
86 – 105 minutes	Five
106 – 125 minutes	Six

The following programmes are exempt from Rule 16:

Live events – these may take more breaks than are indicated in Tables 1 and 2, provided that:

- i. the timing of the event and its constituent parts are outside the control of the programme provider; and
- ii. there would not be sufficient time within the number of permitted breaks which are also natural breaks to schedule the permitted amount of advertising.

Live programme feeds from an overseas broadcaster - these may take the break pattern of the originating broadcaster. The broadcaster retransmitting the feed from the UK remains responsible for ensuring compliance with other relevant parts of this Code and the UK Code of Broadcast Advertising.