

THE REPUBLIC OF UGANDA
IN THE MATTER OF THE UGANDA COMMUNICATIONS ACT, 2013
AND IN THE MATTER OF A COMPLAINT
BY
ADLEGAL INTERNATIONAL LIMITED
AGAINST
NBS TELEVISION LIMITED

SUBMISSIONS BY ADLEGAL INTERNATIONAL LIMITED

Cases referred to:

- i. *Housing Financing Bank Limited v. Silk Events Limited and Another (Civil Appeal 300 of 2021) [2021] UGCommC 157*
- ii. *Escoigne Properties Ltd v. Inland Revenue Commissioners [1958] 1 All ER 406 (BL)*
- iii. *Anecho Haruna Musa v. Twalib Noah and others (High Court of Arua Civil Suit No. 0009 of 2008)*
- iv. *Placer Dome Inc. v Canada [1992] 2 CTC*
- v. *Illinois v. Gates (462 U.S. 213 [1983])*
- vi. *Pearce v Brooks (1866) LR 1 Ex 213*
- vii. *AG of Hong Kong vs Ng Yuen Shiu [1983] 2 All ER 346*
- viii. *R v MAF exp Hamble (Offshore) Fisheries Ltd [1995] 2 All ER 714, 731*
- ix. *Odrek Rwabogo and Another verses STV, ABS TV, and Others (UCC Compliant Decision of 2022)*
- x. *Smart Protus Magara & 13 Others v Financial Intelligence Authority, HCMC No. 215 of 2018*

Laws referred to:

- i. *Uganda Communications Act, 2013*
- ii. *Uganda Communications (Consumer Protection) Regulations, 2019*
- iii. *UCC Advertising Standards, 2019*

Other materials referred to:

- i. *UK Ofcom's Compliance Checklist for TV and Radio broadcasters, June 2025*
- ii. *UK Ofcom's Guidance note on COSTA rules and split-screen advertising in issue 262 of Ofcom's Broadcast and On Demand Bulletin.*
- iii. *The Effect of Program Genre on Modes of Media Multitasking and Ad Processing*” by Hyejin Bang (<https://doi.org/10.1051/shsconf/202213201019>)

1. **BACKGROUND:**

- 1.1. The AdLegal International Limited filed a complaint against NBS Television Limited on ***23rd January 2025*** concerning the breach of the split-screen advertising rules prescribed under the Uganda Communications Commission (UCC) Advertising Standards, 2019, in respect of NBS TV's programs Morning Breeze, NBS Frontline, and NBS Eagle which stream current affairs programmes.
- 1.2. The Commission wrote a letter to NBS TV dated ***4th April 2025*** requesting for a written response to the complaint made.
- 1.3. NBS TV responded to the complaint on ***9th April 2025*** defending itself that the adverts complain about are squeeze back adverts and are different from split-screen advertisements, despite similarities, and relied on prior informal discussions with UCC to justify the practice. It argued the ads are necessary for revenue generation and requested a meeting to revisit and potentially relax the regulatory interpretation rather than acknowledging a breach. However, still in its response to the Regulator, it acknowledged the fact that squeeze backs can be interpreted as split screen adverts and requested the commission for a meeting to harmonize this.
- 1.4. On ***26th June 2025***, the Commission issued an invitation letter to AdLegal, requesting their attendance at a meeting to provide any further and better particulars regarding the matter, in order to facilitate the Commission's fair and judicious resolution of the complaint.

2. **CENTRAL ISSUES:**

- i. Whether the use of "*squeeze backs*" by NBS TV during current affairs broadcasts amounts to prohibited split-screen advertising under the Advertising Standards, 2019.
- ii. Whether the regulation of Split Screen Advertising during current affairs programs outdated?
- iii. Whether the economic considerations of NBS TV can justify the use of squeeze back advertisements during current affairs programs, in light of the regulatory prohibition against split-screen advertising.
- iv. Whether NBS TV's prior discussions with UCC (2020–2022) justify the use of squeeze back ads in current affairs programs under the broadcast standards.
- v. Whether NBS TV's use of split-screen advertising during current affairs programming violates the Minimum Broadcasting Standards.

3. **OUR SUBMISSIONS**

3.1. ISSUE 1: WHETHER THE USE OF "SQUEEZE BACKS" BY NBS TV DURING CURRENT AFFAIRS BROADCASTS AMOUNTS TO PROHIBITED SPLIT-SCREEN ADVERTISING UNDER THE ADVERTISING STANDARDS, 2019.

AdLegal strongly argues that NBS Television's claim that it uses "squeeze backs" rather than "split-screen" advertisements during its current affairs programmes is factually inaccurate, and devoid of any regulatory justification.

We raise the following grounds in support of our position;

1. The Technical Difference Between "Squeeze Backs" and "Split Screens" Is Superficial and Irrelevant

NBS argues in its response to the Commission that, "*split-screen advertising divides the screen into two or more parts; squeeze backs reduce the main image to create space.*"

We submit that this is a **distinction without a difference**. Both techniques achieve the **same regulatory mischief**: allowing viewers to receive advertising while editorial content (especially news/current affairs) is ongoing.

Annex 7 (3.0) of the Advertising Standards, explicitly prohibits split-screen advertising in news or current affairs broadcasts where there is a simultaneous display of adverts and editorial content.

The intention of the framers of this prohibition was not to allow any form of simultaneous display of adverts and editorial programme content regardless of the FORM OR STRUCTURE the adverts are projected.

We strongly argue that *Annex 7(3.0)* should be interpreted **purposively**, i.e., in line with the intention behind the prohibition of the mischief (simultaneous display of adverts while current affairs programmes are running).

As observed by *Hon Justice Stephen Mubiru* in ***Housing Financing Bank Limited v. Silk Events Limited and Another (Civil Appeal 300 of 2021) [2021] UGCommC 157 at page 12, para 25***, "*To get the true intention of a legal provision(our emphasis), account must be taken of the object of the enactment in light of the statement of Lord*

Denning in Escoigne Properties Ltd v. Inland Revenue Commissioners [1958] 1 All ER 406 (BL) at 414D that:

A statute is not passed in a vacuum, but in a framework of circumstances, so as to give a remedy for a known state of affairs. To arrive at its true aim, you should know the circumstances with reference to which the words were used; and what the object was, appearing from those circumstances, which framers had in view."

Therefore, basing on the above legal propositions, whether a screen is divided **horizontally, vertically, or shrunk** to allow ad placement is a **cosmetic variation**.

What matters under the Advertising Standards is **simultaneity of content**, not the geometric method used as NBS TV asserts.

Thus, squeeze backs **are not a distinct category**, but rather a **variant form of split screen advertising** which *Annex 7(3.0)* of the Advertising Standards sought to prohibit. Moreover, the **Advertising Standards** provide under **Section I(3)(1)** that, "*This Standard shall be applied in the spirit, as well as in the letter.*" In **Anecho Haruna Musa v. Twalib Noah and others (High Court of Arua, Civil Suit No. 0009 of 2008)**, Hon Justice Stephen Mubiru, stated at page 22 that; *Equity enforces the spirit rather than the letter of the law alone.*

We strongly submit that the framers of the Standards intended to **shield news and current affairs programming from commercial interference**. This objective would be defeated if broadcasters were permitted to use alternative terminology to evade the restriction.

Lastly, it is also logical that the definition of a "*Split Screen*" advert as given by NBS TV in its response to the Commission satisfies the exact criteria in *Annex 7(3.0)* prohibiting split screen advertising in current affairs programmes.

In particular, NBS TV states that, "*Squeezeback* means a sequence of television footage or a graphic produced specifically to promote the Sponsor, which is screened from time to time "**during the Broadcast**" for a duration of approximately 10 (ten) seconds, which is shown when the main picture is reduced in size in order to allow such footage or graphic to be screened in the available space on the screen surrounding the actual picture."

We submit that a cursory examination of the above definition, when read alongside the wording in *Annex 7(3.0) of the Advertising Standards*, leaves no doubt that the provision applies *mutatis mutandis* to squeeze backs, given that the following key elements of the provision are present in both formats.

- i. **Editorial content continues,**
- ii. **Commercial content is displayed concurrently, and**
- iii. **The screen is divided, even if asymmetrically.**

Therefore, by logical analysis of NBS TV's own definition, it can still be inferred that, "squeeze backs" fall squarely within the regulatory definition of split screen advertising, regardless of their visual presentation or the terminology adopted by the broadcaster.

2. The regulatory aim focuses on the "Substance" aired rather than the "form" of advert display;

We strongly submit that, if an advertising format is described as a "squeeze back", **but in substance** and from all indications **it performs the same function as split screen advertising**, the Commission **must treat the apparent squeeze back as split screen advertising**, with its attendant legal consequences under the Advertising Standards, 2019.

There is a longstanding maxim of equity that "*equity looks at the substance rather than the form.*" This position has also been cemented courts facing a question the commission is faced with now (determine whether substance overrides the form). We invite the Commission to draw reference to the case of *Anecho Haruna Musa v. Twalib Noah and others (High Court of Arua Civil Suit No. 0009 of 2008)*, in which Hon Justice Stephen Mubiru, stated at page 21 that; "*Equity applies its doctrines to the substance, not the form.*"

Similarly, in *Placer Dome Inc. v Canada [1992] 2 CTC 98 at 109*, the Canadian Supreme Court held that: "*It is the substance of a action or dealing that must be looked at in order to determine the true legal rights and obligations of the parties.*"

WE THEREFORE STRONGLY CONTEND that the intent of **Annex 7 of the Advertising Standards** is to prohibit the *substance*—that is, the *simultaneous display of editorial and advertising content*—**regardless of the form it takes**. Contrary to NBS TV's assertions, the prohibition is not limited to the size of the advert(*form*), the timing of its appearance(*form*), or the terminology employed (such as 'squeeze back')(*form*)."

The nature of the advertisement must be assessed objectively, and the regulatory intention must be interpreted from the effect and structure of the content, not from the broadcaster's description based on the form of advert aired.

To hold otherwise would be to **allow a regulated entity (NBS TV) to evade compliance through mere terminologies**, and to subvert both the letter and spirit of the standards which **Section I(3)(1) of the Advertising Standards** intends to protect by stating that, "*This Standard shall be applied in the spirit, as well as in the letter.*" As observed in **Anecho Haruna Musa v. Twalib Noah and others (High Court of Arua Civil Suit No. 0009 of 2008)**, Hon Justice Stephen Mubiru, stated at Page 22 that; *Equity enforces the spirit rather than the letter of the law alone.*

3. **Impact on the Audience;**

We submit that, the format of the advert does not matter. What matters is ***the advert's probable impact*** on the audience/consumers who happen to consume the broadcasting service.

The test to determine probable impact is highlighted under ***Section I(3)(2) of the Advertising Standards, 2019*** which states that; "*The primary test applied shall be that of the probable impact of the advertisement as a whole upon those who are likely to see or hear it.*" And under ***Section I(3)(3)***, "*The Commission may consider the surrounding circumstances... and the interpretation as a whole in the context in which it has been used.*"

Section 1(3)(4), 2019 requires the Commission to consider public sensitivity and social concern in interpreting advertising .

The probable impact of a squeeze back is the same as a split screen ad: simultaneous exposure to advertising and news. This distracts the audience, undermines the credibility of editorial content, reduces program effectiveness, erodes public trust in news broadcasts and prioritizes commercial interests over the public good. This is **exactly the probable impact** the Standards aim to prevent.

Current affairs programs are expected to serve the public interest by providing unbiased and comprehensive reporting. Allowing split-screen advertisements shifts the focus from informing the public to generating revenue, effectively prioritizing commercial interests over societal needs.

Different studies have also acknowledged the impact of multi screening as noted in one study titled, ***“The Effect of Program Genre on Modes of Media Multitasking and Ad Processing”*** by Hyejin Bang (<https://doi.org/10.1051/shsconf/202213201019>) that;

"Previous studies on Media Multitasking (MM) have consistently found the detrimental effect of MM on message processing (i.e., decreased attention, low message exposure, and low memory) based on limited cognitive capacity framework... Because people have a limited pool of attention and mental resources available for cognitive processing, MM inevitably interrupts people to encode information." (See page 3)

Under **Regulation 5(b) of the Uganda Communications (Consumer Protection) Regulations, 2019**, consumers have a right to protection enshrined in the Uganda Communications Act.

From the viewer/consumer's perspective, whether an advertisement is called a "split screen" or a "squeeze back" is irrelevant. What matters is **how it affects their perception of the content** they are watching.

We invite the Commission to be guided by the approach given in the case of **Illinois v. Gates (462 U.S. 213 [1983])** where court set the principle that, *"In dealing with probable cause, ... as the very name implies, we deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act."*

4. Evolution and Modification of Split Screen Advertising Formats;

Split screen advertising has evolved significantly over the past two decades, moving from simple vertical or horizontal divisions with static banners or concurrent video to more sophisticated formats enabled by digital advancements.

Broadcasters have introduced innovations such as **picture-in-picture** (small ad windows in one corner), **squeeze backs** (resizing editorial content to accommodate side-by-side ads), **overlay graphics** (transparent ad layers over visuals) and **dynamic frame ads** (animated borders around content).

These developments are not distinct advertising categories but rather modern iterations

of split screen advertising, aimed at maintaining editorial visibility while delivering simultaneous advertising content.

Much as the Advertising Standards **do not expressly mention squeeze backs**, it would be unfair to refuse to impose a sanction against NBS TV without bearing in mind the evolution of this advertising method.

The Commission being a *quasi-judicial body* should be guided by the doctrines of equity while resolving this issue. In **Anecho Haruna Musa v. Twalib Noah and others (High Court of Arua Civil Suit No. 0009 of 2008)**, Hon Justice Stephen Mubiru, stated at page 21 that; *Equity prevents a party from relying upon an absence of a statutory formality if to do so would be unconscionable and unfair.*

5. NBS Admits Functional Similarity: Their Argument Is Contradictory

In its own letter to the Commission, at page 2, NBS Television unequivocally acknowledges the functional equivalence between split screen and squeeze back advertising. The letter expressly states: ***"We do understand that Squeeze backs may also be interpreted to mean Split screen..."*** This amounts to a tacit admission that both formats produce the same visual and functional effect.

3.2. ISSUE 2: WHETHER THE REGULATION OF SPLIT SCREEN ADVERTISING OUTDATED?

We respectfully submit that it is not and still relevant.

In recent years (2024-2025) different bodies regulating broadcasters have issued rulings and practice notices against the use of split screen advertising in prohibited programs like news and current affairs programs. Among these include;

- i. In February 2024, the ***Verwaltungsgericht Hannover (Hanover Administrative Court)*** in Germany upheld a complaint by the Lower Saxony state media authority (NLM) against RTL. The case concerned a split-screen advertisement for a smartphone during the program *Das Supertalent*. The court agreed that RTL had breached the requirement for clear visual separation of advertising and programme content, as stipulated under Article 8(4) of the *Medienstaatsvertrag* (state media treaty). ***(A copy of the decision summary is attached on these submissions and marked, "A")***



The above decision which is just last year in 2024 confirms that even modern split-screen formats must comply with established rules ensuring that viewers can distinguish editorial content from advertising

ii. On 16th June 2025, UK's Communications regulator, Ofcom, issued a *Compliance Checklist for TV and Radio broadcasters* and on page 6 paragraph 3.9 this checklist refers TV broadcasters to a *Guidance note on COSTA rules and split screen advertising in issue 262 of Ofcom's Broadcast and On Demand Bulletin*. The guidance note cites similar rules as those under the UCC advertising standards and prohibits split screen advertising in the same terms. (A copy of the 2025 Ofcom Compliance Checklist for TV and Radio broadcasters is attached and marked, "B", together with a Copy of the Guidance note on COSTA rules and split screen advertising marked, "C")

Basing on the above events in UK, we submit that the current rules under the UCC Advertising Standards remain consistent with international best practices. The regulation of split screen advertising is neither outdated nor redundant, but remains a relevant and appropriate mechanism to balance commercial interests with public trust in broadcast content.

We respectfully submit that the examples cited above arise from jurisdictions with advanced, mature broadcast industries and well-developed advertising markets. Both Germany and the United Kingdom have highly competitive and lucrative media sectors, with broadcasters enjoying substantial revenues from diverse streams, including advertising, subscriptions, and syndication.

By contrast, Uganda's broadcast industry is relatively young and far smaller in economic terms than those of Germany and the UK. If these mature economies, continue to uphold such standards without regard to broadcaster profitability, it would not be reasonable to argue that Uganda's rules which reflect the same principles are outdated or inconsistent with best practice. Accordingly, the UCC Advertising Standards remain relevant, appropriate, and aligned with international best practices, balancing commercial interests with the public's trust in broadcast content.



3.3. **ISSUE 3: WHETHER THE ECONOMIC CONSIDERATIONS OF NBS TV CAN JUSTIFY THE USE OF SQUEEZE BACK ADVERTISEMENTS DURING CURRENT AFFAIRS PROGRAMS, IN LIGHT OF THE REGULATORY PROHIBITION AGAINST SPLIT-SCREEN ADVERTISING.**

In its response to the commission, NBS argues that squeeze backs are essential “*to make commercial sense in respect to advertisement*” during political programming.

Adlegal argues that private economic considerations cannot justify the use of squeeze back format against the prohibition of split screen advertising. We support this argument with the following grounds;

i. **Regulatory Standards are not negotiable based on business models**

Economic hardship is not a legal defense for breaching regulatory standards. The Uganda Communications Commission is bound by law to uphold and enforce standards as published. This **supersedes commercial convenience**.

NBS’s economic rationale **does not excuse non-compliance** with a clear prohibition on split screen or functionally equivalent formats such as squeeze backs.

Courts and regulatory bodies have consistently held that **compliance with the law is not optional simply because it may impose costs** on a business. In **administrative law**, the duty to comply with a regulation is not contingent upon whether it suits the regulated party’s business model.

“*No illegality can be tolerated simply because it is financially beneficial.*” **See: Pearce v Brooks (1866) LR 1 Ex 213.**

Allowing economic hardship to justify non-compliance would set a dangerous precedent, effectively turning regulatory compliance into a matter of negotiation rather than obligation.

In light of the above, NBS’s justification based on commercial necessity must be rejected.

ii. **UCC’s mandate is regulatory, not promotional or commercial**

NBS in its response to the Commission claims that squeeze backs should be left to suffice for political shows (current affairs) because that is where revenue is generated in media business and requested the Commission to “*harmonize the position*” for the entire industry.

It is also noteworthy that during the meeting held on **26th June 2025** between

AdLegal and the Commission, UCC appeared to fully endorse NBS's position. The Commission expressed the firm view that halting NBS's challenged advertising practices would jeopardize NBS's revenue to the extent of threatening its viability. Furthermore, the Commission asserted that the current advertising standards are outdated and implied that, in light of contemporary advertising trends, NBS's contested practices are acceptable and ought to be allowed to continue.

We respectfully submit that the assertions advanced by NBS in its response to the Commission, as well as the observations made by the Commission during its meeting with Adlegal, are legally untenable. It is regrettable that the Commission appears to lend credence to NBS's misleading arguments, which, if adopted, would lead the Commission to abdicate its statutory mandate in favor of private commercial interests, a course of action wholly inconsistent with the law and the principles of fair regulation and unbiased complaints handling rules of natural justice because of the reasons stated below;

- a) UCC's mandate is to regulate communications services, not to safeguard broadcasters' profitability:** UCC is a statutory body whose core mandate under *Section 5 of the Uganda Communications Act* is to regulate communication services and not to promote economic prosperity for broadcasters. There is no provision in the Act or any regulations assigning UCC the role of supporting broadcaster profitability or enabling financial survival of private media companies.

UCC is not empowered to waive the Advertising Standards which it made pursuant to *Section 5(1)(i) of the Uganda Communications Act* on the basis of the broadcaster's *low advertising revenue, market competition and business model challenges*. NBS TV's economic challenges, while important in wider policy dialogue, cannot override a clear breach of regulatory standards.

Allowing NBS TV to violate standards like the split screen advertising ban under the pretext of economic pressure undermines UCC's legal authority.

- b) Regulatory discretion must be exercised within legal limits and not to favor private economic interests:** The UCC is a public regulator of a statutory regime, it has no lawful discretion to disregard or suspend statutory standards on account of private losses. A regulator's discretion **must be exercised to advance the statutory purposes**, not to accommodate the



economic preferences of regulated entities.

The Commission should draw its attention to the different authorities on exercise of discretion by public bodies before adopting NBS's position. In *Smart Protus Magara & 13 Others v Financial Intelligence Authority, HCMC No. 215 of 2018*, court held that where discretionary power is conferred upon legal authorities, it is not absolute, even within its apparent boundaries, but is subject to general limitations. As such, discretion must be exercised in the manner *intended by the empowering Act or legislation*.

In *Nyika and Another v. The Commissioner Land Registration (Miscellaneous Cause 259 of 2022) 2023 UGHCCD 312* Hon. Justice Boniface Wamala cited with approval on Page 9 and 10 the case of *Smart Protus Magara & 13 Others v Financial Intelligence Authority (supra)* and observed that, the limitations to the exercise of discretion are usually expressed in different ways, such as requirement that the discretion has to be exercised reasonably and in good faith, or that *relevant considerations only must be taken into account*, or that the decision must not be arbitrary or capricious.

c) **Premature endorsement of NBS's position demonstrates apparent bias and undermines impartiality:** Adopting NBS's position even before making a final decision creates the likelihood of bias on the side of the regulator. In *Dr. Lam – Lagoro James v Muni University (HCMC No. 0007 of 2016)* court held that where a decision maker has a *preconceived opinion* and a predisposition to decide a cause or an issue in a certain way, or where one does not leave the mind perfectly open to conviction, and *one's inclination clearly appears bending towards one side*, it all shows an attitude of bias. The presence of bias thus leaves a reasonable person *in doubt as to the impartiality of the decision making process*.

3.4. ISSUE 4: Whether NBS TV's prior discussions with UCC (2020–2022) justify the use of squeeze back ads in current affairs programs under the broadcast standards.

In its response to the regulator, NBS TV cites past *unsubstantiated* discussions with UCC between 2020–2022 about the issue of the use of squeeze backs.

We submit that no prior agreement with the regulator can override a published regulatory standard. Any administrative discretion must still conform to published regulatory standards. In the case of **AG of Hong Kong vs Ng Yuen Shiu [1983] 2 All ER 346**, the Privy Council observed that, while authorities must act fairly where representations are made, they **cannot bind themselves** to act contrary to **existing rules or law**.

Therefore, **no verbal understanding or internal practice** can override the binding text of *Annex 7 of the Advertising Standards, 2019*.

The doctrine of **legitimate expectation** cannot validate a regulatory violation, especially where the rule is clear. Courts have cemented the position that, “*A legitimate expectation cannot obligate an authority to act contrary to its duties under a statute*” See: **R v MAF exp Hamble (Offshore) Fisheries Ltd [1995] 2 All ER 714, 731**.

In light of the foregoing, NBS TV’s reliance on past discussions with UCC between 2020–2022 is legally untenable to warrant its use of squeeze back adverts outside the regulatory regime.

3.5. ISSUE 5: WHETHER NBS TV’S USE OF SPLIT-SCREEN ADVERTISING DURING CURRENT AFFAIRS PROGRAMMING VIOLATES THE MINIMUM BROADCASTING STANDARDS

We submit that the practice by NBS TV equally violates the UCC Minimum Broadcasting Standards.

Section 31 of the Uganda Communications Act, 2013 mandates that any program broadcast by a broadcaster must comply with the Minimum Broadcasting Standards outlined in Schedule 4 of the Act. Under ***Schedule 4(a)(v)***, a broadcaster is mandated to ensure that any program they broadcast is in compliance with existing laws.

We are of the firm view that NBS TV’s practice violates the said **Schedule 4(a)(v)** because such practice is not in compliance with **Annex 7 (3.0) of the UCC Advertising Standards, 2019** which explicitly prohibits split-screen advertising in current affairs broadcasts.

The Commission has in the previous years consistently cautioned broadcasters not to

breach the *Minimum Broadcasting Standards*. In the matter of ***Odrek Rwabogo and Another versus STV, ABS TV, and Others (UCC Compliant Decision of 2022)***, the Commission articulated on page 11, paragraph 6 of the decision as follows:

“Under the laws of Uganda, it is clear that broadcasters have a duty to comply with the Minimum Broadcasting Standards and the Content Regulations at all times during all programs.....”

We submit that NBS TV's conduct constitutes a clear breach of the Minimum Broadcasting Standards and should not be excused under the guise of technical terminologies, commercial innovation or prior informal discussions.

4.0. PRAYERS

In light of the foregoing, the Complainant respectfully prays that the Uganda Communications Commission grants the following reliefs:

1. **A Declaration** that the use of *squeeze back advertisements* by NBS Television during current affairs programs constitutes *prohibited split-screen advertising* under Annex 7(3.0) of the UCC Advertising Standards, 2019, and is therefore unlawful.
2. **A Regulatory declaration** that broadcasters in Uganda should not use squeeze back advertisements during current affairs programs, as the practice constitutes prohibited split-screen advertising under the applicable advertising standards and is therefore unlawful.
3. **A Declaration** that NBS Television's continued use of squeeze back (split-screen) advertising during current affairs programming amounts to a violation of the Minimum Broadcasting Standards under Section 31 and Schedule 4 of the Uganda Communications Act, 2013.
4. **A Declaration** that NBS Television's split-screen (squeeze back) advertising during current affairs programs undermines consumer rights protected by the UCC Act and the UCC Advertising Standards and thus breaches Regulation 5(b) of the Uganda Communications (Consumer Protection) Regulations, 2019
5. **A Directive** to NBS Television to immediately cease the use of split-screen (squeeze back) advertising during current affairs programs and submit a compliance report to the Commission within 30 days.



Dated at Kampala, this 21st day of July 2025

Collectively submitted by Adlegal International Limited,



Aziz Kitaka

Executive Director



Luke Kamoga

Litigation Director



Ayesigye Patience

Consumer Advocacy Director



Murere Nicholas

Policy Advocacy Director

[DE] Media authority's complaint about RTL split-screen advertising upheld

IRIS 2024-3:1/24

Sven Braun
Institute of European Media Law

On 7 February 2024, the *Verwaltungsgericht Hannover* (Hanover Administrative Court - VG Hannover) rejected an appeal by the television broadcaster RTL against a complaint lodged by the *Niedersächsische Landesmedienanstalt* (Lower Saxony state media authority - NLM). The complaint concerned an alleged breach of the requirement for clear visual separation of advertising and programme content during "split-screen" advertising broadcast during an RTL television programme.

"Split-screen" advertising for a smartphone, in which editorial content and advertising were shown at the same time, was broadcast during an episode of RTL casting show "*Das Supertalent*" on 11 December 2021. Shortly before the start of a commercial break, the TV show's studio audience was shown. On the left-hand side of the screen, an advertising panel appeared, containing information about the advertised smartphone and an advertising label. The advert showed front and rear views of the smartphone, with the casting show audience visible on the smartphone screen. The studio audience could also be seen outside the advertising panel. The *Kommission für Zulassung und Aufsicht* (Commission on Licensing and Supervision - ZAK), an organ of the 14 German state media authorities responsible for granting licences to and monitoring national private broadcasters, representing the relevant state media authority, in this case the NLM, decided that RTL had breached the requirement for visual separation of advertising and programme content. On 6 July 2022, on the basis of the ZAK's decision, the NLM filed a complaint against RTL for breaching Article 8(4) of the *Medienstaatsvertrag* (state media treaty), which authorises split-screen advertising as long as it is clearly separate from programme content and labelled as advertising. RTL appealed to the VG Hannover against the NLM's decision. Sharing the NLM's view that there had been inadequate separation of advertising and programme content, the court rejected RTL's appeal. Since the decision is not yet final, RTL is entitled to lodge a further appeal.

Pressemitteilung der Niedersächsischen Landesmedienanstalt vom 8. Februar 2024

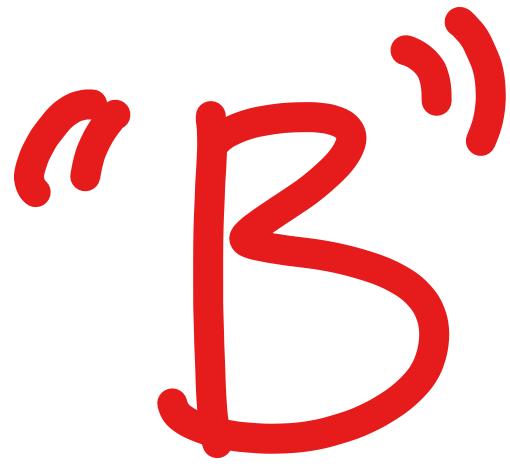
<https://www.nlm.de/aktuell/pressemitteilungen/pressemeldungen/verwaltungsgericht-hannover-bestätigt-beanstandung-von-werbeverstoss-bei-rtl>

Lower Saxony state media authority press release of 8 February 2024

Pressemitteilung des Verwaltungsgerichts Hannover vom 5 Februar 2024

<https://www.verwaltungsgericht-hannover.niedersachsen.de/aktuelles/pressemitteilungen/split-screen-werbung-bei-das-supertalent-229303.html>

Hanover Administrative Court press release of 5 February 2024



Compliance checklist for TV and radio broadcasters

Published 16 June 2025

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1. Introduction

What is the compliance checklist?

- 1.1 This document is intended to help applicants and licensees understand the obligations and rules they must comply with as a condition of their Ofcom licence to broadcast.
- 1.2 It signposts Ofcom rules, useful information and guidance **but is not exhaustive**. The licensee itself must take steps to ensure compliance with all relevant legal and regulatory requirements.
- 1.3 Set out below is information on:
 - how broadcasters can seek general guidance from Ofcom on the codes, rules and other requirements of an Ofcom licence;
 - the requirements set out in the conditions of an Ofcom licence;
 - Ofcom's role and requirements for broadcasters relating to equity, diversity and inclusion in broadcasting;
 - Ofcom's rules, set out in codes, about the content broadcast by licensees;
 - research conducted by Ofcom which may be useful to licensees when taking compliance decisions about the content they broadcast;
 - the procedures Ofcom follows, for example, when handling complaints about a broadcaster's programming, or investigating whether a broadcaster has breached its licence conditions, or the rules about the content on its service;
 - how Ofcom publishes the decisions it reaches on complaints and investigations; and
 - the procedures Ofcom follows when considering imposing a sanction on a broadcaster (in cases of serious, repeated, deliberate or reckless breaches of its requirements) and examples of sanctions it has imposed.
- 1.4 This document applies to all broadcasters that hold an Ofcom licence. Where information only applies to certain licence types, this is indicated.

Seeking guidance from Ofcom

- 1.5 Ofcom can offer broadcasters general guidance on the interpretation of our codes and rules and other requirements. However, we only give such advice on the strict understanding that it will not affect Ofcom's discretion to judge cases and complaints and will not affect the exercise of our regulatory responsibilities. If you have any queries, please email:
 - OfcomStandardsTeam@ofcom.org.uk for queries about Ofcom's codes and guidance relating to broadcast content; or
 - Broadcast.Licensing@ofcom.org.uk for queries about licence conditions or the administration of your licence.
- 1.6 Guidance notes for all of our licence types are available on the [apply for a radio broadcast licence](#) and [apply for a TV broadcast licence](#) pages of our website.

2. Licence Conditions

2.1 Ofcom issues different types of licence for services on television and radio. Each licence contains numbered conditions. These set out a range of requirements the licensee must meet, including:

- putting in place adequate compliance procedures to ensure that the licensee can comply with its licence conditions and Ofcom's codes and rules;
- arranging for the retention of recordings of content as broadcast for the number of days specified in the licence, and providing those recordings to Ofcom when requested by the specified deadline;
- providing to Ofcom by the specified deadline any information that we require to carry out our statutory duties (see below);
- paying annual licence fees to Ofcom by the specified deadline; and
- obligations relating to equal opportunities and training (see below).

2.2 Licensees must comply with the programming requirements which form part of their licence, usually included in an annex. This may be the service description, Key Commitments, Programming Commitments, or other requirements depending on the licence type. For community radio licensees, we have published [compliance principles for Key Commitments](#).

Providing information to Ofcom

2.3 Ofcom may request information from licensees for the purpose of exercising our functions. As set out above, it is a condition of an Ofcom licence for licensees to provide information to Ofcom on request. In cases where a licensee does not respond by the deadline provided Ofcom is likely to launch an investigation into the licensee's compliance with this licence condition.

2.4 When we request information from a licensee, we will usually explain why the request is being made, what information we require, and what the information will be used for and provide a deadline.

2.5 We collect a range of financial and other information on an annual basis. We may also require information from you in relation to other matters at other times including, but not limited to, during an assessment or investigation under our procedures (see Section 4 below) or when there has been a change to a licensee.

Providing the service

2.6 It is important that the provider of the service, rather than any other person, holds the relevant broadcasting licence. It is for service providers to ensure that they are appropriately licensed. Ofcom has published [guidance on the licensing position of the 'provider of a service' and the 'sub-letting of capacity'](#).

2.7 There is also guidance on [broadcasting into multiple territories](#) for television licensable content service providers to help determine where separate licences are needed for different versions of a service.

Control of media companies

2.8 When an application is made or there is a change to a licensee, Ofcom may need to determine where a person 'controls' a company. Ofcom's approach to this is set out in our [guidance on the definition of control of media companies](#).

Equity, diversity and inclusion in broadcasting

2.9 As part of our statutory duties, Ofcom carries out monitoring of broadcasters' workforces and equal opportunities arrangements. We collect information on broadcasters' employees in terms of sex, race and disability on a mandatory basis. We also collect information on other protected characteristics set out in the Equality Act 2010 (religion or belief, sexual orientation and age), as well as socio-economic background, geographic location and caring responsibilities on a voluntary basis. We hold industry to account in our [regular reports](#) on the make-up of broadcasters' workforces.

2.10 These obligations apply to broadcasters (including within a group of companies) who employ more than 20 people in connection with the provision of the licensed services and are authorised to broadcast for more than 31 days per year. Broadcasters who meet these criteria are required to complete annually our quantitative workforce survey as well as a qualitative self-assessment survey, which assesses and provides feedback on broadcasters' effectiveness at achieving a range of equity, diversity and inclusion objectives. As set out above, where a licensee does not respond to our request for this information, Ofcom is likely to launch an investigation into the licensee's compliance with the relevant condition of the licence.

2.11 We provide [guidance for broadcasters](#) on making their equal opportunities arrangements. As a condition of their licences, broadcasters must have regard to this guidance in making and reviewing their arrangements to promote equality of opportunity between men and women, people of different racial groups and for disabled people. This guidance can also help broadcasters make arrangements to promote equal opportunities in relation to other characteristics. We also hold industry events and discussions, in order to share ideas and work collaboratively to make progress on promoting equal opportunity in broadcasting.

2.12 There is [more information about Ofcom's role and resources relating to equity, diversity and inclusion in broadcasting](#) on our website.

3. Codes and guidance

Programming rules: Broadcasting Code (with the Cross-promotion Code and the On Demand Programme Service Rules)

- 3.1 Ofcom's [Broadcasting Code \(with the Cross-promotion Code and the On Demand Programme Service Rules\)](#) ("Broadcasting Code") contains rules about the content of programmes broadcast on television and radio which licensees must follow.
- 3.2 Ofcom publishes a [range of guidance related to broadcast content and standards](#) to help broadcasters understand how we apply the rules and what considerations they will need to take into account when complying material before broadcast.

Research

- 3.3 Ofcom conducts [research](#) that it relies on to interpret and apply its rules.

Advertising rules: BCAP Code

- 3.4 Ofcom is also responsible for ensuring standards in broadcast advertising. The Advertising Standards Authority (ASA) regulates most types of broadcast advertising on Ofcom's behalf and enforces the rules in the [BCAP Code: the UK Code of Broadcast Advertising](#), which can be found on the ASA's website.
- 3.5 Ofcom retains responsibility for regulating:
 - the prohibition on 'political' advertising; and
 - interactive television services, for example psychic and chat channels.
- 3.6 If you intend to broadcast psychic content, you should consult the [Ofcom guidance on psychic television services predicated on premium rate telephony services](#).
- 3.7 There is also [Ofcom guidance on the advertising of telecommunications-based sexual entertainment services and PRS daytime chat services](#) on television.

Amount of advertising on television

- 3.8 There are rules about the amount of advertising television broadcasters can transmit and how it is scheduled, which are set out in [Ofcom's Code on the Scheduling of Television Advertising](#) ("COSTA").
- 3.9 There is a guidance note on COSTA rules and split-screen advertising in [issue 262 of Ofcom's Broadcast and On Demand Bulletin](#).
- 3.10 This is also [guidance on the use of targeted advertising replacement and its effect on a television service's licensing status and licence requirements](#).

Other codes and rules

Ofcom's Code on Television Access Services

3.11 Subtitling, sign language and audio description, known as television access services, help people with hearing or visual impairments understand and enjoy television. There are rules on the amount of subtitling, signing and audio description services television licensees must provide in their programmes. Ofcom's [Code on Television Access services](#) includes requirements on subtitling, signing and audio description.

Ofcom Rules on Party Political and Referendum Broadcasts

3.12 There are rules on the length, frequency, allocation and/or scheduling of party political or referendum campaign broadcasts, set out in the Ofcom [Rules on Party Political and Referendum Broadcasts](#).

Code on the Prevention of Undue Discrimination Between Broadcast Advertisers

3.13 Licensees should also be aware of the [Code on the Prevention of Undue Discrimination Between Broadcast Advertisers](#).

Technical Codes for radio licensees

3.14 Licensees holding analogue radio licences must comply with the requirements set out in the [Analogue Radio Technical Code](#).

3.15 Licensees holding digital radio licences must comply with the requirements set out in the [Digital Radio Technical Code](#).

4. Complaints and enforcement

Ofcom's handling of complaints about broadcast content and compliance with licence conditions

- 4.1 Ofcom receives complaints from viewers and listeners about content broadcast on licensed services, and licensees' compliance with their licence conditions.
- 4.2 Ofcom has published procedures which set out how it will handle complaints. Licensees should read these so that they understand what to expect if Ofcom contacts them about a complaint or investigation. We may open an assessment or investigation on our own initiative as well as following complaints made by others, but the procedures followed will remain the same.
- 4.3 There are different procedures for the following matters:

Type of regulatory requirement	Specific procedures and other information
Assessments and investigations about broadcasters' compliance with content requirements set out in the Ofcom Broadcasting Code and other codes including the Cross-Promotion Code and the Code on the Scheduling of Television Advertising. It also includes the UK Code of Broadcast Advertising.	These cases are handled under the Procedures for investigating breaches of content standards for television and radio .
Assessments and investigations about broadcasters' compliance with Ofcom Rules on Party Political and Referendum Broadcasts (the "PPRB Rules").	The cases are handled under the PPRB Rules Procedures .
The consideration and adjudication of Fairness and Privacy complaints in relation to programmes broadcast on television and radio and broadcasters' compliance with Ofcom's "fairness code" under section 107 of the Broadcasting Act 1996.	These cases are handled under the Procedures for the consideration and adjudication of Fairness & Privacy complaints .
Assessments and investigations about licence conditions and other "relevant requirements" which are not covered by other specific procedures, and compliance with the Code on television access services.	These cases are handled under the General procedures for investigating breaches of broadcast licences .
Licence conditions and relevant codes to ensure fair and effective competition in the provision of broadcast services.	These cases are handled under the Procedures for investigating breaches of competition-related conditions in Broadcasting Act licences .

Type of regulatory requirement	Specific procedures and other information
<p>The Code on Electronic Programme Guides (“EPGs”), which sets out practices to be followed by EPG providers to (i) give appropriate prominence for public service channels, (ii) provide features and information needed to enable EPGs to be used by people with disabilities and (iii) secure fair and effective competition.</p>	<p>Generally, Ofcom will apply the Procedures for investigating breaches of competition-related conditions in Broadcasting Act licences for breaches of (iii), and the General procedures for investigating breaches of broadcast licences for breaches of (i) and (ii).</p>

Broadcast and On Demand Bulletin

- 4.4 Ofcom publishes the results of its assessments of complaints and investigations in its [Broadcast and On Demand Bulletin](#), on a fortnightly basis.
- 4.5 The Broadcast and On Demand Bulletin provides licensees with an important source of information on how Ofcom interprets and applies the rules and licence conditions, and the decisions Ofcom has reached. Ofcom also uses this publication to issue guidance and other useful information to licensees in the form of Notes to Broadcasters. We expect licensees to read the Broadcast and On Demand Bulletin regularly. You can [sign up for email updates on broadcasting matters](#), including issues of the Broadcast and On Demand Bulletin.

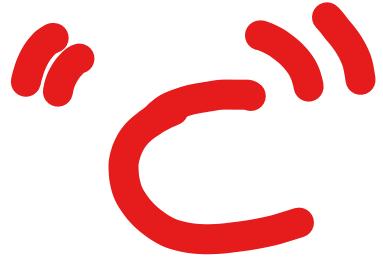
Sanctions

- 4.6 There are potentially serious consequences if a broadcaster fails to comply with Ofcom’s licence obligations and rules. Ofcom has powers to impose statutory sanctions on broadcasters, including imposing a financial penalty or revoking a broadcaster’s licence to transmit its service. Ofcom’s [Procedures for the consideration of statutory sanctions in breaches of broadcast licences](#) set out how we do this.
- 4.7 Ofcom’s sanctions decisions are an important source of information for licensees. You can read [sanctions decisions](#) on our website.



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Note to Broadcasters

COSTA rules and split-screen advertising

The Audiovisual Media Services Directive sets out a range of requirements about the amount and scheduling of television advertising. Ofcom enforces these requirements through the Code on the Scheduling of Television Advertising ('COSTA')¹, which includes rules that:

- require advertising to be distinct from programming;
- limit the amount of advertising a broadcaster can transmit; and
- restrict the placement of advertising during programmes that are deemed to require special protection.

This note provides guidance to broadcasters on the application of the COSTA rules to split-screen advertising, specifically in relation to the placement of such advertising.

Split-screen advertising involves transmitting editorial content and advertising content simultaneously, with each occupying a distinct part of the screen. Although the use of split-screen advertising is in broad terms permissible, it is subject to the COSTA requirements in the same way as traditional spot advertising (which appears in breaks during programmes). Licensees using split-screen advertising must therefore ensure that it complies with the COSTA rules e.g. it is included when calculating the amount of advertising shown (Rule 4), it remains distinct from editorial (Rule 11) and that it does not prejudice the integrity of programming (Rule 12).

In particular, broadcasters should note that, to ensure that the integrity of a programme is maintained, they must have regard to (amongst other things) the 'nature' of the programme during which split-screen advertising is scheduled. Broadcasters need to consider the type of programme e.g. its genre (news, current affairs etc) and the factors that go towards ensuring the overall 'integrity' of such a programme. It is not possible to set out a prescriptive list of the factors which may be included when considering the integrity of a programme. However, these may include the need to maintain viewer confidence that a programme is impartial and free from commercial influence (such as in the context of the news), the need to treat editorial content with appropriate sensitivity or to enable the programme to convey its messages without undue distraction (for example, where the programme focuses on a national tragedy or emergency), and the need to protect particular sectors of the audience (e.g. children) from excessive exposure to commercial messages.

¹ <http://stakeholders.ofcom.org.uk/binaries/broadcast/other-codes/tacode.pdf>