

# NCTJ Essential Media Law Practice Test (Sample)

## Study Guide



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**SAMPLE**

## **Questions**

- 1. Are journalists allowed to record their own phone calls?**
  - A. No, it is illegal**
  - B. Yes, if they are part of the conversation**
  - C. Yes, but only with consent from all parties**
  - D. No, unless it is for public interest**
- 2. What is special about the statements listed in part 2 of the Schedule 1 of the Defamation Act 1996?**
  - A. They are not subject to contradiction.**
  - B. They require no evidence to support them.**
  - C. They are subject to explanation or contradiction.**
  - D. They only require a single statement to be published.**
- 3. Clause 8 of the Editor's Code requires journalists to do what when pursuing inquiries in hospitals?**
  - A. A Conduct inquiries without identification**
  - B. B Not disclose their intent to pursue inquiries**
  - C. C Identify themselves when in non-public areas of hospitals**
  - D. D Avoid hospitals altogether for inquiries**
- 4. When does a criminal case become active?**
  - A. When an arrest warrant is issued**
  - B. When a person is charged orally for a crime**
  - C. When a summons for arrest is issued**
  - D. When a person has been arrested**
- 5. What does 'public interest' include regarding an individual or organization?**
  - A. A Protecting private opinions**
  - B. B Disclosing only positive attributes**
  - C. C Raising matters contributing to public debate**
  - D. D Focusing solely on celebrity status**

- 6. What does the 'fade factor' recognize?**
- A. The importance of timely reporting**
  - B. The possibility of jury bias**
  - C. The public will likely forget early details of the crime**
  - D. Burden of proof on the prosecution**
- 7. To whom do interim injunctions apply?**
- A. A Only to the complainants involved**
  - B. B Those who are not aware of it**
  - C. C To who they are served and all who are aware of it**
  - D. D Only to law enforcement agencies**
- 8. According to clause 11 of the Editor's Code, what must the press avoid publishing in relation to sex offence cases?**
- A. Victim's age**
  - B. Details that may lead to identification**
  - C. Location of incidents**
  - D. Number of victims**
- 9. What action must a journalist take upon receiving information indicating misconduct?**
- A. Ignore it**
  - B. Publish it immediately**
  - C. Report it to the authorities**
  - D. Approach the alleged for their side of the story**
- 10. What requirement does section 5 of the Ofcom code impose on broadcasters?**
- A. To provide equal airtime to all views**
  - B. To exercise due impartiality**
  - C. To promote diverse opinions on all topics**
  - D. To avoid any editorializing**

## **Answers**

SAMPLE

1. B
2. C
3. C
4. D
5. C
6. C
7. C
8. B
9. D
10. B

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## **Explanations**

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**1. Are journalists allowed to record their own phone calls?**

- A. No, it is illegal
- B. Yes, if they are part of the conversation**
- C. Yes, but only with consent from all parties
- D. No, unless it is for public interest

Journalists are allowed to record their own phone calls if they are part of the conversation. In many jurisdictions, this aligns with the principle of consent. When a journalist is engaged in a conversation, they can legally record that interaction without needing further permission, as their participation in the call constitutes implied consent to the recording. This practice helps ensure that journalists can accurately capture information and quotes shared during conversations, which is essential for their reporting. It's important to note that laws regarding recording conversations can vary significantly by country and state, with some requiring that all parties consent to the recording. The option highlighting the need for consent from all parties is correct in jurisdictions where this is mandated, but not universally applicable. Regulatory nuances and ethical considerations also come into play, especially when it pertains to the public interest or sensitive topics. However, the clear governing principle in many areas allows journalists to record their own calls without needing to obtain consent from other parties when they are directly involved in the conversation.

**2. What is special about the statements listed in part 2 of the Schedule 1 of the Defamation Act 1996?**

- A. They are not subject to contradiction.
- B. They require no evidence to support them.
- C. They are subject to explanation or contradiction.**
- D. They only require a single statement to be published.

Statements listed in part 2 of the Schedule 1 of the Defamation Act 1996 are characterized by the fact that they are subject to explanation or contradiction. This means that when a statement falls under this category, the individual who made the statement has the opportunity to clarify or defend it against allegations of defamation. This provision is designed to balance the interests of free speech with those of protecting someone's reputation. The ability to provide additional context or evidence allows for a more nuanced examination of the statements, recognizing that statements can often be misinterpreted or taken out of context. This unique aspect aids in ensuring that individuals are not unduly punished for statements that may have merit or justification when further elaborated. In contrast, other options suggest traits that do not apply to these statements. For instance, the notion that they are not subject to contradiction would undermine the purpose of providing a chance for defense, while requiring no evidence to support them would allow for potentially unfounded claims to be publicly aired without recourse. The idea that only a single statement needs to be published mischaracterizes the broader implications of the Act, which focuses more on the context and potential for defense within public discourse.

**3. Clause 8 of the Editor's Code requires journalists to do what when pursuing inquiries in hospitals?**

- A. A Conduct inquiries without identification**
- B. B Not disclose their intent to pursue inquiries**
- C. C Identify themselves when in non-public areas of hospitals**
- D. D Avoid hospitals altogether for inquiries**

Identifying themselves when in non-public areas of hospitals is crucial because it upholds the ethical standards outlined in Clause 8 of the Editor's Code. This requirement is in place to ensure transparency and to respect the privacy of individuals in sensitive environments like hospitals. By identifying themselves, journalists establish their credibility and maintain the trust of the public and the institutions they are engaging with. This approach is particularly important in healthcare settings, where the vulnerability and confidentiality of patients must be prioritized. It mitigates the potential for misunderstanding or conflict and fosters an ethical environment for gathering information. The requirement helps ensure that journalists conduct their work with integrity, taking into account the dignity and rights of those involved.

**4. When does a criminal case become active?**

- A. When an arrest warrant is issued**
- B. When a person is charged orally for a crime**
- C. When a summons for arrest is issued**
- D. When a person has been arrested**

A criminal case becomes active when a person has been arrested. At this point, official action has taken place, and law enforcement has detained an individual suspected of committing a crime. The arrest signifies that law enforcement authorities believe they have enough evidence to take a person into custody, leading to formal proceedings and legal obligations regarding the prosecution of the case. The other options do indicate steps leading up to or surrounding an arrest, but they do not mark the commencement of an active case in the same way. An arrest warrant being issued or a summons for arrest establishes intent to bring a person into custody but does not represent that an arrest has occurred. Similarly, charging a person orally signifies that there is a progression towards formal prosecution, but it lacks the immediate legal impact that follows actual physical arrest. Thus, the point of arrest serves as the pivotal moment when a case transitions from investigation to the active judicial process.

**5. What does 'public interest' include regarding an individual or organization?**

- A. A Protecting private opinions**
- B. B Disclosing only positive attributes**
- C. C Raising matters contributing to public debate**
- D. D Focusing solely on celebrity status**

'Public interest' encompasses issues that significantly impact society and contribute to informed public debate. It includes topics that concern the well-being of the community or address the functioning of democracy. When matters that raise public debate are discussed, they often serve to inform the public about issues that may affect their lives, rights, or the governance of their society. This aligns with journalistic principles where information serves a greater good, fostering transparency and accountability. In this context, highlighting matters contributing to public debate can involve exposing corruption, discussing social injustices, or sharing information on public health and safety, which is vital for citizens to engage in civic life and make informed decisions. Overall, anything that promotes knowledge and engagement on issues of communal concern falls under the umbrella of public interest.

**6. What does the 'fade factor' recognize?**

- A. The importance of timely reporting**
- B. The possibility of jury bias**
- C. The public will likely forget early details of the crime**
- D. Burden of proof on the prosecution**

The 'fade factor' recognizes the concept that the public is likely to forget the early details of a crime as time passes. This recognition is significant in media law and reporting because it underscores the importance of maintaining the public's interest and awareness about the details of a case. When initial information fades from the public consciousness, it can impact perceptions, memory retention, and ultimately the fairness of trials—especially in high-profile cases. Journalists and media professionals must be mindful of this phenomenon when covering ongoing criminal investigations or trials, as it highlights the need for continued reporting that keeps the case relevant for the audience, thereby ensuring that foundational facts remain fresh in the public mind. This context is especially important in discussing issues like jury biases and the overall integrity of the justice process, although those elements pertain to different facets of media law and ethics.

**7. To whom do interim injunctions apply?**

- A. A Only to the complainants involved**
- B. B Those who are not aware of it**
- C. C To who they are served and all who are aware of it**
- D. D Only to law enforcement agencies**

Interim injunctions are a type of court order that temporarily restrains a party from certain actions until a further court ruling can be made. They apply to those who are served with the injunction as well as to anyone who becomes aware of it. This means that if a party is explicitly notified of the injunction, they must comply with its terms, regardless of whether they were initially involved in the case. The reach of interim injunctions is crucial because it helps prevent the party from taking actions that could cause harm or make a court ruling ineffective. This broad application ensures that the purpose of the injunction is upheld, thereby protecting the complainant's rights during the period leading to the full hearing of the case. If someone is aware of the injunction's existence and disregards it, they can be held in contempt of court. In contrast, the other options do not encompass the full scope and application of interim injunctions: - The first option limiting it only to the complainants fails to recognize the broader enforcement of such legal orders. - The second option, regarding those who are not aware, suggests a lack of accountability for ignorance, which undermines the efficacy of the injunction. - The option focusing on law enforcement agencies does not encompass the broader range of individuals to

**8. According to clause 11 of the Editor's Code, what must the press avoid publishing in relation to sex offence cases?**

- A. Victim's age**
- B. Details that may lead to identification**
- C. Location of incidents**
- D. Number of victims**

The correct answer highlights that, according to clause 11 of the Editor's Code, the press must avoid publishing details that may lead to the identification of victims in sex offence cases. This clause is designed to protect the privacy and dignity of individuals who have experienced sexual offenses, recognizing that revealing identifying information could lead to further trauma or stigma for the victims. By prohibiting the publication of such details, the clause serves to balance the public's right to know with the need to safeguard vulnerable individuals from potential harm. This is a critical principle in media law, particularly in sensitive cases involving sexual offenses, where the impact of exposure can be profound and lasting. The Code emphasizes the responsibility of the press to handle such cases with care, thereby fostering a more ethical approach to journalism that prioritizes the well-being of individuals involved in these cases.

**9. What action must a journalist take upon receiving information indicating misconduct?**

- A. Ignore it**
- B. Publish it immediately**
- C. Report it to the authorities**
- D. Approach the alleged for their side of the story**

The most appropriate action for a journalist upon receiving information indicating misconduct is to approach the alleged wrongdoer for their side of the story. This practice aligns with the fundamental ethical principles of journalism, which emphasize fairness, accuracy, and accountability. By seeking the perspective of the alleged individual, the journalist ensures that the reporting will be balanced and comprehensive. This process also allows the accused party a chance to respond to the allegations, which is crucial for responsible reporting. Additionally, this approach can help in verifying the information received and may lead to a more nuanced understanding of the situation. It reflects the commitment to the 'right of reply,' a core tenet in media ethics, ensuring that all involved parties are heard before any conclusions are drawn or stories are published. In contrast, ignoring the information, publishing it immediately without verification, or solely reporting it to the authorities would not adhere to journalistic standards and could result in misinformation or bias, thereby undermining the integrity of the news.

**10. What requirement does section 5 of the Ofcom code impose on broadcasters?**

- A. To provide equal airtime to all views**
- B. To exercise due impartiality**
- C. To promote diverse opinions on all topics**
- D. To avoid any editorializing**

The requirement that broadcasters exercise due impartiality, as outlined in section 5 of the Ofcom code, is crucial in ensuring that a range of viewpoints is represented in broadcast content, particularly about controversial subjects. This principle mandates that broadcasters not only present different perspectives but also provide fair representation of these views. This requirement serves to maintain public trust and prevent bias in news reporting, allowing audiences to receive balanced information and form their own opinions based on diverse viewpoints. Due impartiality is essential for safeguarding democratic discourse and informing audiences in an unbiased manner. This principle, thus, reinforces the idea that biased presentation of information can mislead viewers and distort public understanding of important issues. Therefore, it is a fundamental obligation for broadcasters within the regulatory framework established by Ofcom.