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Changes to legislation: Communications Act 2003, Part 1 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

VALID FROM 18/09/2003

SCHEDULE 14

MEDIA OWNERSHIP RULES

VALID FROM 29/12/2003

PART 1

CHANNEL 3 SERVICES

Ban on newspaper proprietors holding Channel 3 licences

- 1
- (1) A person is not to hold a licence to provide a Channel 3 service if—
 - (a) he runs a national newspaper which for the time being has a national market share of 20 per cent. or more; or
 - (b) he runs national newspapers which for the time being together have a national market share of 20 per cent. or more.
 - (2) A person is not to hold a licence to provide a regional Channel 3 service if—
 - (a) he runs a local newspaper which for the time being has a local market share of 20 per cent. or more in the coverage area of the service; or
 - (b) he runs local newspapers which for the time being together have a local market share of 20 per cent. or more in that coverage area.
 - (3) For the purposes of this paragraph, where there is a licence to provide a Channel 3 service, each of the following shall be treated as holding that licence—
 - (a) the actual licence holder; and
 - (b) every person connected with the actual licence holder.

Restrictions on participation

- 2
- (1) A person who is—
 - (a) the proprietor of a national newspaper which for the time being has a national market share of 20 per cent. or more, or
 - (b) the proprietor of national newspapers which for the time being together have a national market share of 20 per cent. or more,is not to be a participant with more than a 20 per cent. interest in a body corporate which is the holder of a licence to provide a Channel 3 service.

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- (2) A person who is the holder of a licence to provide a Channel 3 service is not to be a participant with more than a 20 per cent. interest in a body corporate which is a relevant national newspaper proprietor.
- (3) A body corporate is not to be a participant with more than a 20 per cent. interest in a body corporate which holds a licence to provide a Channel 3 service if the first body corporate is one in which a relevant national newspaper proprietor is a participant with more than a 20 per cent. interest.
- (4) A restriction imposed by this paragraph on participation in a body corporate which is the holder of a Channel 3 licence applies equally to participation in a body corporate which controls the holder of such a licence.
- (5) Any restriction on participation imposed by this paragraph—
 - (a) on the proprietor of a newspaper, or
 - (b) on the holder of a licence,
 is to apply as if he and every person connected with him were one person.
- (6) In this paragraph “a relevant national newspaper proprietor” means a person who runs—
 - (a) a national newspaper which for the time being has a national market share of 20 per cent. or more; or
 - (b) national newspapers which for the time being together have a national market share of 20 per cent. or more.

National and local newspapers and their respective national and local market shares

- 3 (1) In this Part of this Schedule references to a national or local newspaper are references to a national or local newspaper circulating wholly or mainly in the United Kingdom or in a part of the United Kingdom.
- (2) Where a newspaper is published in different regional editions on the same day, OFCOM have the power to determine whether those regional editions should be treated for the purposes of this Part of this Schedule as constituting—
 - (a) one national newspaper;
 - (b) two or more local newspapers; or
 - (c) one national newspaper and one or more local newspapers.
- (3) In the case of a newspaper which would otherwise be neither a national nor a local newspaper for the purposes of this Part of this Schedule, OFCOM have the power to determine, if they consider it appropriate to do so in the light of—
 - (a) its circulation and influence in the United Kingdom, or
 - (b) its circulation or influence in a part of the United Kingdom,
 that the newspaper is to be treated as a national or as a local newspaper for such of those purposes as they may determine.
- (4) For the purposes of this Part of this Schedule, the national market share of a national newspaper at any time is the percentage of the total number of copies of all national newspapers sold in the United Kingdom in the relevant six months which is represented by the total number of copies of that newspaper sold in the United Kingdom in that six months.

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- (5) For the purposes of this Part of this Schedule, the local market share of a local newspaper in any area at any time is the percentage of the total number of copies of all local newspapers sold in that area in the relevant six months which is represented by the total number of copies of that newspaper sold in that area in that six months.
- (6) In sub-paragraphs (4) and (5) “the relevant six months” means the six months ending with the last whole calendar month to end before the time in question.
- (7) For the purposes of sub-paragraphs (4) and (5), the number of copies of a newspaper sold in the United Kingdom, or in a particular area, during any period may be taken to be such number as is estimated by OFCOM—
- (a) in such manner, or
 - (b) by reference to such statistics prepared by any other person, as they think fit.
- (8) In relation to a newspaper which is distributed free of charge (rather than sold), references in this paragraph to the number of copies sold include references to the number of copies distributed.

Construction of references to running a newspaper

4 For the purposes of this Part of this Schedule a person runs a national or local newspaper if—

- (a) he is the proprietor of the newspaper; or
- (b) he controls a body which is the proprietor of the newspaper.

Coverage area for a Channel 3 service

5 For the purposes of this Part of this Schedule the coverage area for a Channel 3 service is the area that is determined by OFCOM to be the area of the United Kingdom within which that service is capable of being received at a level satisfying such technical standards as may have been laid down by them for the purposes of this paragraph.

Power to amend Part 1 of Schedule

6 The Secretary of State may by order repeal or otherwise modify any of the restrictions imposed by this Part of this Schedule.

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