

Draft Order laid before Parliament under paragraph 17(2) of Schedule 14 to the Communications Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 000

BROADCASTING

The Media Ownership (Radio and Cross-media) Order 2011

Made - - - -

Date

Coming into force - -

Date

The Secretary of State makes the following Order in exercise of the powers conferred by section 402(3) of, and paragraphs 6, 10, 11, 12 and 13 of Schedule 14 to, the Communications Act 2003⁽¹⁾ as extended by the Communications (Isle of Man) Order 2003⁽²⁾.

In accordance with paragraph 17(1) of Schedule 14 to that Act, the Secretary of State has consulted OFCOM⁽³⁾.

In accordance with paragraph 17(2) of Schedule 14 to that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1. This Order may be cited as the Media Ownership (Radio and Cross-media) Order 2011 and comes into force on the day after the day on which it is made.

2. This Order extends to the Isle of Man, except for article 3 in so far as it relates to paragraph 8 of Schedule 14 to the Communications Act 2003, and articles 4, 9 and 16 to 18.

Amendment of Schedule 14 to the Communications Act 2003

3. In Schedule 14 to the Communications Act 2003 (media ownership rules) omit paragraph 1(2) and Part 2.

(1) [2003 c.21](#).

(2) [S.I. 2003/3198](#). Article 6 of, and Schedule 2 to, the Order extend, with modifications, Schedule 14 to the Communications Act 2003 to the Isle of Man. There are amendments to that Order not relevant to this Order.

(3) This Order gives effect to recommendations made by OFCOM in a report of a review under section 391 of the Communications Act 2003, dated 17 November 2009. Additionally, this Order makes provision for changes which go further than giving effect to those recommendations, as well as providing for the extension of certain of its provisions to the Isle of Man. Accordingly, the Secretary of State has consulted OFCOM.

Amendment of the 2003 Order

4. In the Media Ownership (Local Radio and Appointed News Provider) Order 2003(4) omit Parts 2 and 3 (requirements applying to local sound broadcasting licences and local digital sound programme services).

Consequential amendment of the Communications Act 2003

5. Schedule 14 to the Communications Act 2003 is amended as follows.

6.—(1) Paragraph 3 is amended as follows.

(2) Omit sub-paragraph (5).

(3) In sub-paragraph (6) for “sub-paragraphs (4) and (5)” substitute “sub-paragraph (4)”.

(4) In sub-paragraph (7) —

(a) for “sub-paragraphs (4) and (5)”, substitute “sub-paragraph (4)”;

(b) omit “, or in a particular area,”.

7. In paragraph 4 omit “national or local”.

8. Omit paragraph 5.

9. In paragraph 13(4) at the end add “or section 5(6AA) to (6AD) of the Broadcasting Act 1990”.

Consequential amendment of the Broadcasting Act 1990

10. The Broadcasting Act 1990(5) is amended as follows.

11.—(1) Section 5 (restrictions on holding of licences under Part 1) is amended as follows.

(2) In subsection (6A)(c) after “local market share” omit “(within the meaning of that Part of that Schedule)”.

(3) After subsection (6A) insert —

“(6AA) For the purposes of this section, 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.

(6AB) In subsection (6AA) “the relevant six months” means the six months ending with the last whole calendar month to end before the time in question.

(6AC) For the purposes of subsection (6AA), the number of copies of a newspaper sold 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.

(6AD) In relation to a newspaper which is distributed free of charge (rather than sold), references in this section to the number of copies sold include references to the number of copies distributed.”

(4) [S.I. 2003/3299](#), amended by [S.I. 2004/1944](#).

(5) [1990 c.42](#). Sections 5 and 88 were amended by sections 73 and 136 of, and Schedules 2 (paragraphs 12 and 13) and 8 (paragraphs 2 and 6) to, the Broadcasting Act [1996 \(c.55\)](#) and sections 350(2), 360(3) and 406(7) of, and Schedules 15 (paragraphs 3 and 35) and 19 to, the Communications Act 2003.