

SCHEDULES

SCHEDULE 2

RESTRICTIONS ON THE HOLDING OF LICENCES

PART IV

RESTRICTIONS ON CONTROLLING INTERESTS IN BOTH NEWSPAPERS AND LICENSED SERVICES

Preliminary

- 1 (1) In this Part of this Schedule references to a national or local newspaper are (subject to sub-paragraph (2)) references to a national or local newspaper circulating wholly or mainly in the United Kingdom or in a part of the United Kingdom.
- (2) The relevant authority may determine that a newspaper which would not otherwise be a national or local newspaper for the purposes of this Part of this Schedule shall be treated as a national or (as the case may be) a local newspaper for the purposes of any particular restriction imposed by or under this Part of this Schedule if it appears to them to be appropriate for the newspaper to be so treated having regard to its circulation or influence in the United Kingdom or (as the case may be) in a part of the United Kingdom; and in this sub-paragraph “the relevant authority”—
- (a) in relation to a restriction having effect in relation to any licence which may be granted by the Commission, means the Commission; and
 - (b) in relation to a restriction having effect in relation to any licence which may be granted by the Radio Authority, means that Authority.
- (3) For the purposes of this Part of this Schedule the following persons are connected with each other in relation to a particular national or local newspaper, namely—
- (a) the proprietor of the newspaper;
 - (b) a person who controls the proprietor;
 - (c) an associate of the proprietor or of a person falling within paragraph (b); and
 - (d) a body which is controlled by the proprietor or by an associate of the proprietor.
- (4) Any reference in this Part of this Schedule, in relation to a local newspaper, to a relevant local radio service or a relevant local delivery service is a reference to a local radio service or a local delivery service which serves an area which is to a significant extent the same as that served by the newspaper.
- (5) Paragraph 1(4) in Part III of this Schedule shall have effect for the purposes of this Part of this Schedule as it has effect for the purposes of Part III.

Status: This is the original version (as it was originally enacted).

Restrictions on proprietors of newspapers

- 2 (1) Subject to sub-paragraph (2), no proprietor of a national or local newspaper shall 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) a Channel 3 service or Channel 5, or
 - (b) a national radio service.
- (2) Sub-paragraph (1) shall not impose any restriction on the proprietor of a local newspaper as respects participation in a body corporate which is the holder of a licence to provide a regional Channel 3 service except where the newspaper and the service each serve an area which is to a significant extent the same as that served by the other.
- (3) No person who—
- (a) is the proprietor of a national newspaper, and
 - (b) is a participant with more than a 5 per cent. interest in a body corporate falling within sub-paragraph (1) (but, in accordance with that sub-paragraph, is not a participant with more than a 20 per cent. interest in it),
- shall be a participant with more than a 5 per cent. interest in any other such body corporate.
- (4) No person who is the proprietor of a local newspaper shall 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 relevant local radio service or a relevant local delivery service.
- (5) The Secretary of State may by order—
- (a) amend sub-paragraph (1), (3) or (4) by substituting a different percentage for the percentage for the time being specified there;
 - (b) prescribe restrictions (in addition to that imposed by sub-paragraph (3)) on the extent to which the proprietor of a national or local newspaper may be a participant in two or more bodies corporate which are the holders of licences to provide services falling within sub-paragraph (1)(a) or (b);
 - (c) prescribe restrictions on the extent to which the proprietor of a national newspaper may be a participant in a body corporate which is the holder of a licence to provide a relevant service falling within paragraph 1(2)(f) or (3) (b) in Part III of this Schedule, or in two or more such bodies corporate;
 - (d) prescribe restrictions on the extent to which the proprietor of a local newspaper may be a participant in two or more bodies corporate which are the holders of licences to provide relevant local radio services or relevant local delivery services;
 - (e) prescribe restrictions on the extent to which a person who is the proprietor of a newspaper of any specified description may be a participant in a body corporate which is the holder of a licence to provide any specified description of service falling within paragraph 1(2)(b) or (c) or (3)(d) in Part III of this Schedule or in two or more such bodies corporate.
- (6) Paragraph 7(1) in Part III of this Schedule shall have effect in relation to any restriction imposed by or under this paragraph as it has effect in relation to any restriction imposed by or under paragraph 4, 5 or 6 in Part III.

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Restrictions on holders of licences

- 3 (1) Subject to sub-paragraph (2), no person who is the holder of a licence to provide—
- (a) a Channel 3 service or Channel 5, or
 - (b) a national radio service,
- shall be a participant with more than a 20 per cent. interest in a body corporate which runs a national or local newspaper.
- (2) Sub-paragraph (1) shall not impose any restriction on the holder of a licence to provide a regional Channel 3 service as respects participation in a body corporate which runs a local newspaper except where the service and the newspaper each serve an area which is to a significant extent the same as that served by the other.
- (3) No person who—
- (a) is the holder of any such licence as is mentioned in sub-paragraph (1), and
 - (b) is a participant with more than a 5 per cent. interest in a body corporate which runs a national newspaper (but, in accordance with that sub-paragraph, is not a participant with more than a 20 per cent. interest in it),
- shall be a participant with more than a 5 per cent. interest in any other such body corporate.
- (4) No person who is the holder of a licence to provide a relevant local radio service or a relevant local delivery service shall be a participant with more than a 20 per cent. interest in a body corporate which runs a local newspaper.
- (5) The Secretary of State may by order—
- (a) vary sub-paragraph (1), (3) or (4) by substituting a different percentage for the percentage for the time being specified there;
 - (b) prescribe restrictions (in addition to that imposed by sub-paragraph (3)) on the extent to which the holder of such a licence as is mentioned in sub-paragraph (1) may be a participant in two or more bodies corporate which run national or local newspapers;
 - (c) prescribe restrictions on the extent to which the holder of a licence to provide a relevant service falling within paragraph 1(2)(f) or (3)(b) in Part III of this Schedule may be a participant in a body corporate which runs a national newspaper, or in two or more such bodies corporate;
 - (d) prescribe restrictions on the extent to which the holder of such a licence as is mentioned in sub-paragraph (4) may be a participant in two or more bodies corporate which run local newspapers;
 - (e) prescribe restrictions on the extent to which the holder of a licence to provide any specified description of service falling within paragraph 1(2)(b) or (c) or (3)(d) in Part III of this Schedule may be a participant in a body corporate which runs a national or local newspaper, or in two or more such bodies corporate.
- (6) For the purposes of this paragraph a person runs a national or local newspaper if—
- (a) he is the proprietor of such a newspaper; or
 - (b) he controls a body which is the proprietor of such a newspaper.

Attribution of interests of connected persons

- 4 Any restriction on participation imposed by or under paragraph 2 or 3 above—

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- (a) on the proprietor of any newspaper, or
 - (b) on the holder of any licence,
- shall apply to him as if he and every person connected with him were one person.

Restrictions imposed by orders

- 5 Without prejudice to the generality of paragraph 2(5) or 3(5) above, an order made in pursuance of that provision may impose restrictions framed by reference to the number of bodies corporate in which—
- (a) the proprietor of a newspaper, or
 - (b) the holder of a licence,
- as the case may be, or any person connected with any such person, is a participant.