



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 2

PUBLIC INTEREST CASES

Other

[^{F1}58A Construction of consideration specified in section 58(2C)

- (1) For the purposes of section 58 and this section an enterprise is a media enterprise if it consists in or involves broadcasting.
- (2) In the case of a merger situation in which at least one of the enterprises ceasing to be distinct consists in or involves broadcasting, the references in section 58(2C)(a) or this section to media enterprises include references to newspaper enterprises.
- (3) In this Part “newspaper enterprise” means an enterprise consisting in or involving the supply of newspapers.
- (4) Wherever in a merger situation two media enterprises serving the same audience cease to be distinct, the number of such enterprises serving that audience shall be assumed to be more immediately before they cease to be distinct than it is afterwards.
- (5) For the purposes of section 58, where two or more media enterprises—
 - (a) would fall to be treated as under common ownership or common control for the purposes of section 26, or
 - (b) are otherwise in the same ownership or under the same control,they shall be treated (subject to subsection (4)) as all under the control of only one person.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 58A. (See end of Document for details)

- (6) A reference in section 58 or this section to an audience shall be construed in relation to a media enterprise in whichever of the following ways the decision-making authority considers appropriate—
- (a) as a reference to any one of the audiences served by that enterprise, taking them separately;
 - (b) as a reference to all the audiences served by that enterprise, taking them together;
 - (c) as a reference to a number of those audiences taken together in such group as the decision-making authority considers appropriate; or
 - (d) as a reference to a part of anything that could be taken to be an audience under any of paragraphs (a) to (c) above.
- (7) The criteria for deciding who can be treated for the purposes of this section as comprised in an audience, or as comprised in an audience served by a particular service—
- (a) shall be such as the decision-making authority considers appropriate in the circumstances of the case; and
 - (b) may allow for persons to be treated as members of an audience if they are only potentially members of it.
- (8) In this section “audience” includes readership.
- (9) The power under subsection (3) of section 58 to modify that section includes power to modify this section.]

Textual Amendments

- F1** S. 58A inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 375\(2\), 411\(2\)\(3\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [arts. 3\(3\), 11](#))

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 58A.