

Changes to legislation: Communications Act 2003, Paragraph 62 is up to date with all changes known to be in force on or before 25 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) View outstanding changes

S C H E D U L E S

SCHEDULE 18

TRANSITIONAL PROVISIONS

Newspaper mergers

- 62 (1) The Secretary of State may, instead of any or all of the conditions attached to a consent given by him (or treated as so given) under section 58 of the Fair Trading Act 1973 (c. 41)), accept undertakings under this paragraph to take, or refrain from taking, action specified or described in the undertakings.
- (2) If, and so far as, the Secretary of State accepts an undertaking under this paragraph instead of a condition, that condition shall cease to have effect.
- (3) In deciding whether to accept an undertaking under this paragraph, the Secretary of State may, in particular, consult the Office of Fair Trading and OFCOM.
- (4) An undertaking under this paragraph—
- (a) shall come into force when accepted;
 - (b) may be varied or superseded by another undertaking; and
 - (c) may be released by the Secretary of State.
- (5) The Secretary of State shall, as soon as reasonably practicable, consider any representations received by him in relation to varying or releasing an undertaking under this paragraph.
- (6) Paragraph 10 of Schedule 7 to the Enterprise Act 2002 (c. 40) (order-making power where final undertakings not fulfilled) shall apply in relation to an undertaking under this paragraph as it applies in relation to an undertaking under paragraph 9 of that Schedule to that Act but as if—
- (a) in sub-paragraph (2) the words from “for any” to “66(6)” were omitted; and
 - (b) sub-paragraph (3) were omitted.
- (7) The following provisions of the Enterprise Act 2002 (c. 40) shall apply in relation to an undertaking under this paragraph or an order made by virtue of sub-paragraph (6) as they apply in relation to an undertaking under paragraph 9 of Schedule 7 to that Act or (as the case may be) an order under paragraph 10 of that Schedule to that Act—
- (a) section 90 and Schedule 10 (procedural requirements for certain undertakings and orders);
 - (b) section 91 (register of undertakings and orders);
 - (c) section 92 (duty of OFT to monitor undertakings and orders);
 - (d) section 93 (further role of OFT in relation to undertakings and orders); and
 - (e) section 94 (rights to enforce undertakings and orders).
- (8) Section 402 of this Act shall not apply in relation to the power of the Secretary of State to make an order which is exercisable by virtue of sub-paragraph (6) but

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supplementary provisions of Part 3 of the Enterprise Act 2002 which relate to the making of an order under paragraph 10 of Schedule 7 to that Act shall apply in relation to the making of an order by virtue of sub-paragraph (6).

- (9) Section 402 of this Act shall not apply in relation to the power of the Secretary of State to make an order under section 91(6)(a) of the Enterprise Act 2002 as applied by virtue of sub-paragraph (7)(b) above but supplementary provisions of Part 3 of the Enterprise Act 2002 which relate to the making of an order under section 91(6) (a) of that Act shall apply in relation to the making of an order under that provision as applied by virtue of sub-paragraph (7)(b) above.

Commencement Information

I1 Sch. 18 para. 62 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3B inserted by [2024 c. 15 s. 48\(1\)](#)
- Pt 4A Ch. 1 heading inserted by [2024 c. 15 s. 37\(2\)](#)
- Pt. 4A Ch. 2 and cross-heading inserted by [2024 c. 15 s. 37\(5\)](#)
- Pt. 4A Ch. 3 inserted by [2024 c. 15 Sch. 5](#)
- Pt. 4A Ch. 4 heading inserted by [2024 c. 15 Sch. 6 para. 2](#)
- Pt. 4A Ch. 5 heading inserted by [2024 c. 15 Sch. 6 para. 9](#)
- s. 362AZ12(6) applied by 1990 c. 42, s. 18A(5) (as inserted) by [2024 c. 15 s. 19\(3\)](#)
- s. 362AZ12(6) applied by 1996 c. 55, s. 98(2D) (as substituted) by [2024 c. 15 s. 20\(2\)](#)
- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 198B(1A) inserted by [2024 c. 15 s. 30\(3\)\(b\)](#)
- s. 198B(3A) inserted by [2024 c. 15 s. 30\(3\)\(d\)](#)
- s. 198AA inserted by [2024 c. 15 s. 30\(2\)](#)
- s. 204A-204C substituted for s. 204-206 by [2024 c. 15 s. 32\(2\)](#)
- s. 245(1)(c) inserted by [2024 c. 15 s. 46\(2\)](#)
- s. 245(3A)-(3C) inserted by [2024 c. 15 s. 46\(3\)](#)
- s. 264(3)-(8F) substituted for s. 264(3)-(8) by [2024 c. 15 s. 1\(2\)](#)
- s. 264(10A)(10B) inserted by [2024 c. 15 s. 1\(3\)](#)
- s. 264(11)-(11B) substituted for s. 264(11) by [2024 c. 15 s. 1\(4\)](#)
- s. 264(13)-(16) substituted for s. 264(13) by [2024 c. 15 s. 1\(5\)](#)
- s. 265(6)(7) inserted by [2024 c. 15 s. 3\(4\)](#)
- s. 266(2A) inserted by [2024 c. 15 s. 4\(2\)](#)
- s. 270(3)(ca) inserted by [2024 c. 15 s. 6\(3\)](#)
- s. 270(4A) inserted by [2024 c. 15 s. 6\(4\)](#)
- s. 270(7A) inserted by [2024 c. 15 s. 6\(7\)](#)
- s. 277(12A) inserted by [2024 c. 15 s. 8\(9\)](#)
- s. 277(14) inserted by [2024 c. 15 s. 8\(11\)](#)
- s. 278(1)(1A) substituted for s. 278(1) by [2024 c. 15 s. 9\(2\)](#)
- s. 278(7A) inserted by [2024 c. 15 s. 9\(4\)](#)
- s. 278(12) inserted by [2024 c. 15 s. 9\(5\)](#)
- s. 278A inserted by [2024 c. 15 s. 10](#)
- s. 278B inserted by [2024 c. 15 s. 11](#)
- s. 278C inserted by [2024 c. 15 s. 12](#)
- s. 285(3)(h) inserted by [2024 c. 15 s. 13\(3\)](#)
- s. 285(10) inserted by [2024 c. 15 s. 13\(4\)](#)

	– s. 286(1)(a)(aa) substituted for s. 286(1)(a) by 2024 c. 15 s. 14(2)(b)
	– s. 286(3)(a)(aa) substituted for s. 286(3)(a) by 2024 c. 15 s. 14(3)(b)
	– s. 286(8) inserted by 2024 c. 15 s. 14(6)
	– s. 288(1)(a)(aa) substituted for s. 288(1)(a) by 2024 c. 15 s. 14(8)(b)
	– s. 288(6) inserted by 2024 c. 15 s. 14(10)
	– s. 290(5) inserted by 2024 c. 15 s. 15(3)
	– s. 290(6) inserted by 2024 c. 15 s. 15(4)
	– s. 315(6)(c) omitted by 2024 c. 15 s. 47(9)
	– s. 315A inserted by 2024 c. 15 s. 44(9)
	– s. 335B(1A) inserted by 2024 c. 15 Sch. 12 para. 4(3)
	– s. 338A338B and cross-heading inserted by 2024 c. 15 s. 18
	– s. 351(4)(aa) inserted by 2024 c. 15 Sch. 2 para. 58(2)(b)
	– s. 351(5)(aa) substituted for s. 351(5)(a) by 2024 c. 15 Sch. 2 para. 58(3)(a)
	– s. 353(4)(aa) inserted by 2024 c. 15 Sch. 2 para. 59(2)(b)
	– s. 359A and cross-heading inserted by 2024 c. 15 s. 45
	– s. 368B(A2) inserted by 2024 c. 15 s. 37(4)
	– s. 368E(3)(zza) inserted by 2024 c. 15 Sch. 12 para. 9(2)
	– s. 368E(5)(d)(e) inserted by 2017 c. 30 s. 94(3)
	– s. 368I(1A) inserted by 2024 c. 15 Sch. 6 para. 3(4)
	– s. 368I(8A) inserted by 2024 c. 15 Sch. 8 para. 8
	– s. 368K(1A) inserted by 2024 c. 15 Sch. 6 para. 5(3)
	– s. 368M(2A) inserted by 2024 c. 15 Sch. 6 para. 7(3)
	– s. 368O368OZA substituted for s. 368O by 2024 c. 15 Sch. 6 para. 11(1)
	– s. 368AA368AB inserted by 2024 c. 15 s. 37(3)
	– s. 368BB(7) inserted by 2024 c. 15 Sch. 8 para. 3
	– s. 368IA(8A) inserted by 2024 c. 15 Sch. 8 para. 9
	– s. 368NA(8A)(8B) inserted by 2024 c. 15 Sch. 6 para. 10(3)
	– s. 368OB and cross-heading inserted by 2024 c. 15 s. 38(1)
	– s. 368QA inserted by 2024 c. 15 Sch. 8 para. 12(1)
	– s. 392A and cross-heading inserted by 2024 c. 15 s. 49(2)
	– s. 392B inserted by 2024 c. 15 s. 49(4)
	– s. 393(6)(ab) inserted by 2024 c. 15 s. 38(2)
	– s. 400(1)(ha) words inserted by 2024 c. 15 Sch. 9 para. 4
	– s. 402(2A)(zza) inserted by 2024 c. 15 s. 46(4)
	– s. 402(2A)(zzb) inserted by 2024 c. 15 s. 44(10)
	– s. 402(2A)(za)(zb) inserted by 2022 c. 46 Sch. para. 2
	– Sch. 3A para. 21(6) inserted by 2022 c. 46 Sch. para. 3(5)(b)
	– Sch. 3A para. 37(3)(aza) inserted by 2022 c. 46 Sch. para. 3(9)
	– Sch. 3A para. 84(1)(aza) inserted by 2022 c. 46 Sch. para. 3(10)
	– Sch. 3A para. 103(1)(ca) inserted by 2022 c. 46 s. 70
	– Sch. 3A para. 119A inserted by 2022 c. 46 s. 72
	– Sch. 3A Pt. 4ZA inserted by 2022 c. 46 s. 67(1)
	– Sch. 9 para. 1(1)(ab) inserted by 2024 c. 15 Sch. 2 para. 62
	– Sch. 12 para. 1(15) inserted by 2024 c. 15 Sch. 1 para. 1(10)
	– Sch. 12 para. 7(14) inserted by 2024 c. 15 Sch. 1 para. 2(10)
	– Sch. 12 para. 8(7A) inserted by 2024 c. 15 Sch. 1 para. 3(5)
	– Sch. 12 para. 8(13) inserted by 2024 c. 15 Sch. 1 para. 3(8)
	– Sch. 12 para. 10(1)(b) and word inserted by 2024 c. 15 Sch. 1 para. 4(b)
	– Sch. 12 para. 10(4)(h) inserted by 2024 c. 15 Sch. 1 para. 4(c)
	– Sch. 12 para. 10(12) inserted by 2024 c. 15 Sch. 1 para. 4(d)
	– Sch. 12 para. 4(2A) inserted by 2024 c. 15 Sch. 4 para. 52(4)
	– Sch. 12 para. 3(6)-(7B) substituted for Sch. 12 para. 3(6)(7) by 2024 c. 15 Sch. 4 para. 51(4)
	– Sch. 12 para. 8(1)-(1C) substituted for Sch. 12 para. 8(1) by 2024 c. 15 Sch. 1 para. 3(2)
	– Sch. 16A inserted by 2024 c. 15 Sch. 10

– Sch. 16B inserted by 2024 c. 15 Sch. 11
