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Subject: CONSULTATION ON MEDIA OWNERSHIP RULES: BSC RESPONSE

Clearly this subject does not fall directly within the BSC's responsibilities, but we do have two observations from our unique perspective of surveying all broadcasters' output.

#### Regulation to secure plurality

The consultation document suggests that broadcast content regulation secures diversity, rather than plurality. There are, however, two important aspects of it which also bear directly on issues of plurality.

Firstly, the due impartiality requirement both restricts the free expression of partisan views, thereby limiting plurality, and constrains the impact of ownership concentration by limiting the extent to which it can be used to promote uniform views.

Secondly, it is important to look at broadcasting output as a whole, not just the commercially owned elements. Public broadcasting corporations specifically designed to represent the whole community and with remits similarly designed to reflect its diversity arguably of themselves guarantee a substantial, albeit "internal", plurality.

#### OFCOM as cross-media regulator

Both options for the special newspaper regime envisage OFCOM acting as an adviser on plurality - or at least on "freedom of expression" issues in the media as a whole. If OFCOM is to add value through its concurrent competition powers for the broadcasting and telecommunications industries, then it will clearly need to develop expertise in this distinctive aspect of those industries' operation. But this newspaper merger role would appear to be a substantial extension beyond OFCOM's 'home' territory, into areas not currently covered by its predecessor bodies: into communications as a whole, rather than telecommunications. As the current BSC-led cross-media examination of the British Muslim communities' concerns about media representation has clearly shown, others beyond the OFCOM regulatory 'family' see themselves as having a proprietary interest in the freedom of expression agenda. Government may therefore not wish to grant OFCOM exclusive advisory rights in this area.

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