

Annex A Media Ownership Limits

ACCUMULATION LIMITS

Television

Broadcasting

Act 1990

1991 Order

SI 1991/1176

1993 Order

SI 1993/3199

1995 Order

SI 1995/1924

Broadcasting

Act 1996

[1997 Order

SI 1997/1682]ii

2001 Order

SI 2001/223

Regional

Channel 3

2 but only: 2 but only: 2 but only: 1 if total audience

share over 15%iii

1 if total audience

share over 15%

1 of the largest

8 regionsiv or specific

combinationsv

1 London

licence

1 London

licence

20% of a third

licence and 5% of

successive licencesvi

National 1 1 and 20% of a second 1 and 20% of a second 1 and 20% of a second 1 if total audience 1 if over 15% or

Channel 3 licence and 5% of licence and 5% of licence and 5% of share over 15% or 1 of either National

successive licences successive licences successive licences 1 of either National C3 or C5 C3 or C5

Channel 5 1 1 and 20% of a second 1 and 20% of a second 1 and 20% of a second 1 if total audience 1 if over 15% or

licence and 5% of licence and 5% of licence and 5% of share over 15% or 1 of either National

successive licences successive licences successive licences 1 of either National C3 or C5 C3 or C5

Digital Unlimited Unlimited Unlimited Unlimited 1 if total audience share over 15% or provided via 2 or more multiplexes

where programmes exceed points totalvii

1 if over 15% or via

2 multiplexes

exceeding pts total

Multiplexes Unlimited Unlimited Unlimited Unlimited 5 (or 4 where services also

provided for the BBC)viii  
8 (or 6 where also  
for the BBC)

The Communications Act 2003 repealed stand-alone television ownership accumulation restrictions.

Broadcasting Broadcasting Communications [2003 Order  
News Providers Act 1990 Act 1996 Act 2003 SI 2003/3299]jix

Regional  
Channel 3x  
20% of one Nominated  
News Provider  
20% of one Nominated  
News Provider  
1 Appointed News  
Provider for all Regional  
C3 licences  
1 Appointed News  
Provider for all Regional  
C3 licences  
50% of Regional C3  
licencesxi  
1 Appointed News  
Provider for all Regional C3  
National 20% of one Nominated 20% of one Nominated  
News Providers News Provider News Provider  
Cable / Sat  
Broadcasting 1991 Order  
Act 1990 SI 1991/1176  
1993 Order  
SI 1993/3199  
1995 Order  
SI 1995/1924  
Broadcasting  
Act 1996  
1997 Order  
SI 1997/1682

Local Delivery Unlimited Unlimited  
and Cable  
Licensable Unlimited Unlimited  
Programme  
Domestic Unlimited Unlimited  
Satellite  
Non-Dom Unlimited Unlimited  
Satellite  
Broadcasting  
Other Act 1990

Unlimited Unlimited Unlimited Unlimited  
Unlimited Unlimited 1 (including National C3, C5,  
Satellite or Digital) if total  
audience share over 15%  
1 (inc. National C3, C5,  
Sat. or Digital) if total  
audience share over 15%  
Unlimited

Unlimited  
Unlimited  
Unlimited  
1 (including National C3, C5,  
Non-Domestic Satellite or  
Digital) if total audience share  
over 15%  
1 (including National C3, C5,  
Domestic Satellite or Digital)  
if total audience share over 15%  
1 'Satellite' (including  
National C3, C5 or  
Digital) if total audience  
share over 15%  
1991 Order  
SI 1991/1176  
1991 Order  
SI 1991/1408  
1995 Order  
SI 1995/1925  
1999 Order  
SI 1999/122

National Telecomms Unlimited No Terrestrial TV, Domestic Satellite, National Satellite or  
Local Delivery<sup>xii</sup> No Terrestrial TV or National Radio  
Producers & Broadcasters 15% of one another<sup>xiii</sup> 25% of one another 25% of one  
another

Broadcasting 1991 Order 1993 Order 1995 Order Broadcasting  
Radio Act 1990 SI 1991/1176 SI 1993/3199 SI 1995/1924 Act 1996

Local 20 20 but only: 20 but only: 35 but only: 1 or 15% of pointsxiv (including National or Digital Radio)  
but no more than one each of AM and FM where the  
2 of the largest and 2 of the largest and 2 of the largest audience overlaps unless a public interest test is met  
6 of the next largestxv  
up to 15% of pointsxvi  
6 of the next largest  
up to 15% of points  
up to 15% of points  
(including National)  
(including National) (including National)  
National 1 15% of points 15% of points 15% of points 1  
(including Regional) (including Regional) (including Regional)  
Digital Unlimited Unlimited Unlimited Unlimited 1 or 15% of points (including National or Regional Radio)  
but no more than 1 non-simulcast local digital service  
on a single multiplex unless there is another multiplex  
in the same area

The Communications Act 2003 replaced the stand-alone radio licence accumulation restrictions with the following Multiplex restrictions:

National Radio Multiplex 1 licence

Local Radio Multiplex No 2 overlapping areas which may include 50% of the potential audience of the other

The 2003 Media Ownership (Local Radio and Appointed News Provider) Order (SI 2003/3299) provided the following additional restrictions:

Local Sound Broadcasting

No more than 2 overlapping licences which, combined, would exceed 55% of the total pointsxvii or no more than 2 overlapping licences which, combined, would exceed 45% of the total points (if holding a Regional C3 licence for an overlapping area, or controlling 50% of the local newspaper market in the relevant area)

The 2011 Media Ownership (Radio and Cross-Media) Order 2011 (SI 2011/1503) repealed the local radio and multiplex restrictions.

CROSS-MEDIA OWNERSHIPxviii

Television

Broadcasting

Act 1990

1991 Order

SI 1991/1176

Broadcasting

Act 1996

Comms Act 2003 and

2003 Order SI 2003/3299

Regional

Channel 3

20% National or Local (where overlapping) newspaper

20% National (and Local, where

overlapping)k Radio, National C3 and C5

20% National or Local (where

overlapping) newspaper

20% National (and Local, where

overlapping)k Radio, National C3 and C5

20% interest in 20% national

newspaper market

No National C3, C5, Satellite

or Digital if audience share 15%

Upto 50% local

newspaper market

if also holds a local

sound broadcasting

licence

National

Channel 3

20% National or Local Newspaper

20% National and Local Radio, Regional

C3, C5 and Domestic Satellite

20% National or Local Newspaper

20% National and Local Radio, Regional

C3, C5 and Domestic Satellite

20% interest in 20% national

newspaper market

No Regional C3, C5, Satellite

or Digital if audience share 15%

Upto 20% interest in

National Newspaper

Channel 5 20% National or Local Newspaper 20% National or Local Newspaper 20%

interest in 20% national

newspaper market

20% National and Local Radio, National

C3, C5 and Domestic Satellite

20% National and Local Radio, National

C3, C5 and Domestic Satellite

No C3, Satellite or Digital if

audience share 15%

Local Delivery 20% Local Newspaper 20% Local Newspaper  
Radio  
Broadcasting  
Act 1990  
1991 Order  
SI 1991/1176  
Broadcasting  
Act 1996  
Comms Act 2003 and  
2003 Order SI 2003/3299  
National 20% of National and Local Newspaper 20% of National and Local Newspaper  
20% interest in 20% national  
newspaper market  
Local 20% Local Newspaper 20% Local Newspaper  
20% National Newspaper  
20% interest in 20% national  
newspaper market  
Upto 50% local  
newspaper market  
if also holds Reg C3  
licence

Broadcasting 1991 Order Broadcasting Comms Act 2003 and  
Newspapers Act 1990 SI 1991/1176 Act 1996 2003 Order SI2003/3299

National  
20% of Terrestrial TV and National Radio

Local  
20% Terrestrial TV<sup>xxi</sup>, National and  
Local Radio  
20% Local Delivery Services  
20% Domestic Satellite

Broadcasting 1991 Order  
Satellite Act 1990 SI 1991/1176  
Domestic 20% Terrestrial TV and National Radio 20% Terrestrial TV and National Radio  
20% National or Local Newspaper  
Non-Domestic 20% Terrestrial TV and National Radio<sup>xxiii</sup>

20% of Terrestrial TV and National Radio

20% of Local Radio

20% of Domestic Satellite

20% Terrestrial TV, National and  
Local Radio

20% Local Delivery Services

No National C3 or C5 licence  
(if runs 20% national  
newspaper market)

No more than 20% of any  
Terrestrial TV, National or Local  
Radio licence<sup>xix</sup> (if owns 20%  
national newspaper market)

No Terrestrial TV, Radio or  
Digital Sound Programme Services  
where Public Interest test not met<sup>xx</sup>

No Regional C3 (if runs 20% local  
newspaper market)

No Digital (if runs 20% local  
newspaper market)  
Regional C3 licence  
No Local Radio (if runs 50% local  
newspaper market)<sup>xxii</sup>

No Terrestrial TV, Radio or



Digital Sound Programme Services  
where Public Interest test not met

Broadcasting  
Act 1996

No C3 (if 20% of  
national newspaper  
market)

Upto 20% of C3 interest  
(if 20% of paper with  
20% paper market)

No Reg C3 (if 20% of local  
newspaper market)

Upto 20% of Reg C3 interest  
(if 20% of paper with  
20% local paper market)

Upto 50% market with local  
sound broadcasting and  
Regional C3 licence

Comms Act 2003 and  
2003 Order SI 2003/3299

GENERAL DISQUALIFICATIONS

Persons/Bodies

Broadcasting

Act 1990

Broadcasting

Act 1996

Communications

Act 2003

Non-EEC All except local delivery, non-domestic satellite and non-dom sat radio, licensable programme and sound programme and additional services

All except local delivery, non-domestic satellite and non-dom sat radio, licensable programme and sound programme and additional services, television and national or local radio multiplex, digital additional services, digital programme services, national or local digital sound programme services

None

Local

Authorities

All licences All None

Publicly-funded All All Radio

Political All All All

Religious All, but subject to regulator's discretion in relation to All, but subject to regulator's discretion in relation to Terrestrial TV, National Sound,

non-dom satellite, licensable programme and local / non-dom satellite, licensable programme and local / Public Teletext, Additional TV

analogue / cable radio services analogue / cable radio services Service, TV or Radio Multiplex

Advertising All All All

Broadcasters All (applied to BBC & Welsh Authorities) All (BBC & Welsh Authorities) All (BBC & Welsh Authorities)

Terrestrial TV, Local Delivery (BBC companies & S4C) Terrestrial TV, Local Delivery (BBC companies & S4C)

NOTES

i This table shows the various limits on different aspects of media ownership imposed by successive instruments. Where previous enactments are unchanged they are repeated to show the status of limits in that area when the latter instrument was made, although the latter instrument is in fact silent. Substantive changes effected by each instrument are in bold. Where earlier changes are not repeated, they have therefore been removed.

ii The Satellite Television Service Regulations 1997 collapsed the distinction between 'domestic' and 'non-domestic' satellite services, producing the single 'satellite' services definition in respect of services either located in the UK, or else outside the EEA but aimed at the UK – with the result that non-UK EEA-based services ceased to be licensable.

iii Share of total audience in preceding 12 months calculated according to provisions of the 1996 Act. The restriction applied to any body corporate in which 20% was held. N.B. See

also the Cross-Media Ownership restrictions in relation to the combined limits which feed into the 15% limit.

iv Central Scotland; East, West and South Midlands; East of England; London; North West England; South and South East England; Wales and West of England; Yorkshire.

v The combinations being Borders and Isle of Man and either Central Scotland / North East England / North West England; North Scotland and Central Scotland; North East England

and Yorkshire; South-West England and either South and South-East England / Wales and West of England.

vi Cumulative provisions relate to interests in another body corporate holding further licences.

vii The points total is calculated according to the ratio of population covered by the digital programme to the population covered by the multiplex and the weekly air time.

viii 5 licences (or 4 where services also provided for the BBC) could be held by bodies corporate in which 10% was held. Only 3 licences (or 2 where services also provided for the

BBC) could be held by bodies corporate in which 20% was held. The Broadcasting (Limit on the Holding of Licences to Provide Television Multiplex Services) Order 2001 increased

these limits to 8 and 6 respectively.

ix The effect of the Order is to debar a person who is the subject of a disqualification order made by a court on conviction of an offence under s.144 of the Broadcasting Act 1996 from being a Regional C3 News Provider.

x Channel 3 and Channel 5 licence-holders required to broadcast news programmes provided by one of the ITC's Nominated News Providers.

xi Participants in a Nominated News Provider could only have a 50% interest (or 50% of the voting rights) in a Regional C3 licence.

xii Except where the Local Delivery Service was converted from a cable licence under paragraph 6 of Part II of Schedule 12 to the 1990 Act

xiii In order to qualify as independent producers for the purposes of the independent production quota set out in the 1990 Act.

xiv Points in the radio licensing system allocated according to size of population served and frequency.

xv The largest local radio licences at that time being for areas of over 4.5 million people, and the next largest for areas of over 1 million people.

xvi Points in the radio licensing system allocated according to size of population served.

xvii Points allocated according to potential audience.

xviii These limits supplemented the accumulation restrictions, and should be read alongside them. N.B. Under the 1990 Act and related instruments, cross-media ownership restrictions generally imposed a limit of 20% on the first cross-media interest but allow for unlimited additional interests of 5%. The provisions also tend to operate vice-versa.

xix Percentages relate to interests in a body corporate holding the licence

xx Arrangements for the public interest test are at paras 9 et seq. of Part IV of Schedule 2 to the 1990 Act (as amended by the 1996 Act).

xxi No restrictions on cross-media ownership between Local Newspapers and Regional C3 where there is no overlap.

xxii Subject to limited circumstances where an alternative audience exists and the person does not hold any overlapping local radio licence. Additional, limited restrictions on running local radio stations also existed where local newspapers had 20% of the market in each of the relevant areas.

xxiii Except where providing a 'specialised service' as licenced under s.7 of the Telecommunications Act 1984.

