Order made by the Secretary of State, laid before Parliament under section 124(7) of the Enterprise Act 2002 (c. 40), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the Order was made, subject to extension for periods of dissolution, prorogation or adjournment of both Houses for more than four days.

STATUTORY INSTRUMENTS

2025 No. 737

COMPETITION

The Enterprise Act 2002 (Amendment of Section 58 Considerations) Order 2025

Made - - - -	*at 10:13 a.m. on 26th June 2025*
Laid before Parliament	*at 3:00 p.m. on 26th June 2025*
Coming into force - -	*24th July 2025*

The Secretary of State makes this Order in exercise of the powers conferred by sections 58(3) and (4), 58A(9) and 124(2) and (4) of the Enterprise Act 2002(**a**).

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Enterprise Act 2002 (Amendment of Section 58 Considerations) Order 2025 and comes into force on 24th July 2025.

(2) In this Order, "the Act" means the Enterprise Act 2002.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment to section 58 of the Enterprise Act 2002

2. In section 58 of the Act (specified considerations)(**b**)—

(a) in subsection (2A), for "newspapers" substitute "news media";

(b) in subsection (2B), for "newspapers", in both places it occurs, substitute "news media";

(c) in subsection (2C), in paragraph (c), for "media enterprises" substitute "enterprises consisting in or involving broadcasting";

(d) after subsection (2E) insert—

"(2F) In this Part, "news media" means—

(a) newspapers; or

(**a**) 2002 c. 40. Section 58(4) was amended by paragraph 100 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013 (c. 24). Section 58A(9) was inserted by section 375(2) of the Communications Act 2003 (c. 21). There are amendments to section 124(4) but none are relevant.

(**b**) Subsections (2A) to (2C) were inserted by section 375(1) of the Communications Act 2003. Subsection (2E) was inserted by S.I. 2020/627.

(b) news programmes.

(2G) In this Part, "news programme" means a programme—

(a) consisting of, or including, news-related material; and

(b) included in broadcasting.

(2H) For the purposes of subsection (2G)—

(a) "news-related material" includes—

(i) news or information about current affairs; and

(ii) opinion about matters relating to the news and current affairs;

(b) a programme is not to be treated as consisting of, or including, news-related material if the news-related material contained in the programme—

(i) is included only incidentally to the main content of the programme; or

(ii) relates wholly to a particular pastime, hobby, trade, business, industry or profession.".

Amendment to section 58A of the Enterprise Act 2002

3. In section 58A of the Act (construction of consideration specified in section 58(2C))(**a**)—

(a) in subsection (1) at the end insert "or is a newspaper enterprise";

(b) omit subsection (2).

Amendment to section 59 of the Enterprise Act 2002

4. In section 59 of the Act (intervention by the Secretary of State in special public interest cases)(**b**)—

(a) in subsection (3E)(b), in the substituted words, omit "or a newspaper enterprise";

(b) in subsection (3F), in the substituted words, omit "or a newspaper enterprise".

Amendment to section 130 of the Enterprise Act 2002

5. In section 130 of the Act (index of defined expressions)(**c**), insert at the appropriate place—

"News media	Section 58(2F)",
"News media enterprise	Paragraph 20A(5A) of Schedule 8", and
"News programme	Section 58(2G)".

Amendment to Schedule 8 to the Enterprise Act 2002

6. In paragraph 20A of Schedule 8 to the Act (newspaper mergers)(**d**)—

(a) in the heading, for "Newspaper" substitute "News media";

(b) in sub-paragraph (1)—

(i) in paragraph (a)(i), for "newspaper" substitute "news media";

(**a**) Section 58A was inserted by section 375(2) of the Communications Act 2003 (c. 21). Subsection (1) was amended by paragraph 4 of Schedule 4 to the Digital Markets, Competition and Consumers Act 2024 (c. 13).

(**b**) Subsections (3E) and (3F) of section 59 were inserted by paragraph 6(3) of Schedule 4 to the Digital Markets, Competition and Consumers Act 2024.

(**c**) There are amendments to section 130 but none are relevant.

(**d**) Paragraph 20A was inserted by section 387 of the Communications Act 2003.

(ii) in paragraph (a)(ii), for "newspaper" substitute "news media";

(iii) in paragraph (a)(iv), for "newspaper" substitute "news media";

(c) in sub-paragraph (4)(c), for "newspaper" substitute "news media enterprise";

(d) in sub-paragraph (5)—

(i) for "newspaper" substitute "news media";

(ii) in paragraph (b), after "broadcasting" insert "(other than the broadcasting of news programmes)";

(e) after sub-paragraph (5) insert—

"(5A) In this paragraph, "news media enterprise" means—

(a) a newspaper enterprise; or

(b) an enterprise consisting in or involving the broadcasting of news programmes.".

Amendment to Schedule 4 to the Enterprise and Regulatory Reform Act 2013

7.—(1) Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority)(**a**) is amended as follows.

(2) In paragraph 35—

(a) in sub-paragraph (1)(a), for "newspaper", in each place it occurs, substitute "news media";

(b) in sub-paragraph (3), for "newspaper", in both places it occurs, substitute "news media".

(3) In paragraph 38—

(a) in sub-paragraph (3), for "newspaper", in each place it occurs, substitute "news media";

(b) in sub-paragraph (6), for "newspaper", in both places it occurs, substitute "news media".

Savings provision

8. The amendments made by article 7 do not apply to a case in respect of which—

(a) an intervention notice has been given to the Competition and Markets Authority under section 42(2) of the Act, or

(b) a special intervention notice has been given to the Competition and Markets Authority under section 59(2) of the Act,

before the date on which this Order comes into force.

Stephanie Peacock
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

At 10.13 a.m. on 26th June 2025

(**a**) 2013 c. 24. There are amendments to Schedule 4 but none are relevant.

EXPLANATORY NOTE

(This note is not part of the Order)

Articles 2 and 3 of this Order amend the Enterprise Act 2002 (c. 40) ("the Act") to extend the application of media public interest considerations in section 58(2A), (2B) and (2C)(a) of the Act which the Secretary of State may take into account when considering whether to intervene in a merger under Chapters 2 or 3 of Part 3 of the Act.

Articles 4 to 7 make amendments to the Act and to the Enterprise and Regulatory Reform Act 2013 (c. 24) which are consequential upon the changes made by Articles 2 and 3. Article 8 provides that the amendments made by article 7 to the Enterprise and Regulatory Reform Act 2013 relating to the Competition and Markets Authority (CMA) panel and the constitution of CMA groups to carry out certain functions do not apply in relation to cases, in respect of which the CMA has been given a public interest intervention notice under section 42(2) of the Act, or a special public interest intervention notice under section 59(2) of the Act, before the date on which this Order comes into force.

A de minimis impact assessment of the effect this instrument will have on the costs of businesses, voluntary bodies and community bodies has been conducted.

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