

Public interest test on the completed acquisition by Daily Mail and General Trust plc of JPI Media Publications Limited and thus the ‘i’ newspaper

Invitation to comment

INVITATION TO COMMENT:

Publication date: 22 January 2020

Closing date for responses: 5 February 2020

1. Introduction

- 1.1 On 21 January 2020, the Secretary of State made a statement to Parliament concerning the acquisition by Daily Mail and General Trust plc ("DMGT") of JPI Media Publications Limited ("JPI Media Publications"). The assets of JPI Media Publications include the 'i' UK national newspaper and website. This acquisition was made public on 29 November 2019.¹
- 1.2 The Secretary of State has issued a [Public Interest Intervention Notice](#) ("PIIN")² in relation to the transaction under section 42(2) of the Enterprise Act 2002 (the "Act") specifying the following public interest consideration as potentially relevant to the acquisition:
- the need for, to the extent that it is reasonable and practicable, a sufficient plurality of views in newspapers in each market for newspapers in the United Kingdom or a part of the United Kingdom ("plurality ground").³
- 1.3 Ofcom is now required to report to the Secretary of State under section 44A of the Act. The PIIN states that Ofcom's investigation and report must be completed by midnight on 13 March 2020.
- 1.4 Ofcom has today [published a guidance note](#) on our website, setting out the process and timetable for preparing our report on the public interest consideration set out by the Secretary of State.

2. The plurality ground

- 2.1 We will consider the plurality ground in light of the relevant statutory framework whereby Parliament has attached significance to the need for sufficient media plurality in the functioning of a healthy and informed democratic society.
- 2.2 While the Act has specific public interest considerations for newspapers, our provisional view is that in undertaking an initial investigation of this ground and providing advice and recommendations to the Secretary of State, the reasoning we set out in our [measurement framework for media plurality](#), published in 2015, is likely to be relevant.
- 2.3 Subject to responses to this invitation to comment (ITC), we therefore provisionally consider news and current affairs to be the relevant genres to consider. Specifically, we will consider:
- availability;
 - consumption;
 - impact; and

¹ [DMGT announcement](#), 29 November 2019.

² The PIIN follows the [publication of a 'minded-to' letter](#) on 9 January.

³ Section 58(2B) of the Act.

- contextual factors.
- 2.4 **Availability metrics** measure the number of news providers available at the point of consumption. Both the number of different news sources available on each media platform and across all media are relevant.
- 2.5 **Consumption metrics** measure the number of people using news sources and the frequency and/or time that they spend consuming it. Metrics capable of quantifying cross-media consumption are particularly important. Sector-specific consumption metrics should also be used.
- 2.6 **Impact metrics** help inform how news content can influence the formation of people's opinions. While measuring the impact and influence of news sources on consumers is complex, proxies for impact can be used. Proxies to consider include personal importance, impartiality, reliability, trust and the extent to which a news source helps people make up their minds about issues in the news.
- 2.7 **Contextual factors** are an integral part of our measurement framework which help to interpret the quantitative data. Contextual factors may include but are not limited to:
- governance models;
 - funding models;
 - potential power or editorial control exercised by owners, proprietors or senior executives;
 - internal plurality (i.e. the range of internal voices and opinions within an organisation);
 - market trends and potential future developments, including changes to news consumption online and via social media; and
 - regulation and oversight (role of the Independent Press Standards Organisation (IPSO), IMPRESS and editorial complaints frameworks of some newspaper groups).
- 2.8 We are seeking views on all the issues set out above and any other issues respondents think we should consider in relation to the impact of this acquisition on the plurality ground.

Advice and recommendation to the Secretary of State

- 2.9 Overall, Ofcom will consider how the completed transaction may affect the public interest consideration, taking account of representations and analysis of relevant information.

3. How to make submissions

- 3.1 Ofcom invites written submissions to be made by **5 February 2020**. We are seeking responses that provide views, supported by evidence, on the specific questions detailed above, or on other considerations stakeholders consider relevant. Due to timescales set by the Secretary of State, we may not be able to fully consider responses submitted after this date.
- 3.2 Please make representations via email to PublicInterestTest2020@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet (Annex 1).
- 3.3 Responses may alternatively be posted to the address below, marked with 'Public Interest Test 2020':

Public Interest Test Team 2020
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

- 3.4 We do not need a hard copy in addition to an electronic version. Ofcom will not acknowledge receipt of responses.
- 3.5 Ofcom strictly observes confidentiality in all aspects of its operations. This applies to material supplied in response to this invitation to comment. We will give the Secretary of State (and the CMA in the event that this acquisition is referred by the Secretary of State) all relevant submissions (including confidential ones) to enable her to make her decision. If your submission includes material which is confidential, we will require a full version with confidential information omitted, together with reasons why the submission should be treated as confidential, in order to help establish what it may and may not be appropriate to refer to publicly in the course of this work.
- 3.6 Please note that if any person provides information to us in this context, which is false or misleading in a material respect, it is an offence which, on conviction, may be punished by a fine and/or two years' imprisonment.⁴

⁴ Section 117 of the Enterprise Act 2002

A1. Response cover sheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)