



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Electronic communications code

111 Enforcement notification for contravention of code restrictions

- (1) This section applies where—
 - (a) a person (“the notified provider”) has been given a notification under section 110;
 - (b) OFCOM have allowed the notified provider an opportunity of making representations about the matters notified; and
 - (c) the period allowed for the making of the representations has expired.
- (2) OFCOM may give the notified provider an enforcement notification if they are satisfied—
 - (a) that he has been in contravention, in one or more of the respects notified, of a requirement specified in the notification under section 110; and
 - (b) that he has not, during the period allowed under section 110, taken all such steps as they consider appropriate—
 - (i) for complying with that requirement; and
 - (ii) for remedying the consequences of the notified contravention of that requirement.
- (3) An enforcement notification is a notification which imposes one or both of the following requirements on the notified provider—

Status: This is the original version (as it was originally enacted).

- (a) a requirement to take such steps for complying with the notified requirement as may be specified in the notification;
 - (b) a requirement to take such steps for remedying the consequences of the notified contravention as may be so specified.
- (4) A decision of OFCOM to give an enforcement notification to a person—
- (a) must be notified by them to that person, together with the reasons for the decision, no later than one week after the day on which it is taken; and
 - (b) must fix a reasonable period for the taking of the steps required by the notification.
- (5) It shall be the duty of a person to whom an enforcement notification has been given to comply with it.
- (6) That duty shall be enforceable in civil proceedings by OFCOM—
- (a) for an injunction;
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or
 - (c) for any other appropriate remedy or relief.