



# Communications Act 2003

## 2003 CHAPTER 21

### PART 1

#### FUNCTIONS OF OFCOM

##### *Transferred and assigned functions*

#### **1 Functions and general powers of OFCOM**

- (1) The Office of Communications (“OFCOM”) shall have the following functions—
  - (a) the functions transferred to OFCOM under section 2; and
  - (b) such other functions as may be conferred on OFCOM by or under any enactment (including this Act).
- (2) OFCOM shall also have any functions in relation to telephone numbers that are conferred on them by the law of the Isle of Man or of any of the Channel Islands.
- (3) OFCOM may do anything which appears to them to be incidental or conducive to the carrying out of their functions, including borrow money.
- (4) OFCOM are not to borrow money except with the consent of the Secretary of State, or in accordance with a general authorisation given by him.
- (5) OFCOM’s powers under subsection (3) include, in particular—
  - (a) power to undertake research and development work in connection with any matter in relation to which they have functions;
  - (b) power to promote the carrying out of such research and development by others, or otherwise to arrange for it to be carried out by others;
  - (c) power to institute and carry on criminal proceedings in England and Wales or Northern Ireland for an offence relating to a matter in relation to which they have functions; and
  - (d) power, in such cases and in such circumstances as they may think fit, to make payments (where no legal liability arises) to persons adversely affected by the carrying out by OFCOM of any of their functions.

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**Changes to legislation:** Communications Act 2003, Cross Heading: Transferred and assigned functions is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (6) In exercise of their powers under subsection (3), OFCOM must establish and maintain separate offices in each of the following parts of the United Kingdom—
- (a) England;
  - (b) Wales;
  - (c) Scotland; and
  - (d) Northern Ireland.
- (7) Part 2 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out) is to have effect in relation to the functions conferred on OFCOM by or under any enactment as if—
- (a) OFCOM were an office holder within the meaning of that Part; and
  - (b) a power of OFCOM to make subordinate legislation were excluded from section 69 of that Act to the extent only that it is exercisable by statutory instrument.
- (8) In this section “telephone numbers” has the same meaning as in Chapter 1 of Part 2.

#### Commencement Information

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| <b>I1</b> | S. 1(1) (2) (4) (5)(a) (b) (d) (6)-(8) in force at 29.12.2003 by <a href="#">S.I. 2003/3142</a> , <a href="#">art. 3(1)</a> , <a href="#">Sch. 1</a> (with <a href="#">art. 11</a> )  |
| <b>I2</b> | S. 1(3) in force at 25.7.2003 for specified purposes by <a href="#">S.I. 2003/1900</a> , <a href="#">arts. 1(2)</a> , <a href="#">2(1)</a> , <a href="#">Sch. 1</a> (with <a href="#">art. 3</a> ) (as amended by <a href="#">S.I. 2003/3142</a> , <a href="#">art. 1(3)</a> )    |
| <b>I3</b> | S. 1(3) in force at 29.12.2003 in so far as not already in force by <a href="#">S.I. 2003/3142</a> , <a href="#">art. 3(1)</a> , <a href="#">Sch. 1</a> (with <a href="#">art. 11</a> )   |
| <b>I4</b> | S. 1(5)(c) in force at 25.7.2003 for specified purposes by <a href="#">S.I. 2003/1900</a> , <a href="#">arts. 1(2)</a> , <a href="#">2(1)</a> , <a href="#">Sch. 1</a> (with <a href="#">art. 3</a> ) (as amended by <a href="#">S.I. 2003/3142</a> , <a href="#">art. 1(3)</a> ) |
| <b>I5</b> | S. 1(5)(c) in force at 29.12.2003 in so far as not already in force by <a href="#">S.I. 2003/3142</a> , <a href="#">art. 3(1)</a> , <a href="#">Sch. 1</a> (with <a href="#">art. 11</a> )  |

## 2 Transfer of functions of pre-commencement regulators

- (1) As from such date as the Secretary of State may appoint for the coming into force of this section, the functions that are set out in Schedule 1 (functions of the Secretary of State and of the pre-commencement regulators) shall become functions of OFCOM in accordance with that Schedule.
- (2) References in any enactment to a person who is a person from whom functions are transferred by virtue of this section are to have effect, so far as necessary for the purposes of the transfers, as references to OFCOM.
- (3) The functions of OFCOM are to include the carrying out of the transferred functions, at times after the time when they become functions of OFCOM, in relation to anything occurring before that time.
- (4) The provisions of this section have effect subject to—
- (a) the modifications made by this Act of the enactments relating to the transferred functions; and
  - (b) any express transitional or consequential provisions made by or under this Act in relation to those enactments.

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### Commencement Information

- I6** S. 2 in force at 29.12.2003 for specified purposes by [S.I. 2003/3142](#), art. 3(1)(3), **Sch. 1** (with art. 11)
- I7** S. 2 in force at 1.4.2004 in so far as not already in force by [S.I. 2003/3142](#), art. 4(2), **Sch. 2** (with art. 11) (as amended (4.3.2004) by [S.I. 2004/545](#), art. 2(2)(3)(a))

**Changes to legislation:**

Communications Act 2003, Cross Heading: Transferred and assigned functions is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)