



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Information provisions

[^{F2}135 Information required for purposes of [^{F1}certain OFCOM] functions

- (1) [^{F2}OFCOM may require a person falling within subsection (2) to provide them with all such information as they consider necessary for the purpose of carrying out their functions under—
 - (a) section 14(1),
 - (b) section 26, so far as relating to matters in relation to which they have functions under this Chapter, or
 - (c) this Chapter.]
- (2) The persons falling within this subsection are—
 - (a) a communications provider;
 - (b) a person who has been a communications provider;
 - (c) a person who makes, or has made, any associated facilities available to others;
 - (d) a person, other than a communications provider, to whom a universal service condition applies or has applied;
 - (e) a person who supplies electronic communications apparatus;
 - (f) a person not falling within the preceding paragraphs who appears to OFCOM to have information required by them for the purpose of carrying out their functions under this Chapter.

Changes to legislation: Communications Act 2003, Section 135 is up to date with all changes known to be in force on or before 10 May 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

- [^{F3}(g) a person who provides or has provided a number-independent interpersonal communications service and appears to OFCOM to have information relevant to their functions under section 14(1).]
- (3) The information that may be required by OFCOM under subsection (1) includes, in particular, information that they require for any one or more of the following purposes—
- (a) ascertaining whether a contravention of a condition or other requirement set or imposed by or under this Chapter has occurred or is occurring;
 - (b) ascertaining or verifying the charges payable by a person under section 38;
 - (c) ascertaining whether a provision of a condition set under section 45 which is for the time being in force continues to be effective for the purpose for which it was made;
 - (d) ascertaining or verifying amounts payable by virtue of a condition falling within section 51(1)(d);
 - (e) making a designation in accordance with regulations made under section 66;
 - (f) carrying out a review under section 66 [^{F4}, 70 or 72A];
 - [^{F5}(fa) ascertaining whether a commitment which is made binding by a commitments decision continues to be effective for the purpose for which it was made binding under section 93A(8);]
 - (g) identifying markets and carrying out market analyses in accordance with, or for the purposes of, any provision of this Chapter;
 - ^{F6}(h)
 - (i) considering a matter in exercise of that duty;
 - [^{F7}(iza) carrying out an assessment under section 105N;]
 - [^{F8}(izb) preparing a report under section 105Z;]
 - [^{F9}(izc) assessing the risk of a security compromise occurring in relation to a public electronic communications network or a public electronic communications service;]
 - [^{F10}(izd) preparing a report under section 105Z12;]
 - [^{F11}(ia) preparing a report under section 124F;
 - (ib) carrying out an assessment, taking steps or providing a report under section 124G;]
 - [^{F12}(ic) preparing a report under section 134A;
 - [preparing a report under section 134AA;]
 - ^{F13}(ica)
 - (id) preparing a report under section 134C;]
 - [^{F14}(ie) ^{F15}
 - ^{F16}(if)
 - (ig) identifying electronic communications apparatus that is suitable for shared use;]
 - (j) statistical purposes connected with the carrying out of any of OFCOM's functions under this Chapter.
- [^{F17}(3A) The descriptions of information that a person may be required to provide under subsection (1) include, in particular—
- [^{F18}(za) information concerning future developments of a public electronic communications network or public electronic communications service that could have an impact on the security of the network or service,]

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- (a) information concerning future developments of an electronic communications network or electronic communications service that could have an impact on the wholesale services made available by the person to competitors, and
- (b) if a market power determination made in relation to a wholesale market is in force in the person's case, accounting data relating to any retail market associated with the wholesale market.]

[^{F19}(3B) In subsection (2)(g), “number-independent interpersonal communications service” means an interpersonal communications service, as defined by section 32A(2), other than—

- (a) a number-based interpersonal communications service; or
- (b) a service where the interpersonal and interactive communication is merely a minor ancillary feature that is intrinsically linked to another service.]

[^{F20}(3C) OFCOM may require a person falling within subsection (2)—

- (a) to produce, generate or obtain security information for the purpose of providing it under subsection (1);
- (b) to collect or retain security information that the person would not otherwise collect or retain for the purpose of providing it under subsection (1);
- (c) to process, collate or analyse any information held by the person (including information the person has been required to collect or retain) for the purpose of producing or generating security information to be provided under subsection (1).

(3D) In subsection (3C) “security information” means information OFCOM consider necessary for the purpose of carrying out their functions under sections 105L to 105Z.]

(4) A person [^{F21}must comply with a requirement imposed under this section] in such manner and within such reasonable period as may be specified by OFCOM.

(5) The powers in this section are subject to the limitations in section 137.]

Textual Amendments

- F1** Words in s. 135 heading substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 85\(3\), 118\(2\)](#)
- F2** S. 135(1) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 85\(2\), 118\(2\)](#)
- F3** S. 135(2)(g) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 58\(2\)](#)
- F4** Words in s. 135(3)(f) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 1\(8\), 118\(2\)](#)
- F5** S. 135(3)(fa) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 58\(3\)](#)
- F6** S. 135(3)(h) omitted (26.5.2011) by virtue of [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\), reg. 1\(2\), Sch. 1 para. 79\(a\)\(i\)](#) (with Sch. 3 para. 2)
- F7** S. 135(3)(iza) inserted (1.10.2022) by [Telecommunications \(Security\) Act 2021 \(c. 31\), ss. 6\(3\), 28\(2\)\(b\); S.I. 2022/931, reg. 2\(b\)](#)
- F8** S. 135(3)(izb) inserted (1.10.2022) by [Telecommunications \(Security\) Act 2021 \(c. 31\), ss. 11\(4\), 28\(2\)\(b\); S.I. 2022/931, reg. 2\(b\)](#)
- F9** S. 135(3)(izc) inserted (1.10.2022) by [Telecommunications \(Security\) Act 2021 \(c. 31\), ss. 12\(3\)\(a\)\(i\), 28\(2\)\(b\); S.I. 2022/931, reg. 2\(b\)](#)

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- F10** S. 135(3)(izd) inserted (17.11.2021) by Telecommunications (Security) Act 2021 (c. 31), **ss. 18(3), 28(1)(c)**
- F11** S. 135(3)(ia)(ib) inserted (8.6.2010) by Digital Economy Act 2010 (c. 24), **ss. 16(2), 47(1)**
- F12** S. 135(3)(ic)(id) inserted (8.6.2010) by Digital Economy Act 2010 (c. 24), **ss. 1(2), 47(1)**
- F13** S. 135(3)(ica) inserted (27.6.2017) by Digital Economy Act 2017 (c. 30), **ss. 82(4), 118(2)**
- F14** S. 135(3)(ie)-(ig) inserted (26.5.2011) by The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 79(a)(ii)** (with Sch. 3 para. 2)
- F15** S. 135(3)(ie) omitted (1.10.2022) by virtue of Telecommunications (Security) Act 2021 (c. 31), **ss. 12(3)(a)(ii), 28(2)(b); S.I. 2022/931, reg. 2(b)**
- F16** S. 135(3)(if) omitted (1.10.2022) by virtue of Telecommunications (Security) Act 2021 (c. 31), **ss. 12(3)(a)(ii), 28(2)(b); S.I. 2022/931, reg. 2(b)**
- F17** S. 135(3A) inserted (26.5.2011) by The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 79(b)** (with Sch. 3 para. 2)
- F18** S. 135(3A)(za) inserted (1.10.2022) by Telecommunications (Security) Act 2021 (c. 31), **ss. 12(3)(b), 28(2)(b); S.I. 2022/931, reg. 2(b)**
- F19** S. 135(3B) inserted (21.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020 (S.I. 2020/1419), reg. 1(2), **Sch. 1 para. 58(4)**
- F20** S. 135(3C)(3D) inserted (1.10.2022) by Telecommunications (Security) Act 2021 (c. 31), **ss. 12(3)(c), 28(2)(b); S.I. 2022/931, reg. 2(b)**
- F21** Words in s. 135(4) substituted (1.10.2022) by Telecommunications (Security) Act 2021 (c. 31), **ss. 12(3)(d), 28(2)(b); S.I. 2022/931, reg. 2(b)**

Modifications etc. (not altering text)

- C1** S. 135 applied (6.4.2023) by The Trade (Mobile Roaming) Regulations 2023 (S.I. 2023/214), regs. 1(b), **8(2)(3)**

Commencement Information

- I1** S. 135 in force at 25.7.2003 for specified purposes by S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))
- I2** S. 135 in force at 29.12.2003 in so far as not already in force by S.I. 2003/3142, **art. 3(2)** (with art. 11)

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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\(1\)](#)