



# Communications Act 2003

## 2003 CHAPTER 21

### PART 1

#### FUNCTIONS OF OFCOM

##### *Functions for the protection of consumers*

#### **17 Membership etc. of the Consumer Panel**

- (1) The members of the Consumer Panel shall be appointed by OFCOM and shall comprise a chairman and such other members as OFCOM may determine.
- (2) The approval of the Secretary of State is required for the appointment of a person to be the chairman or to be another member of the Panel.
- (3) In appointing persons to be members of the Consumer Panel, OFCOM must secure that, for each of the following parts of the United Kingdom—
  - (a) England,
  - (b) Scotland,
  - (c) Wales, and
  - (d) Northern Ireland,there is a different member of the Panel capable of representing the interests and opinions of persons living in that part of the United Kingdom.
- (4) In appointing persons to be members of the Consumer Panel, OFCOM must secure, so far as practicable, that the Panel are able to give informed advice about matters referable to each of the following—
  - (a) the interests of persons living in rural areas;
  - (b) the interests of persons living in urban areas;
  - (c) the interests of small businesses;
  - (d) the interests of disadvantaged persons, persons with low incomes and persons with disabilities; and
  - (e) the interests of the elderly.

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*Changes to legislation: Communications Act 2003, Section 17 is up to date with all changes known to be in force on or before 23 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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- [<sup>F1</sup>(4A) The Secretary of State may direct OFCOM to appoint as a member of the Consumer Panel a person specified by the Secretary of State who—
- [<sup>F2</sup>(a) is an employee of the National Association of Citizens Advice Bureaux (“Citizens Advice”), and
  - (b) is nominated for the purposes of this subsection by Citizens Advice after consultation with OFCOM.]
- (4B) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4A); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also [<sup>F3</sup>an employee of Citizens Advice] .
- [ The Secretary of State may direct OFCOM to appoint as a member of the Consumer
- <sup>F4</sup>(4BA) Panel a person specified by the Secretary of State who—
- (a) is an employee of the Scottish Association of Citizens Advice Bureaux (“Citizens Advice Scotland”) Citizens Advice Scotland, and
  - (b) is nominated for the purposes of this subsection by Citizens Advice Scotland after consultation with OFCOM.
- (4BB) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4BA); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also an employee of Citizens Advice Scotland.]
- [ The Secretary of State may direct OFCOM to appoint as a member of the Consumer
- <sup>F5</sup>(4BC) Panel a person specified by the Secretary of State who—
- (a) is a member or a member of staff of Consumer Scotland, and
  - (b) is nominated for the purposes of this subsection by Consumer Scotland after consultation with OFCOM.
- (4BD) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4BC); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also a member or member of staff of Consumer Scotland.]
- [<sup>F6</sup>(4C) A person appointed in accordance with a direction under subsection (4A) or (4BA) ceases to be a member of the Consumer Panel—
- (a) on ceasing to be an employee of Citizens Advice or, as the case may be, Citizens Advice Scotland, or
  - (b) if Citizens Advice or, as the case may be, Citizens Advice Scotland decide that the person is no longer to be on the Consumer Panel.]]
- [<sup>F7</sup>(4D) A person appointed in accordance with a direction under subsection (4BC) ceases to be a member of the Consumer Panel—
- (a) on ceasing to be a member or, as the case may be, a member of staff of Consumer Scotland, or
  - (b) if Consumer Scotland decides that the person is no longer to be on the Consumer Panel.]
- (5) The validity of any proceedings of the Consumer Panel shall not be affected by any failure by OFCOM to comply with [<sup>F8</sup>subsections (3) to (4A) ] [<sup>F9</sup>, (4BA) and (4BC)].

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- (6) It shall be the duty of the Consumer Panel, in carrying out their functions, to have regard to the following interests—
- (a) the interests of persons from the different parts of the United Kingdom; and
  - (b) the interests specified in subsection (4).
- (7) A person shall be disqualified from being the chairman or a member of the Consumer Panel if he is a member or employee of OFCOM.
- (8) The chairman and every member of the Consumer Panel—
- (a) shall be appointed for a fixed period specified in the terms of his appointment but shall be eligible for re-appointment at the end of that period; and
  - (b) may at any time be removed from the Panel by a notice given by OFCOM with the approval of the Secretary of State.
- (9) OFCOM may pay to the chairman and to any other member of the Consumer Panel such remuneration and allowances as OFCOM consider appropriate.

#### Textual Amendments

- F1** S. 17(4A)-(4C) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 40(a), 66(2)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F2** S. 17(4A)(a)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 11(2)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F3** Words in s. 17(4B) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 11(2)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F4** S. 17(4BA)(4BB) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 11(2)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F5** S. 17(4BC)(4BD) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 6(2)(a)** (with art. 5)
- F6** S. 17(4C) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 11(2)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F7** S. 17(4D) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 6(2)(b)** (with art. 5)
- F8** Words in s. 17(5) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 40(b), 66(2)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F9** Words in s. 17(5) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 6(2)(c)** (with art. 5)

#### Commencement Information

- I1** S. 17 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

**Changes to legislation:**

Communications Act 2003, Section 17 is up to date with all changes known to be in force on or before 23 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\(1\)](#)