



# Communications Act 2003

## 2003 CHAPTER 21

### PART 6

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Supplemental*

#### **404 Criminal liability of company directors etc.**

- (1) Where an offence under any enactment to which this section applies is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person who was purporting to act in any such capacity,he (as well as the body corporate) is guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where an offence under any enactment to which this section applies—
  - (a) is committed by a Scottish firm, and
  - (b) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a partner of the firm,he (as well as the firm) is guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) In this section “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (4) The enactments to which this section applies are every enactment contained in—
  - (a) this Act;
  - <sup>F1</sup>(b) .....
  - <sup>F1</sup>(c) .....
  - <sup>F2</sup>(d) .....
  - (e) the Telecommunications Act 1984 (c. 12)<sup>F3</sup>; or

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**Changes to legislation:** *Communications Act 2003, Section 404 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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(f) Part 3 of the Postal Services Act 2011.]

<sup>F4</sup>(5) .....

**Textual Amendments**

- F1** S. 404(4)(b)(c) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))
- F2** S. 404(4)(d) repealed (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(2), **Sch. 21 para. 2**
- F3** S. 404(4)(f) and word inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 67(b)**; [S.I. 2011/2329](#), art. 3
- F4** S. 404(5) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I1** S. 404 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. 404 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)

**Changes to legislation:**

Communications Act 2003, Section 404 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\(1\)](#)