



Digital Economy Act 2010

2010 CHAPTER 24

Powers in relation to internet domain registries

20 Appointment of manager of internet domain registry

(1) After section 124O of the Communications Act 2003 insert—

“124P Appointment of manager of internet domain registry

- (1) This section applies where—
 - (a) the Secretary of State has given a notification under section 124O to a qualifying internet domain registry specifying a failure,
 - (b) the period allowed for making representations has expired, and
 - (c) the Secretary of State is satisfied that the registry has not taken the steps that the Secretary of State considers appropriate for remedying the failure.
- (2) The Secretary of State may by order appoint a manager in respect of the property and affairs of the internet domain registry for the purpose of securing that the registry takes the steps described in subsection (1)(c).
- (3) The person appointed may be anyone whom the Secretary of State thinks appropriate.
- (4) The appointment of the manager does not affect—
 - (a) a right of a person to appoint a receiver of the registry’s property, or
 - (b) the rights of a receiver appointed by a person other than the Secretary of State.
- (5) The Secretary of State must—
 - (a) keep the order under review, and
 - (b) if appropriate, discharge all or part of the order.

- (6) The Secretary of State must discharge the order on the appointment of a person to act as administrative receiver, administrator, provisional liquidator or liquidator of the registry.
- (7) The Secretary of State must discharge the order before the end of the period of 2 years beginning with the day on which it was made (but this does not prevent the Secretary of State from making a further order in the same or similar terms).
- (8) When discharging an order under this section, the Secretary of State may make savings and transitional provision.
- (9) The Secretary of State must send a copy of an order made under this section to the registry as soon as practicable after it is made.
- (10) In subsection (4), “receiver” includes a manager (other than a manager appointed by the registry) and a person who is appointed as both receiver and manager.
- (11) In subsection (6)—
 - “administrative receiver” means an administrative receiver within the meaning of section 251 of the Insolvency Act 1986 or Article 5(1) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19));
 - “administrator” means a person appointed to manage the affairs, business and property of the registry under Schedule B1 to that Act or Schedule B1 to that Order.

124Q Functions of manager etc

- (1) An order under section 124P may make provision about the functions to be exercised by, and the powers of, the manager.
- (2) The order may, in particular—
 - (a) provide for the manager to have such of the functions of the registry’s directors as are specified in the order (including functions exercisable only by a particular director or class of directors), and
 - (b) provide for one or more of the registry’s directors to be prevented from exercising any of those functions.
- (3) The order may make provision about the remuneration of the manager, including in particular—
 - (a) provision for the amount of the remuneration to be determined by the Secretary of State, and
 - (b) provision for the remuneration to be payable from the property of the registry.
- (4) In carrying out the functions conferred by the order, the manager acts as the registry’s agent.
- (5) The Secretary of State may apply to the court for directions in relation to any matter arising in connection with the functions or powers of the manager (and the costs of the application are to be paid by the registry).

- (6) On an application under subsection (5) the court may give such directions or make such orders as it thinks fit.
 - (7) In this section “the court” means—
 - (a) in England and Wales, the High Court or a county court,
 - (b) in Scotland, the Court of Session or the sheriff, and
 - (c) in Northern Ireland, the High Court.
 - (8) Where the registry is a limited liability partnership, this section applies as if references to a director of the registry were references to a member of the limited liability partnership.”
- (2) In section 192(1)(d) of that Act (appeals against decisions of the Secretary of State), after sub-paragraph (ii) insert—
- “(ia) an order under section 124P;”.
- (3) In section 402(1) of that Act (powers of the Secretary of State to make orders and regulations), after “conferred by” insert “section 124P and”.