



Consumer Rights Act 2015

2015 CHAPTER 15

PART 3

MISCELLANEOUS AND GENERAL

CHAPTER 1

ENFORCEMENT ETC.

80 Contravention of code regulating premium rate services

- (1) In section 120(3) of the Communications Act 2003 (conditions under section 120 must require compliance with directions given in accordance with an approved code or with an order under section 122) before paragraph (a) insert—
 - “(za) the provisions of an approved code;”.
- (2) In section 121(5) of that Act (provision about enforcement that may be made by approved code) after paragraph (a) insert—
 - “(aa) provision that applies where there is or has been more than one contravention of the code or directions given in accordance with it by a person and which enables—
 - (i) a single penalty (which does not exceed that maximum penalty) to be imposed on the person in respect of all of those contraventions, or
 - (ii) separate penalties (each of which does not exceed that maximum penalty) to be imposed on the person in respect of each of those contraventions,according to whether the person imposing the penalty determines that a single penalty or separate penalties are appropriate and proportionate to those contraventions;”.
- (3) Section 123 of that Act (enforcement by OFCOM of conditions under section 120) is amended as follows.

Status: This is the original version (as it was originally enacted).

(4) After subsection (1) insert—

“(1A) Subsection (1B) applies where a notification under section 94 as applied by this section relates to more than one contravention of—

- (a) a code approved under section 121,
- (b) directions given in accordance with such a code, or
- (c) an order under section 122.

(1B) Section 96(3) as applied by this section enables OFCOM to impose—

- (a) a single penalty in respect of all of those contraventions, or
 - (b) separate penalties in respect of each of those contraventions,
- according to whether OFCOM determine that a single penalty or separate penalties are appropriate and proportionate to those contraventions.”

(5) In subsection (2) (maximum amount of penalty) for “the penalty” substitute “each penalty”.