
STATUTORY INSTRUMENTS

2003 No. 1900

**The Communications Act 2003
(Commencement No. 1) Order 2003**

Citation and interpretation

1.—(1) This Order may be cited as the Communications Act 2003 (Commencement No. 1) Order 2003.

(2) In this Order—

“the Act” means the Communications Act 2003;

“the transitionally commenced provisions” means—

the provisions of the Act brought into force by article 2(1) of this Order, other than those contained in sections 264 and 360 to 362, Schedule 15 and paragraph 30 of Schedule 18;

the provisions of the Act brought into force by article 2(2) of this Order contained in—

section 152 and 167,

paragraphs 18, 149 and 150 of Schedule 17,

paragraph 21 of Schedule 18, and

Schedule 19; and

“the transitional period” means the period provided for by section 408(6) of the Act.

Commencement

2.—(1) The provisions of the Act set out in Schedule 1 hereto shall, subject to the exceptions set out therein, come into force on 25th July 2003.

(2) The provisions of the Act set out in Schedule 2 hereto shall come into force on 18th September 2003.

Transitional provisions: the transitionally commenced provisions

3.—(1) The transitionally commenced provisions are brought into force by this Order on 25th July 2003 or (as the case may be) 18th September 2003 for the purpose only of enabling the networks and services functions and the spectrum functions under those provisions to be carried out during the transitional period by the Director General of Telecommunications and the Secretary of State respectively.

(2) Until the first coming into force of regulations made by the Secretary of State under section 109 of the Act—

(a) the references to restrictions or conditions under that section in sections 110(1), 113(4)(b) and 117(5) of the Act shall, in the case of a person who (by virtue of paragraph 17(2) of Schedule 18 to the Act) is treated as a person in whose case the electronic communications code applies by virtue of a direction given by OFCOM, be treated as references to the exceptions and conditions to which the application of the telecommunications code set out

in Schedule 2 to the Telecommunications Act 1984(1) to that person was subject by virtue of the provisions of his licence under section 7 of that Act of 1984, and

- (b) in the application of subparagraph (a) in the case of any particular person, any reference in the exceptions and conditions in question to the revocation or expiration without renewal of that person's licence shall be treated as references to that person's becoming subject to a direction by virtue of which he is prohibited from providing the whole or part of his network.

Transitional provisions: section 264 of the Act

4.—(1) This article shall have effect for the interpretation of section 264 of the Act.

(2) In relation to times before the coming into force of section 207 of the Act, the reference to the television programme services that are public services of the Welsh Authority shall be taken to be a reference to S4C and S4C Digital.

(3) In relation to times before the coming into force of section 266 of the Act, references to statements of programme policy shall be taken to include references to any statement made by the provider of a licensed public service channel for the purposes of his application for a licence under Part 1 of the 1990 Act for the channel or for any other purpose connected with the performance of his obligations under that licence.

(4) In relation to times before the coming into force of section 268 of the Act, references to statements of service policy shall be taken to include references to any statement made by the public teletext provider for the purposes of his application for a licence under Part 1 of the 1990 Act for the public teletext service or for any other purpose connected with the performance of his obligations under that licence.

Transitional provisions: section 348 of, and Part 4 of Schedule 14 to, the Act

5.—(1) In relation to times before the coming into force of section 350(2) of the Act, sections 5 and 88 of the 1990 Act and sections 5 and 44 of the 1996 Act (restrictions on holding licences) shall have effect as if, in paragraph (b) of subsection (1) of each of those sections, the reference to any requirements imposed by or under Parts 3 to 5 of Schedule 2 to the 1990 Act included a reference to any requirements imposed by or under Part 4 of Schedule 14 to the Act.

(2) In relation to times before the coming into force of the relevant amending provision, each of sections 5(7)(c) and 88(7)(c) of the 1990 Act(2) and sections 5(8)(c) and 44(8)(c) of the 1996 Act shall have effect as if the reference to any requirement imposed by or under Schedule 2 to the 1990 Act included a reference to any requirement imposed by or under Part 4 of Schedule 14 to the Act.

(3) In paragraph (2) above, in relation to each provision of the 1990 or 1996 Act mentioned there, "the relevant amending provision" means the following provision of Schedule 15 to the Act, that is to say—

- (a) in the case of section 5(7)(c) of the 1990 Act, paragraph 3(7);
- (b) in the case of section 88(7)(c) of that Act, paragraph 35(7);
- (c) in the case of section 5(8)(c) of the 1996 Act, paragraph 78(6);
- (d) in the case of section 44(8)(c) of that Act, paragraph 104(6).

Transitional provisions: section 362(1) of the Act

6.—(1) This article shall have effect for the interpretation of section 362(1) of the Act.

(1) 1984 c. 12.

(2) Sections 5(7)(c) and 88(7)(c) were amended by paragraph 12(3)(a) of Part 5 of Schedule 2 to the 1996 Act and by paragraph 13(3)(a) of that Part of that Schedule, respectively.

(2) In relation to times before the coming into force of section 241(1) of the Act, “television multiplex service” means a multiplex service within the meaning of Part 1 of the 1996 Act.

(3) In relation to times before the coming into force of section 258(1) of the Act, “radio multiplex service” shall have the same meaning as it has in Part 2 of the 1996 Act.

(4) In relation to times before the grant of the first licence under section 219 of the Act—

- (a) “the public teletext provider” means the person who holds the additional services licence (within the meaning of Part 1 of the 1990 Act) which relates to the teletext service referred to in subsection (2) of section 49 of the 1990 Act;
- (b) “the public teletext service” means the teletext service referred to in that subsection and the qualifying teletext service within the meaning of Part 1 of the 1996 Act; and
- (c) “the digital public teletext service” means the qualifying teletext service within the meaning of Part 1 of the 1996 Act.

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Postal Services,
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17th July 2003