

SCHEDULES

SCHEDULE 1

Amendments to Communications Act 2003 and related amendments

Communications Act 2003

- 24.** In section 49 (directions and approvals for the purposes of a s. 45 condition)—
- (a) in subsection (1)(b) after “that person” insert “(referred to in this section and sections 49A to 49C as “the responsible person””,
 - (b) in subsection (2)—
 - (i) in the opening words for “A person” substitute “The responsible person”, and
 - (ii) at the end of paragraph (a) insert “(but this paragraph is subject to subsection (2A))”,
 - (c) after subsection (2) insert—

“(2A) Subsection (2)(a) does not apply in relation to a direction, approval or consent affecting a general condition.”,
 - (d) in subsection (3) for the words from the beginning to “OFCOM shall” substitute “Where the responsible person is a person other than OFCOM, that person shall in giving, modifying or withdrawing the direction”,
 - (e) for subsections (4) to (10) substitute—

“(4) Where section 49A applies, the applicable requirements of that section and section 49B must be complied with before the direction, approval or consent is given, modified or withdrawn.

 - (4A) Where section 49A does not apply because of subsection (2) of that section—
 - (a) the direction, approval or consent given, or its modification or withdrawal, must be temporary; and
 - (b) the instrument that gives, modifies or withdraws the direction, approval or consent must state the period for which it is to have effect.
 - (4B) Where it is proposed to extend or make permanent any such temporary direction, approval or consent, or modification or withdrawal—
 - (a) sections 49A and 49B(1) do not apply in relation to the proposal; and
 - (b) subsections (2) to (10) of section 49B apply in relation to the proposal as if for the words from the beginning of subsection (2) to “the person” were substituted “The responsible person”.
 - (4C) Where the responsible person is a person other than OFCOM, that person must refer to OFCOM such of the following questions as are relevant in the case in question—
 - (a) whether OFCOM is of the opinion mentioned in section 49A(1)(b);
 - (b) whether OFCOM is of the opinion mentioned in section 49A(2); and
 - (c) whether the proposal is of EU significance.
 - (4D) OFCOM must immediately determine any question so referred to them.”.