

## SCHEDULES

### SCHEDULE 1

#### Amendments to Communications Act 2003 and related amendments

#### **Communications Act 2003**

**73.** In section 113 (suspension of application of code)—

(a) in subsection (1)—

(i) in paragraph (a) for “serious and repeated” substitute “serious or repeated”,

(ii) after paragraph (a) insert—

“(aa) that, in the case of a single serious contravention, a notification has been given to the contravening provider under section 40 and the period for making representations under that section has expired;”,

(iii) in paragraphs (b) and (c) after “that” insert “, in the case of a repeated contravention”, and

(iv) for paragraph (d) substitute—

“(d) that the suspension of the application of the code is appropriate and proportionate to the contravention.”,

(b) in subsection (2)(b) after “100” insert “(including that section as applied by section 105D)”,

(c) in subsection (4)(b) for “repeated and serious” substitute “repeated or serious”, and

(d) after subsection (12) insert—

“(13) For the purposes of subsection (4) there are repeated contraventions by a person of conditions or restrictions under section 109 if—

(a) in the case of a previous notification given to the person under section 110, OFCOM have given a confirmation decision to the person under section 111(2);

(b) in the period of 24 months following the giving of that confirmation decision, one or more further confirmation decisions have been given to the person in respect of contraventions of a condition or restriction under section 109; and

(c) the previous confirmation decision and the subsequent ones all relate to contraventions of the same condition or restriction (whether the same contravention or different contraventions).”