

## SCHEDULES

### SCHEDULE 1

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

##### **Communications Act 2003**

**82.** In section 139 (penalties for contravention of information requirements)—

(a) for subsection (1) substitute—

“(1) This section applies where a person is given a notification under section 138 which specifies a proposed penalty.”,

(b) in the opening words of subsection (2) for “impose a penalty on the notified person” substitute “specify a penalty”,

(c) omit subsection (2)(a) and (b),

(d) in subsections (3) and (4) for “imposed” substitute “specified”,

(e) after subsection (4) insert—

“(4A) But, in relation to a continuing contravention, a penalty may be specified in respect of each day on which the contravention continues after—

(a) the giving of a confirmation decision under section 139A(4)(c) which requires immediate action; or

(b) the expiry of any period specified in the confirmation decision for complying with a requirement so specified.

(4B) The amount of a penalty under subsection (4A) is to be such amount not exceeding £500 per day as OFCOM determine to be—

(a) appropriate; and

(b) proportionate to the contravention in respect of which it is imposed.”,

(f) in subsection (5) for “a penalty imposed” substitute “any other penalty notified”, and

(g) omit subsections (6) to (8).