

SCHEDULES

SCHEDULE 1

Amendments to Communications Act 2003 and related amendments

Communications Act 2003

- 85.** In section 142 (procedure for directions under sections 140 and 141)—
- (a) in subsection (1) after “case,” insert “or a case where a proposed direction has been notified to a person in accordance with section 138(2)(f)”;
 - (b) for subsection (2) substitute—
 - “(2A) That period must be—
 - (a) in relation to a direction under section 140, such reasonable period as OFCOM may determine, and
 - (b) in relation to a direction under section 141, a period ending not less than one month after the day of the giving of the notification.”; and
 - (c) after subsection (3) insert—
 - “(3A) In relation to a direction under section 140 in an urgent case, as soon as practicable after the period allowed by OFCOM for making those representations has ended (and in any event within 3 months beginning with the day on which the direction was given), they must determine—
 - (a) whether the contravention providing the grounds for the giving of the direction did occur; and
 - (b) whether the circumstances made it an urgent case justifying the giving of the direction.
 - (3B) The period of 3 months mentioned in subsection (3A) may be extended by up to 3 months if OFCOM—
 - (a) require additional time to consider representations received; or
 - (b) decide that it is necessary to obtain additional information from the person in order to make a determination under subsection (3A).”