

Draft Order laid before Parliament under section 130(10) of the Communications Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. XXX

ELECTRONIC COMMUNICATIONS

**The Communications Act 2003 (Maximum Penalty for
Persistent Misuse of Network or Service) Order 2006**

Made - - - - 2006
Coming into force - - 6th April 2006

The Secretary of State makes the following Order in exercise of the power conferred by section 130(9) of the Communications Act 2003⁽¹⁾;

In accordance with section 130(10) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006 and shall come into force on 6 April 2006.

Amendment of maximum penalty

2.—(1) In section 130(4) of the Communications Act 2003 (penalties for persistent misuse) for “£5,000” substitute “£50,000”.

(2) Paragraph (1) does not apply to penalties in respect of any misuse or contraventions which occurred before the coming into force of this Order.

Minister of State for Industry and the Regions
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 130(4) of the Communications Act 2003 (“the Act”) so as to raise the maximum penalty that the Office of Communications can impose under section 130 of the Act in respect of persistent misuse of electronic communications networks or electronic communications services from £5,000 to £50,000.

A partial regulatory impact assessment has been prepared for this instrument and a copy is available from the Department of Trade and Industry, Bay 207, 151 Buckingham Palace Road, London SW1W 9SS. It can also be found at <http://www.dti.gov.uk/consultations>.