



Communications Act 2003

2003 CHAPTER 21

PART 1

FUNCTIONS OF OFCOM

Provisions supplemental to transfer of functions

30 Transfers of property etc. from pre-commencement regulators

- (1) The Secretary of State may, by a direction to any of the pre-commencement regulators, require that regulator to make one or more schemes for the transfer from that regulator to OFCOM of such of the regulator's property, rights and liabilities as may be specified or described in the direction.
- (2) Where a pre-commencement regulator is required to make a scheme, the scheme must be made by such date as may be specified in the direction.
- (3) Before making a scheme in pursuance of a direction under subsection (1), a pre-commencement regulator must consult OFCOM.
- (4) A pre-commencement regulator who makes a scheme in pursuance of a direction under subsection (1) shall submit that scheme to the Secretary of State for approval.
- (5) A scheme that is required to be so submitted shall have effect only if, and to the extent that, it is approved by the Secretary of State.
- (6) The Secretary of State, in approving a scheme, may do so subject to such modifications as he thinks fit.
- (7) Where the Secretary of State approves a scheme subject to modifications specified by him, it shall have effect with those modifications.
- (8) A scheme approved by the Secretary of State under this section shall come into force either—
 - (a) if no time is appointed under paragraph (b), at the time when the approval is given; or

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- (b) if the Secretary of State appoints a later time for the coming into force of the scheme (whether when approving the scheme or by subsequently varying a time appointed under this paragraph), at that later time.
- (9) Where a scheme is submitted to the Secretary of State under this section, he must—
 - (a) consult OFCOM about any proposal of his to approve the scheme; and
 - (b) consult both OFCOM and the pre-commencement regulator in question about any modifications subject to which he proposes to give his approval, or about any proposal of his to refuse approval.
- (10) The Secretary of State may, after consulting OFCOM, himself make a scheme for the transfer of property, rights and liabilities—
 - (a) from a pre-commencement regulator to OFCOM; or
 - (b) from himself to OFCOM;
 and such a scheme shall come into force on such day as the Secretary of State may appoint (whether in the scheme or subsequently).
- (11) The Secretary of State is not to make a scheme for the transfer of property, rights and liabilities from a pre-commencement regulator to OFCOM unless—
 - (a) that regulator has failed to comply with a direction under subsection (1); or
 - (b) that regulator has complied with such a direction by submitting a scheme to the Secretary of State that he has decided not to approve (with or without modifications).
- (12) Schedule 2 (which makes further provision about schemes under this section) shall have effect.

Commencement Information

II [S. 30](#) in force at 18.9.2003 by [S.I. 2003/1900](#), [art. 2\(2\)](#), [Sch. 2](#)

31 Transitional functions and abolition of pre-commencement regulators

- (1) It shall be the duty of the pre-commencement regulators to take all such steps as are necessary or expedient for ensuring that OFCOM are able effectively to carry out OFCOM's functions from the time when they are vested in OFCOM.
- (2) The pre-commencement regulators, in taking those steps, must comply with every direction given to them by the Secretary of State.
- (3) The pre-commencement regulators and OFCOM shall each have a duty to provide the Secretary of State with all such information and assistance as he may require for the purposes of, or in connection with—
 - (a) his power to give directions under subsection (1) of section 30; and
 - (b) his powers and duties in relation to the approval and making of schemes under that section.
- (4) On such day as the Secretary of State may by order appoint—
 - (a) the office of the Director General of Telecommunications shall be abolished; and
 - (b) the Broadcasting Standards Commission, the Independent Television Commission and the Radio Authority shall cease to exist.

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- (5) Section 54 of the Telecommunications Act 1984 (c. 12) (which provides for the establishment of advisory bodies) shall cease to have effect; and each of the bodies established under that section shall cease to exist on such day as the Secretary of State may by order appoint.
- (6) Different days may be appointed under this section for the Director General of Telecommunications and for each of the different bodies mentioned in subsections (4) (b) and (5).

Commencement Information

I2 S. 31 partly in force; s. 31(1)(2)(3)(4)(6) in force at Royal Assent see s. 411(3)

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