



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

General conditions: customer interests

54 Approval of dispute procedures for the purposes of s. 52

- (1) Before giving their approval to any dispute procedures, OFCOM must consult the Secretary of State.
- (2) OFCOM are not to approve dispute procedures unless they are satisfied that the arrangements under which the procedures have effect—
 - (a) are administered by person who is for practical purposes independent (so far as decisions in relation to disputes are concerned) of both OFCOM and the communications providers to whom the arrangements apply;
 - (b) give effect to procedures that are easy to use, transparent and effective;
 - (c) give, in the case of every communications provider to whom the arrangements apply, a right to each of his domestic and small business customers to use the procedures free of charge;
 - (d) ensure that all information necessary for giving effect to the procedures is obtained;
 - (e) ensure that disputes are effectively investigated;
 - (f) include provision conferring power to make awards of appropriate compensation; and
 - (g) are such as to enable awards of compensation to be properly enforced.

Status: Point in time view as at 29/12/2003. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 54 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) OFCOM may approve dispute procedures subject to such conditions (including conditions as to the provision of information to OFCOM) as they may think fit.
- (4) It shall be the duty of OFCOM to keep under review the dispute procedures for the time being approved by them.
- (5) OFCOM may at any time, by a notification given or published in such manner as they consider appropriate—
- (a) modify the conditions of their approval of any dispute procedures or withdraw such an approval; or
 - (b) give notice that the modification of those conditions, or the withdrawal of such an approval, will take effect from such time as may be specified in the notification unless the procedures (or the arrangements under which they have effect) are modified before that time in the manner required by the notification.
- (6) In considering—
- (a) whether to approve dispute procedures, or
 - (b) whether or in what manner to exercise their powers under subsections (3) to (5),
- OFCOM must have regard to the matters mentioned in subsection (7).
- (7) Those matters are—
- (a) the need to secure that customers are able readily to comprehend dispute procedures;
 - (b) the need to secure that there is consistency between the different procedures for the time being approved by OFCOM; and
 - (c) the need to secure that the number of different sets of procedures so approved is kept to a minimum.
- (8) In this section—
- “approval” means approval for the purposes of subsection (5) of section 52 and “approve” and “approved” are to be construed accordingly;
- “dispute procedures” means any such procedures as may fall to be approved for the purposes of that subsection; and
- “domestic and small business customer” has the same meaning as in section 52.

Commencement Information

- I1** S. 54 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** S. 54 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

Status:

Point in time view as at 29/12/2003. This version of this provision has been superseded.

Changes to legislation:

Communications Act 2003, Section 54 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.