

SCHEDULES

SCHEDULE 13

PENALTIES IMPOSED BY OFCOM UNDER CHAPTER 6 OF PART 7

Maximum amount of penalties

- 4 (1) Where a penalty is imposed on a person in respect of a regulated service provided by that person, the maximum amount of the penalty for which the person is liable is whichever is the greater of—
- (a) £18 million, and
 - (b) 10% of the person’s qualifying worldwide revenue for the person’s most recent complete accounting period (subject to sub-paragraph (5)).
- (2) But if the person does not have an accounting period, the maximum amount of the penalty for which the person is liable is £18 million.
- (3) The maximum amount of a penalty for which a person not within sub-paragraph (1) is liable is £18 million.
- (4) If the person’s first accounting period has not yet ended, sub-paragraph (1)(b) is to be read as referring to 10% of the amount that OFCOM estimate to be the person’s likely qualifying worldwide revenue for that period.
- (5) If the duration of the accounting period by reference to which an amount of qualifying worldwide revenue is calculated is less than a year, the amount mentioned in sub-paragraph (1)(b) is to be proportionately increased.
- If the duration of that accounting period is more than a year, that amount is to be proportionately reduced.
- (6) The amount of a person’s qualifying worldwide revenue for an accounting period is, in the event of a disagreement between the person and OFCOM, the amount determined by OFCOM.
- (7) In the case of a confirmation decision that imposes a penalty of a single amount and a penalty calculated by reference to a daily rate, references in sub-paragraphs (1) to (3) to the maximum amount for which a person is liable are to the maximum amount of both those penalties taken together.
- (8) In this paragraph “accounting period”, in relation to a person, means a period in respect of which accounts are prepared in relation to that person or, where that person is an individual, in respect of that individual’s business of providing a regulated service.
- (9) Regulations made by OFCOM under section 85(1)(a) (including regulations making provision of a kind mentioned in section 85(3), (4) or (5)) apply for the purpose of determining the qualifying worldwide revenue of a provider of a regulated service for an accounting period as mentioned in this paragraph as they apply for the purpose

Status: This is the original version (as it was originally enacted).

of determining the qualifying worldwide revenue of a provider of a regulated service for a qualifying period for the purposes of Part 6.