

## SCHEDULES

### SCHEDULE 1

#### Amendments to Communications Act 2003 and related amendments

#### **Communications Act 2003**

**70.** In section 111 (enforcement notification for contravention of code restrictions)—

(a) for subsections (2) and (3) substitute—

“(2) OFCOM may—

- (a) give the notified provider a decision (a “confirmation decision”) confirming the imposition of requirements on the notified provider, or the giving of a direction to the notified provider, or both, in accordance with the notification under section 110; or
- (b) notify the notified provider that they are satisfied with the representations and that no further action will be taken.

(3) OFCOM may not give a confirmation decision to the notified provider unless, after considering any representations, they are satisfied that the notified provider has, in one or more of the respects notified, been in contravention of a requirement specified in the notification under section 110.”,

(b) for subsection (4) substitute—

“(4) A confirmation decision—

- (a) must be given to the person without delay;
- (b) must include reasons for the decision;
- (c) may require immediate action by the person to comply with requirements of a kind mentioned in section 110(2)(d), or may specify a period within which the person must comply with those requirements; and
- (d) may require the person to pay—
  - (i) the penalty specified in the notification under section 110(2)(e), or
  - (ii) such lesser penalty as OFCOM consider appropriate in the light of the person’s representations or steps taken by the person to comply with the condition or remedy the consequences of the contravention, andmay specify the period within which the penalty is to be paid.”,

(c) in subsection (5)—

- (i) for “an enforcement notification” substitute “a confirmation decision”, and
- (ii) for “it” substitute “any requirement imposed by it”,

(d) after subsection (6) insert—

“(7) A penalty imposed by a confirmation decision—

- (a) must be paid to OFCOM; and

**Status:** This is the original version (as it was originally made).

- (b) if not paid within the period specified by them, is to be recoverable by them accordingly.”, and
- (e) in the heading, for “Enforcement notification” substitute “Confirmation decision”.