



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART I

#### INTRODUCTORY

#### **1 The Director General of Telecommunications.**

- (1) The Secretary of State shall appoint an officer to be known as the Director General of Telecommunications (in this Act referred to as “the Director”) for the purpose of performing the functions assigned or transferred to the Director by or under this Act.
- (2) An appointment of a person to hold office as the Director shall not be for a term exceeding five years; but previous appointment to that office shall not affect eligibility for re-appointment.
- (3) The Director may at any time resign his office as the Director by notice in writing addressed to the Secretary of State; and the Secretary of State may remove any person from that office on the ground of incapacity or misbehaviour.
- (4) Subject to subsections (2) and (3) above, the Director shall hold and vacate office as such in accordance with the terms of his appointment.
- (5) The Director may appoint such staff as he may think fit, subject to the approval of the Treasury as to numbers and as to terms and conditions of service.
- (6) There shall be paid out of money provided by Parliament the remuneration of, and any travelling or other allowances payable under this Act to, the Director and any staff of the Director, any sums payable under this Act to or in respect of the Director and any expenses duly incurred by the Director or by any of his staff [<sup>F1</sup>in consequence of the provisions of—
  - (a) this Act;
  - (b) the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998; or
  - (c) the Telecommunications (Data Protection and Privacy) Regulations 1999.]
- (7) The provisions of Schedule 1 to this Act shall have effect with respect to the Director.

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### Textual Amendments

**F1** Words in s. 1(6) substituted (1.3.2000) by S.I. 1999/2093, reg. 3(3), **Sch. 1 Pt. II para. 1**

## 2 Abolition of British Telecommunications’ exclusive privilege.

[As from such day as the Secretary of State may by order appoint for the purposes of Parts II to IV of this Act (in this Act referred to as “the appointed day”), the exclusive privilege of running telecommunication systems conferred on British Telecommunications by section 12 of the <sup>M1</sup>British Telecommunications Act 1981 (in this Act referred to as “the 1981 Act”) shall cease to exist.]

### Modifications etc. (not altering text)

**C1** S. 2 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

### Marginal Citations

**M1** 1981 c. 38.

## 3 General duties of Secretary of State and Director.

[<sup>F2</sup>(1) The Secretary of State and the Director shall each have a duty to exercise the functions assigned or transferred to him by or under Part II or Part III of this Act in the manner which he considers is best calculated—

- (a) to secure that there are provided throughout the United Kingdom, save in so far as the provision thereof is impracticable or not reasonably practicable, such telecommunication services as satisfy all reasonable demands for them including, in particular, emergency services, public call box services, directory information services, maritime services and services in rural areas; and
- (b) without prejudice to the generality of paragraph (a) above, to secure that any person by whom any such services fall to be provided is able to finance the provision of those services.

(2) Subject to subsection (1) above, the Secretary of State and the Director shall each have a duty to exercise the functions assigned or transferred to him by or under Part II or Part III of this Act in the manner which he considers is best calculated—

- (a) to promote the interests of consumers, purchasers and other users in the United Kingdom (including, in particular, those who are disabled or of pensionable age) in respect of the prices charged for, and the quality and variety of, telecommunication services provided and telecommunication apparatus supplied;
- (b) to maintain and promote effective competition between persons engaged in commercial activities connected with telecommunications in the United Kingdom;
- (c) to promote efficiency and economy on the part of such persons;

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- (d) to promote research into and the development and use of new techniques by such persons;
  - (e) to encourage major users of telecommunication services whose places of business are outside the United Kingdom to establish places of business in the United Kingdom;
  - (f) to promote the provision of international transit services by persons providing telecommunication services in the United Kingdom;
  - (g) to enable persons providing telecommunications services in the United Kingdom to compete effectively in the provision of such services outside the United Kingdom;
  - (h) to enable persons producing telecommunication apparatus in the United Kingdom to compete effectively in the supply of such apparatus both in and outside the United Kingdom.
- (3) Subsections (1) and (2) above do not apply in relation to anything done—
- (a) by the Secretary of State in the interests of national security or relations with the government of a country or territory outside the United Kingdom; or
  - (b) in the exercise of functions assigned or transferred by or under [<sup>F3</sup>section 50(1) or (2)] below;
- and subsection (2) above does not apply in relation to anything done in the exercise of functions assigned by section 10(3) or (8) or 52 below.
- [<sup>F4</sup>(3A) Subsections (1) and (2) above do not apply in relation to the determination of disputes by the Director under or by virtue of section 27A, 27F, 27G or 27I below.]
- [<sup>F5</sup>(3B) Subsections (1) and (2) above do not apply in relation to anything done by the Director in the exercise of functions assigned to him by section 50(3) below (“Competition Act functions”).
- <sup>F5</sup>(3C) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by subsection (1) or (2) above (“a general matter”), if it is a matter to which [<sup>F6</sup>the Office of Fair Trading] could have regard when exercising that function; but that is not to be taken as implying that, in relation to any of the matters mentioned in subsection (3) or (3A) above, regard may not be had to any general matter.]
- (4) In this section “international transit service” means a telecommunications service consisting in the conveyance of sounds, visual images or signals which have been conveyed from, and are to be conveyed to, places outside the United Kingdom.]

#### Textual Amendments

- F2** S. 3 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003](#) (c. 21), ss. 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\)](#) Note 1); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F3** Words in s. 3(3)(b) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by [1998 c. 41](#), s. 66(5), [Sch. 10 Pt. II para. 2\(3\)](#); S.I. 1998/2750, [art. 2](#); 2000/344, art. 2, [Sch.](#)
- F4** S. 3(3A) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992](#) (c. 43), s. 56(6), [Sch. 1 para. 1](#); [Competition and Service \(Utilities\) Act 1992](#) (Commencement No. 1) Order 1992, art. 3, [Sch. Pt. I](#)
- F5** S. 3(3B)(3C) inserted (26.11.1998 for specified purposes and otherwise 1.3.2000) by [1998 c. 41](#), s. 66(5), [Sch. 10 Pt. II para. 2\(4\)](#); S.I. 1998/2750, [art. 2](#); S.I. 2000/344, art. 2, [Sch.](#)

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**F6** Words in s. 3(3C) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(2); S.I. 2003/766, art. 2, Sch. (with transitional and transitory provisions in art. 3)

**Modifications etc. (not altering text)**

**C2** Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), Sch. 1 para. 1

**4 Meaning of “telecommunication system” and related expressions.**

[<sup>F7</sup>(1) In this Act “telecommunication system” means a system for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy, of—

- (a) speech, music and other sounds;
- (b) visual images;
- (c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or
- (d) signals serving for the actuation or control of machinery or apparatus.

(2) For the purposes of this Act telecommunication apparatus which is situated in the United Kingdom and—

- (a) is connected to and comprised in a telecommunication system; or
- (b) is connected to but not comprised in a telecommunication system which extends beyond the United Kingdom,

shall be regarded as a telecommunication system and any person who controls the apparatus shall be regarded as running the system.

(3) In this Act—

“commercial activities connected with telecommunications” means any of the following, that is to say, the provision of telecommunication services, the supply or export of telecommunication apparatus and the production or acquisition of such apparatus for supply or export;

“telecommunication apparatus” means (except where the extended definition in Schedule 2 to this Act applies) apparatus constructed or adapted for use—

- (a) in transmitting or receiving anything falling within paragraphs (a) to (d) of subsection (1) above which is to be or has been conveyed by means of a telecommunication system; or
- (b) in conveying, for the purposes of such a system, anything falling within those paragraphs;

“telecommunication service” means any of the following, that is to say—

- (a) a service consisting in the conveyance by means of a telecommunication system of anything falling within paragraphs (a) to (d) of subsection (1) above;
- (b) a directory information service, that is to say, a service consisting in the provision by means of a telecommunication system of directory information for the purpose of facilitating the use of a service falling within paragraph (a) above and provided by means of that system; and

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- (c) a service consisting in the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to a telecommunication system.
- (4) Subject to subsection (6) below, a telecommunication system is connected to another telecommunication system for the purposes of this Act if it is being used, or is installed or connected for use, in conveying anything falling within paragraphs (a) to (d) of subsection (1) above which is to be or has been conveyed by means of that other system.
- (5) Subject to subsection (6) below, apparatus is connected to a telecommunication system for the purposes of this Act if it is being used, or is installed or connected for use—
- (a) in transmitting or receiving anything falling within paragraphs (a) to (d) of subsection (1) above which is to be or has been conveyed by means of that system; or
  - (b) in conveying, for the purposes of that system, anything falling within those paragraphs;
- and references in this subsection to anything falling within those paragraphs shall include references to energy of any kind mentioned in that subsection.
- (6) The connection to a telecommunication system of any other telecommunication system or any apparatus shall not be regarded as a connection for the purposes of this Act if that other telecommunication system or that apparatus would not be so connected but for its connection to another telecommunication system.
- (7) In this section, except subsection (1) above, “convey” includes transmit, switch and receive and cognate expressions shall be construed accordingly.]

#### Textual Amendments

- F7** S. 4 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003](#) (c. 21), ss. 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with art. 11)

#### Modifications etc. (not altering text)

- C3** S. 4(1): definition of "telecommunication system" applied (E.W.) (14.7.1992) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), s. 63(1), [Sch. 4 para. 7\(4\)](#); S.I. 1992/1686, art. 3, [Sch.](#)
- C4** S. 4(1): definition of "telecommunication system" applied (S.) (14.7.1992) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), s. 122(1), [Sch. 6 para. 7\(4\)](#); S.I. 1992/1671, art. 2, [Sch.](#) Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), [Sch. 1 para. 1](#)

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