



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART II

#### PROVISION OF TELECOMMUNICATION SERVICES

##### *Modification of licences*

#### **13 Licence modification references to Commission.**

- (1) The Director may make to the [<sup>F1</sup>Competition Commission] (in this Act referred to as “the Commission”) a reference which is so framed as to require the Commission to investigate and report on the questions—
  - (a) whether any matters which relate to the provision of telecommunication services or the supply of telecommunication apparatus by a person authorised by a licence under section 7 above to run a telecommunication system and which are specified in the reference operate, or may be expected to operate, against the public interest; and
  - (b) if so, whether the effects adverse to the public interest which those matters have or may be expected to have could be remedied or prevented by modifications of the conditions of that licence.
- (2) The Director may, at any time, by notice given to the Commission vary a reference under this section by adding to the matters specified in the reference or by excluding from the reference some or all of the matters so specified; and, subject to subsection (5) below, on receipt of such notice the Commission shall give effect to the variation.
- (3) The Director may specify in a reference under this section, or a variation of such a reference, for the purpose of assisting the Commission in carrying out the investigation on the reference—
  - (a) any effects adverse to the public interest which, in his opinion, the matters specified in the reference or variation have or may be expected to have; and
  - (b) any modifications of the conditions of the licence by which, in his opinion, those effects could be remedied or prevented.

*Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.*

*Changes to legislation: Telecommunications Act 1984, Section 13 is up to date with all changes known to be in force on or before 07 August 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)*

- (4) The Director shall publish particulars of a reference under this section, or of a variation of such a reference, in such manner as he considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it and, in the case of a licence granted to a particular person, shall send a copy of the reference or variation to that person.
- (5) The Director shall also send a copy of a reference under this section, or a variation of such a reference, to the Secretary of State; and if, before the end of the period of 14 days beginning with the day on which the Secretary of State receives the copy of the reference or variation, the Secretary of State directs the Commission not to proceed with the reference or, as the case may require, not to give effect to the variation, the Commission shall comply with the direction.
- (6) The Secretary of State shall not give a direction under subsection (5) above unless it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom.
- (7) It shall be the duty of the Director, for the purpose of assisting the Commission in carrying out an investigation on a reference under this section, to give to the Commission—
- (a) any information which is in his possession and which relates to matters falling within the scope of the investigation, and which is either requested by the Commission for that purpose or is information which in his opinion it would be appropriate for that purpose to give to the Commission without any such request; and
  - (b) any other assistance which the Commission may require, and which it is within his power to give, in relation to any such matters,
- and the Commission, for the purpose of carrying out any such investigation, shall take account of any information given to them for that purpose under this subsection.
- (8) In determining for the purposes of this section whether any particular matter operates, or may be expected to operate, against the public interest, the Commission shall have regard to the matters as respects which duties are imposed on the Secretary of State and the Director by section 3 above.
- [<sup>F2</sup>(9) The provisions mentioned in subsection (9A) are to apply in relation to references under this section as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the <sup>M1</sup>Fair Trading Act 1973 (in this Act referred to as “the 1973 Act”);
  - (b) the expression “merger reference” included a reference under this section;
  - (c) in section 70 of the 1973 Act—
    - (i) references to the Secretary of State were references to the Director, and
    - (ii) the reference to three months were a reference to six months.
- <sup>F2</sup>(9A) The provisions are—
- (a) sections 70 (time limit for report on merger) and 85 (attendance of witnesses and production of documents) of the 1973 Act;
  - (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions); and

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(c) section 24 of the <sup>M2</sup>Competition Act 1980 (modification of provisions about performance of such functions).

<sup>F2</sup>(10) For the purposes of references under this section, the Secretary of State is to appoint not less than three members of the Competition Commission.

<sup>F2</sup>(10A) In selecting a group to perform the Commission's functions in relation to any such reference, the chairman of the Commission must select up to three of the members appointed under subsection (10) to be members of the group.]

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**Textual Amendments**

**F1** Words in s. 13(1) substituted (1.4.1999) by S.I. 1999/506, **art. 18(a)**

**F2** S. 13(9)-(10A) substituted for s. 12(9)(10) (1.4.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(2)** (with s. 73); S.I. 1999/505, art. 2, **Sch.**

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

**C1** S. 12-15 excluded (9.11.2000) by S.I. 2000/2998, **reg. 2**

**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**

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**Marginal Citations**

**M1** 1973 c. 41.

**M2** 1980 c. 21.

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