



Telecommunications Act 1984

1984 CHAPTER 12

PART III

OTHER FUNCTIONS OF DIRECTOR

50 Functions under 1973 and 1980 Acts.

- (1) If and to the extent that he is requested by the Director General of Fair Trading to do so, it shall be the duty of the Director to exercise the functions of that Director under Part III of the ^{M1}Fair Trading Act 1973 (in this Act referred to as “the 1973 Act”) so far as relating to courses of conduct which are or may be detrimental to the interests of consumers of telecommunication services or telecommunication apparatus, whether those interests are economic or interests in respect of health, safety or other matters; and references in that Part to that Director shall be construed accordingly.
- (2) There are hereby transferred to the Director (so as to be exercisable concurrently with the Director General of Fair Trading)—
 - (a) the functions of that Director under sections 44 and 45 of the 1973 Act; and
 - (b) the functions of that Director under sections 50, 52, 53, 86 and 88 of that Act, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with telecommunications; and references in Part IV and sections 86, 88 and 133 of that Act to that Director shall be construed accordingly.
- ^{F1}(3) The Director shall be entitled to exercise, concurrently with ^{F2}the Office of Fair Trading], the functions of ^{F2}the Office of Fair Trading] under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—
 - (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or
 - (b) conduct of the kind mentioned in section 18(1) of that Act,which relate to commercial activities connected with telecommunications.

^{F1}(3A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to ^{F3}the Office

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of Fair Trading] are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).]

- (4) Before either Director first exercises in relation to any matter functions [^{F4}mentioned in] any of the following provisions, namely—
- (a) paragraph (a) of subsection (2) above;
 - (b) paragraph (b) of that subsection; and
 - (c) ^{F5}
 - [^{F6}(d) paragraph 1 of Schedule 2 to the Deregulation and Contracting Out Act 1994.]
- he shall consult with the other Director; and neither Director shall exercise in relation to any matter functions [^{F4}mentioned in] any of those provisions if functions [^{F4}mentioned in] that provision have been exercised in relation to that matter by the other Director.
- (5) It shall be the duty of the Director, for the purpose of assisting the Commission in carrying out an investigation on a reference made to them by the Director by virtue of subsection (2) ^{F7} . . . above, 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 purposes of carrying out any such investigation, shall take into account any information given to them for that purpose under this subsection.
- (6) If any question arises [^{F8}in any particular case as to the jurisdiction of the Director under any of the provisions mentioned in] subsection (2) or (3) above [^{F9}or paragraph 1 of Schedule 2 to the Deregulation and Contracting Out Act 1994]. . . , that question shall be referred to and determined by the Secretary of State; and no objection shall be taken to anything done under—
- (a) Part IV or section 86 or 88 of the 1973 Act; or
 - [^{F10}(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),]
- by or in relation to the Director on the ground that it should have been done by or in relation to [^{F11}the Office of Fair Trading].
- [^{F12}(6A) Section 93B of the 1973 Act (offences of supplying false or misleading information) is to have effect so far as relating to functions exercisable by the Director by virtue of—
- (a) subsection (2) above and paragraph 1 of Schedule 10 to the Competition Act 1998, or
 - (b) paragraph 1 of Schedule 2 to the ^{M2}Deregulation and Contracting Out Act 1994,
- as if the reference in section 93B(1)(a) to the Director General of Fair Trading included a reference to the Director.]
- (7) Expressions used in this section which are also used in the 1973 Act ^{F13} . . . have the same meanings as in that Act.

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Textual Amendments

- F1** S. 50(3)(3A) substituted for s. 50(3) (26.11.1998 for specified purpose and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(6)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, **art. 2**, **Sch.**
- F2** Words in s. 50(3) substituted (1.4.2003) by 2002 c. 40, s. 278, 279, **Sch. 25** {para. 13(8)(b)(i)(ii)}; S.I. 2003/766, **art. 2**, **Sch.** (with transitional provisions in **art. 3**)
- F3** Words in s. 50(3A) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25** {para. 13(8)(c)}; S.I. 2003/766, **art. 2**, **Sch.** (with transitional provisions in **art. 3**)
- F4** Words in s. 50(4) substituted (3.1.1995) by 1994 c. 40, ss. 12(7), 82(2), **Sch. 4 para. 2(a)**
- F5** S. 50(4)(c) and word immediately after it omitted (26.11.1998 for specified purposes and otherwise 1.3.2000) by virtue of 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(7)**; S.I. 2000/344, **art. 2**, **Sch.** and repealed (1.3.2000) by 1998 c. 41, s. 74(3), **Sch. 14 Pt. I**
- F6** S. 50(4)(d) and word immediately preceding it inserted (3.1.1995) by 1994 c. 40, ss. 7(2), 82(2), **Sch. 2 para. 2**
- F7** Words in s. 50(5) omitted (26.11.1998 for specified purposes and otherwise 1.3.2000) by virtue of 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(8)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, **art. 2**, **Sch.** and repealed (1.3.2000) by 1998 c. 41, s. 74(3), **Sch. 14 Pt. I**; S.I. 2000/344, **art. 2**, **Sch.**
- F8** Words in s. 50(6) substituted (3.1.1995) by 1994 c. 40, ss. 12(7), 82(2), **Sch. 4 para. 3(a)**
- F9** Words in s. 50(6) inserted (3.1.1995) by 1994 c. 40, ss. 7(2), 82(2), **Sch. 2 para. 3**
- F10** S. 50(6)(b) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(9)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, **art. 2**, **Sch.**
- F11** Words in s. 50(6) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25** para. 13(8)(d); S.I. 2003/766, **art. 2**, **Sch.** (with transitional provisions in **art. 3**)
- F12** S. 50(6A) inserted (1.4.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(5)**; S.I. 1999/505, **art. 2**, **Sch.**
- F13** Words in s. 50(7) omitted (26.11.1998 for specified purposes and otherwise 1.3.2000) by virtue of 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(10)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, **art. 2**, **Sch.** and repealed (1.3.2000) by 1998 c. 41, s. 74(3), **Sch. 14 Pt. I**; S.I. 2000/344, **art. 2**, **Sch.**

Modifications etc. (not altering text)

- C1** 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**
- C2** S. 50(3) restricted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(1)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, **art. 2**, **Sch.**

Marginal Citations

- M1** 1973 c. 41.
- M2** 1994 c. 40.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 50.