



Office of Communications Act 2002

2002 CHAPTER 11

1 The Office of Communications

- (1) There shall be a body corporate to be known as the Office of Communications (in this Act referred to as “OFCOM”).
- (2) OFCOM shall consist of such number of members as the Secretary of State may determine; but he shall not determine a membership for OFCOM of less than three or more than [^{F1}twelve].
- (3) The membership of OFCOM shall comprise—
 - (a) a chairman appointed by the Secretary of State;
 - [^{F2}(aa) a member appointed by the Scottish Ministers;]
 - (b) such number of other members appointed by the Secretary of State as he may determine; and
 - (c) the executive members.
- [^{F3}(3A) Before appointing a member under subsection (3)(aa) the Scottish Ministers must consult the Secretary of State.]
- (4) The executive members of OFCOM shall comprise—
 - (a) the chief executive of OFCOM; and
 - (b) such other persons (if any) as may be appointed to membership of OFCOM from amongst their employees.
- (5) It shall be for the members of OFCOM mentioned in subsection (3)(a) [^{F4}, (aa)] and (b), after consulting the chief executive of OFCOM—
 - (a) to determine whether there should be any executive members falling within subsection (4)(b) and (subject to subsections (2) and (6)(a)) how many; and
 - (b) to make any appointments of executive members required for the purposes of any such determination.
- (6) The Secretary of State—
 - (a) may, by a direction to OFCOM, set a maximum and a minimum number for the executive members of OFCOM; and

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- (b) shall exercise his powers under this section to secure that the number of executive members of OFCOM is, so far as practicable, at all times less than the number of other members.
- (7) The Secretary of State may by order made by statutory instrument modify the numbers for the time being specified in subsection (2) as the maximum and minimum membership for OFCOM.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the power to make such an order shall include power to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.
- (9) OFCOM shall not be treated for any purposes as a body exercising functions on behalf of the Crown; and, accordingly, no person shall be treated as a servant of the Crown by reason only of his membership of, or employment by, OFCOM.
- (10) The Schedule (which makes provision in relation to OFCOM) shall have effect.
- [^{F5}(11) Paragraphs 1 and 2 of the Schedule apply in relation to the appointment made under subsection (3)(aa) as if—
- (a) any reference to the Secretary of State was to the Scottish Ministers, and
 - (b) after paragraph 2(6) there were inserted—
- “(7) Before the Scottish Ministers remove a person from office they must consult the Secretary of State.”]

Textual Amendments

- F1** Word in s. 1(2) substituted (18.8.2016) by [The Office of Communications \(Membership\) \(Modification\) Order 2016 \(S.I. 2016/706\)](#), arts. 1, 2
- F2** S. 1(3)(aa) inserted (18.8.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. 65(2), 72(4)(f); S.I. 2016/759, reg. 2
- F3** S. 1(3A) inserted (18.8.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. 65(3), 72(4)(f); S.I. 2016/759, reg. 2
- F4** Words in s. 1(5) inserted (18.8.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. 65(4), 72(4)(f); S.I. 2016/759, reg. 2
- F5** S. 1(11) inserted (18.8.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. 65(5), 72(4)(f); S.I. 2016/759, reg. 2

Modifications etc. (not altering text)

- C1** S. 1 extended (Guernsey) (with modifications) (29.12.2003) by [Communications \(Bailiwick of Guernsey\) Order 2003 \(S.I. 2003/3195\)](#), art. 1(2)(2)5, [Sch. 1](#)
- C2** S. 1 extended (Jersey) (with modifications) (29.12.2003) by [Communications \(Jersey\) Order 2003 \(S.I. 2003/3197\)](#), arts. 1(2), 5, [Sch. 1](#)
- C3** S. 1 extended (Isle of Man) (with modifications) (29.12.2003) by [Communications \(Isle of Man\) Order 2003 \(S.I. 2003/3198\)](#), arts. 1(2), 5, [Sch. 1](#)

Commencement Information

- I1** S. 1 wholly in force at 29.11.2002; s. 1 not in force at Royal Assent see s. 7(2); s. 1(1)-(6)(9)(10) in force at 1.7.2002 by [S.I. 2002/1483](#), [art. 2](#); s. 1(7)(8) in force at 29.11.2002 by [S.I. 2002/2955](#), [art. 2](#)

^{F6}2 Initial function of OFCOM

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Textual Amendments

- F6** S. 2 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 171, [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

3 Management of OFCOM

OFCOM shall, in managing their affairs, have regard—

- (a) to such general guidance concerning the management of the affairs of public bodies as OFCOM consider appropriate; and
- (b) subject to any such guidance and only to the extent that they may reasonably be regarded as applicable in relation to a statutory corporation, to generally accepted principles of good corporate governance.

F7 4 Functions of existing regulators

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Textual Amendments

- F7** S. 4 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 171, [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F8 5 Winding up of OFCOM on abandonment etc. of proposals

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Textual Amendments

- F8** S. 5 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 171, [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F9 6 Interpretation

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Textual Amendments

- F9** S. 6 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 171, [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

7 Short title, commencement and extent

- (1) This Act may be cited as the Office of Communications Act 2002.
- (2) Sections 1, 2 and 3 and the Schedule shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes.

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- (3) This Act extends to Northern Ireland.
- (4) Her Majesty may by Order in Council extend the provisions of this Act, with such modifications as appear to Her Majesty in Council to be appropriate, to any of the Channel Islands or to the Isle of Man.

Subordinate Legislation Made

- P1** S. 7(2) Power partly exercised: 1.7.2002 appointed for specified provisions by S.I.2002/1483, **art. 2**; 29.11.2002 appointed for further specified provisions by S.I.2002/2955, **art.2**

Modifications etc. (not altering text)

- C4** S. 7 extended (Jersey) (with modifications) (29.12.2003) by **Communications (Jersey) Order 2003** (S.I. 2003/3197), arts. 1(2), 5, **Schs. 1**
- C5** S. 7 extended (Isle of Man) (with modifications) (29.12.2003) by **Communications (Isle of Man) Order 2003** (S.I. 2003/3198), arts. 1(2), 5, **Schs. 1**
- C6** S. 7 extended (Guernsey) (with modifications) (29.12.2003) by **Communications (Bailiwick of Guernsey) Order 2003** (S.I. 2003/3195), art. 1(2)(2)5, **Sch. 1**
- C7** S. 7(2) power partly exercised: different dates appointed for further specified provisions and purposes by {S.I. 2003/3142}, art. 3

Status:

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Changes to legislation:

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