

Status: Point in time view as at 25/07/2003.

Changes to legislation: Communications Act 2003, Cross Heading: Appeals against wireless telegraphy and telecommunications decisions is up to date with all changes known to be in force on or before 16 July 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)

SCHEDULES

SCHEDULE 18

TRANSITIONAL PROVISIONS

Appeals against wireless telegraphy and telecommunications decisions

- 23 (1) This paragraph applies where—
- (a) a decision was made before the commencement of section 192;
 - (b) the decision has effect after the commencement of a provision of this Act as a decision made by OFCOM, or is a decision not to do something which (if done) would so have had effect; and
 - (c) the decision is one against which an appeal was or could have been brought under—
 - (i) section 1F of the Wireless Telegraphy Act 1949 (c. 54); or
 - (ii) section 46B of the 1984 Act.
- (2) If no such appeal has been brought before the commencement of section 192 of this Act, that section applies to the decision as it applies to decisions by OFCOM under Part 2 of this Act (or that Act of 1949), but as if that section had been in force when the decision was made.
- (3) If an appeal under section 1F of that Act of 1949 or section 46B of the 1984 Act—
- (a) has been brought against the decision, but
 - (b) has not been concluded before the commencement of section 192 of this Act, the court in which it was brought may stay or sist the appeal as from the commencement of that section of this Act.
- (4) If the court stays or sists the appeal under sub-paragraph (3), the appellant is to have a new right of appeal under section 192 against the decision as if (subject to sub-paragraph (7)) it were a decision to which that section applies that had been made immediately after the commencement of that section.
- (5) Tribunal rules (within the meaning of Chapter 3 of Part 2 of this Act) may, in relation to an appeal stayed or sisted under sub-paragraph (3), make transitional provision—
- (a) for requiring steps taken and things done for the purposes of that appeal to be taken into account, to the extent set out in the rules, in the case of an appeal brought by virtue of sub-paragraph (4); and
 - (b) for enabling the Tribunal in an appeal under sub-paragraph (4) to give directions to OFCOM as to the carrying out of functions of theirs that are the same as or correspond to those in the course of carrying out which the maker of the appealed decision made that decision.
- (6) If, in a case falling within sub-paragraph (3), the court does not stay or sist the appeal—
- (a) it must determine the appeal in the manner in which the Tribunal is required under section 195 of this Act to determine an appeal under section 192; but

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- (b) its powers on determining the appeal include a power to give directions to OFCOM as to the carrying out of any functions of theirs that correspond to those in the course of which the appealed decision was made.
- (7) On an appeal brought or continued under this paragraph against a decision, the court or the Tribunal, in determining what was the appropriate action for the maker of the decision to take, must determine that question according to the law in force at the time when the decision was made.

Commencement Information

- II** [Sch. 18 para. 23](#) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

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