



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 1

#### ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

##### *Electronic communications code*

#### **119 Power to give assistance in relation to certain proceedings**

- (1) This section applies where any actual or prospective party to any proceedings falling within subsection (2) (other than the operator, within the meaning of the electronic communications code) applies to OFCOM for assistance under this section in relation to those proceedings.
- (2) The proceedings falling within this subsection are any actual or prospective proceedings in which there falls to be determined any question arising under, or in connection with—
  - (a) the electronic communications code as applied in any person's case by a direction under section 106; or
  - (b) any restriction or condition subject to which that code applies.
- (3) OFCOM may grant the application if, on any one or more of the following grounds, they think fit to do so—
  - (a) on the ground that the case raises a question of principle;
  - (b) on the ground that it is unreasonable, having regard to the complexity of the case or to any other matter, to expect the applicant to deal with the case without assistance under this section;
  - (c) by reason of any other special consideration.

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*Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.*

*Changes to legislation: Communications Act 2003, Section 119 is up to date with all changes known to be in force on or before 15 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)*

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- (4) Assistance by OFCOM under this section may include—
- (a) giving advice or arranging for the giving of advice by a solicitor or counsel;
  - (b) procuring or attempting to procure the settlement of the matter in dispute;
  - (c) arranging for the giving of any assistance usually given by a solicitor or counsel—
    - (i) in the steps preliminary or incidental to proceedings; or
    - (ii) in arriving at, or giving effect to, a compromise to avoid proceedings or to bring them to an end;
  - (d) arranging for representation by a solicitor or counsel;
  - (e) arranging for the giving of any other assistance by a solicitor or counsel;
  - (f) any other form of assistance which OFCOM consider appropriate.
- (5) Nothing in subsection (4)(d) shall be taken to affect the law and practice regulating the descriptions of persons who may appear in, conduct or defend any proceedings, or who may address the court in any proceedings.
- (6) In so far as expenses are incurred by OFCOM in providing the applicant with assistance under this section, the recovery of those expenses (as taxed or assessed in such manner as may be prescribed by rules of court) shall constitute a first charge for the benefit of OFCOM—
- (a) on any costs or expenses which (whether by virtue of a judgment or order of a court, or an agreement or otherwise) are payable to the applicant by any other person in respect of the matter in connection with which the assistance is given; and
  - (b) so far as relates to costs or expenses, on the applicant's rights under a compromise or settlement arrived at in connection with that matter to avoid proceedings, or to bring them to an end.
- (7) A charge conferred by subsection (6) is subject to—
- (a) any charge imposed by section 10(7) of the Access to Justice Act 1999 (c. 22) and any provision made by or under Part 1 of that Act for the payment of any sum to the Legal Services Commission;
  - (b) any charge or obligation for payment in priority to other debts under the Legal Aid (Scotland) Act 1986 (c. 47); or
  - (c) any charge under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8)).

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**Commencement Information**

- II** S. 119 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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