



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 1

#### ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

##### *Information provisions*

#### **140 Suspending service provision for information contraventions**

- (1) OFCOM may give a direction under this section to a person who is a communications provider or who makes associated facilities available (“the contravening provider”) if they are satisfied—
- (a) that he is or has been in [<sup>F1</sup>serious or repeated] contravention of requirements imposed under sections 135 and 136, or either of them;
  - (b) the requirements are not requirements imposed for purposes connected with the carrying out of OFCOM’s functions in relation to SMP apparatus conditions;
  - (c) [<sup>F2</sup>in the case of a repeated contravention,] that an attempt, by the imposition of penalties [<sup>F3</sup>or the giving of notifications under section 138 and confirmation decisions under section 139A, or both,] or the bringing of proceedings for an offence under section 144, to secure compliance with the contravened requirements has failed; and
  - [<sup>F4</sup>(d) that the giving of the direction is appropriate and proportionate to the contravention in respect of which it is given.]
- (2) A direction under this section is—
- (a) a direction that the entitlement of the contravening provider to provide electronic communications networks or electronic communications services,

---

*Status: Point in time view as at 26/05/2011. This version of this provision has been superseded.*

*Changes to legislation: Communications Act 2003, Section 140 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)*

---

- or to make associated facilities available, is suspended (either generally or in relation to particular networks, services or facilities); or
- (b) a direction that that entitlement is restricted in the respects set out in the direction.
- (3) A direction under this section—
- (a) must specify the networks, services and facilities to which it relates; and
- (b) except so far as it otherwise provides, takes effect for an indefinite period beginning with the time at which it is notified to the person to whom it is given.
- (4) A direction under this section—
- (a) in providing for the effect of a suspension or restriction to be postponed, may provide for it to take effect only at a time determined by or in accordance with the terms of the direction; and
- (b) in connection with the suspension or restriction contained in the direction or with the postponement of its effect, may impose such conditions on the contravening provider as appear to OFCOM to be appropriate for the purpose of protecting that provider's customers.
- (5) Those conditions may include a condition requiring the making of payments—
- (a) by way of compensation for loss or damage suffered by the contravening provider's customers as a result of the direction; or
- (b) in respect of annoyance, inconvenience or anxiety to which they have been put in consequence of the direction.
- (6) If OFCOM consider it appropriate to do so (whether or not in consequence of any representations or proposals made to them), they may revoke a direction under this section or modify its conditions—
- (a) with effect from such time as they may direct;
- (b) subject to compliance with such requirements as they may specify; and
- (c) to such extent and in relation to such networks, services or facilities, or parts of a network, service or facility, as they may determine.
- (7) For the purposes of this section there are repeated contraventions by a person of requirements imposed under sections 135 and 136, or either of them, to the extent that—
- [<sup>F5</sup>(a) in the case of a previous notification of a contravention given to that person under section 138, OFCOM have given a confirmation decision to that person under section 139A(2) in respect of the contravention; and
- (b) in the period of 24 months following the giving of that confirmation decision, one or more further confirmation decisions have been given to the person in respect of contraventions of numbering conditions;]
- and for the purposes of this subsection it shall be immaterial whether the notifications related to the same contravention or to different contraventions of the same or different requirements or of requirements under different sections.

#### Textual Amendments

- F1** Words in s. 140(1)(a) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 84(a)(i)** (with Sch. 3 paras. 2, 18, 19)

---

*Status: Point in time view as at 26/05/2011. This version of this provision has been superseded.*

*Changes to legislation: Communications Act 2003, Section 140 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)*

---

- F2** Words in s. 140(1)(c) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 84(a)(ii)** (with Sch. 3 paras. 2, 18, 19)
- F3** Words in s. 140(1)(c) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 84(a)(ii)** (with Sch. 3 paras. 2, 18, 19)
- F4** S. 140(1)(d) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 84(a)(iii)** (with Sch. 3 paras. 2, 18, 19)
- F5** S. 140(7)(a)(b) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 84(b)** (with Sch. 3 paras. 2, 18, 19)

---

#### **Commencement Information**

- I1** S. 140 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))
- I2** S. 140 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

**Status:**

Point in time view as at 26/05/2011. This version of this provision has been superseded.

**Changes to legislation:**

Communications Act 2003, Section 140 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.