



Communications Act 2003

2003 CHAPTER 21

PART 3

TELEVISION AND RADIO SERVICES

CHAPTER 4

REGULATORY PROVISIONS

Enforcement against the Welsh Authority

341 Imposition of penalties on the Welsh Authority

- (1) This section applies to the following requirements so far as they are imposed on the Welsh Authority in relation to services provided by them—
- (a) the requirements imposed by or under paragraphs 7 and 8 of Schedule 12 (programme quotas);
 - (b) the requirements imposed by paragraph 9(1) and (3) of that Schedule (news and current affairs);
 - (c) the requirements imposed by paragraph 10 of that Schedule (code relating to programme commissioning) or by a direction under sub-paragraph (3)(d) of that paragraph;
 - (d) the requirement imposed by virtue of paragraph 12 of that Schedule to comply with standards set under section 319, so far as that requirement relates to standards set otherwise than for the purpose of securing the objectives set out in subsection (2)(c) or (d) of that section;
 - (e) the requirements imposed by paragraphs 14 and 16 of that Schedule (advertising or sponsorship) to comply with a direction under those paragraphs;
 - (f) the requirement imposed by paragraph 17 of that Schedule (observance of the fairness code);

Status: This is the original version (as it was originally enacted).

- (g) the requirement imposed by paragraph 19 of that Schedule (publicising complaints procedure);
 - (h) the requirement imposed by paragraph 20 of that Schedule (monitoring of programmes);
 - (i) the requirement imposed by paragraph 21 of that Schedule (international obligations) to comply with a direction under that paragraph;
 - (j) the requirement under paragraph 22 of that Schedule (assistance for disabled people) to comply with the code for the time being in force under section 303;
 - (k) the requirement to comply with a direction under section 119(1) of the 1996 Act (directions in respect of fairness matters).
- (2) If OFCOM are satisfied that there has been a contravention of a requirement to which this section applies, they may serve on the Welsh Authority a notice requiring the Authority, within the specified period, to pay OFCOM a specified penalty.
- (3) The amount of the penalty must not exceed £250,000.
- (4) OFCOM are not to serve a notice on the Welsh Authority under this section unless they have given them a reasonable opportunity of making representations to OFCOM about the matters appearing to OFCOM to provide grounds for the service of the notice.
- (5) An exercise by OFCOM of their powers under this section does not preclude any exercise by them of their powers under paragraph 15 of Schedule 12 in respect of the same contravention.
- (6) The Secretary of State may by order substitute a different sum for the sum for the time being specified in subsection (3).
- (7) No order is to be made containing provision authorised by subsection (6) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.