



# Communications Act 2003

## 2003 CHAPTER 21

### [<sup>F1</sup>PART 4A

#### ON-DEMAND PROGRAMME SERVICES]

##### [<sup>F1</sup>Accessibility

#### [<sup>F1</sup>368B] Enforcement of regulations under section 368BC

- (1) Where the appropriate regulatory authority determine that a provider of an on-demand programme service is contravening or has contravened regulations under section 368BC, they may do one or both of the following—
  - (a) give the provider an enforcement notification under this section;
  - (b) impose a penalty on the provider in accordance with section 368J.
- (2) The appropriate regulatory authority must not make a determination as mentioned in subsection (1) unless there are reasonable grounds for believing that a contravention of the regulations is occurring or has occurred and they have allowed the provider an opportunity to make representations about that apparent contravention.
- (3) An enforcement notification under this section is a notification which specifies the determination made as mentioned in subsection (1) and imposes a requirement on the provider to take all such steps for complying with the regulations and for remedying the consequences of the contravention of the regulations as may be specified in the notification.
- (4) An enforcement notification must—
  - (a) include reasons for the appropriate regulatory authority's decision to give the enforcement notification, and
  - (b) fix a reasonable period for taking the steps required by the notification.
- (5) It is the duty of a provider to whom an enforcement notification is given to comply with it.
- (6) That duty is enforceable in civil proceedings by the appropriate regulatory authority—

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*Status: Point in time view as at 31/07/2017.*

*Changes to legislation: Communications Act 2003, Section 368BD is up to date with all changes known to be in force on or before 07 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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- (a) for an injunction,
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
  - (c) for any other appropriate remedy or relief.
- (7) If a provider to whom an enforcement notification has been given does not comply with it within the period fixed by the appropriate regulatory authority in that enforcement notification the appropriate regulatory authority may impose a financial penalty on the provider in accordance with section 368J.]

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**Textual Amendments**

- F1** Ss. 368BC, 368BD and cross-heading inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 93(2)**, 118(6); S.I. 2017/765, reg. 2(y)

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