



Communications Act 2003

2003 CHAPTER 21

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

403 Regulations and orders made by OFCOM

- (1) This section applies to any power of OFCOM to make regulations or to make an order or scheme if that power is one to which this section is expressly applied.
- (2) The powers to which this section applies shall be exercisable by statutory instrument, and the Statutory Instruments Act 1946 (c. 36) is to apply in relation to those powers as if OFCOM were a Minister of the Crown.
- (3) Where an instrument made under a power to which this section applies falls to be laid before Parliament, OFCOM must, immediately after it is made, send it to the Secretary of State for laying by him.
- (4) Before making any regulations or order under a power to which this section applies, OFCOM must—
 - (a) give a notice of their proposal to do so to such persons representative of the persons appearing to OFCOM to be likely to be affected by the implementation of the proposal as OFCOM think fit;
 - (b) publish notice of their proposal in such manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it and are not given notice by virtue of paragraph (a); and
 - (c) consider any representations that are made to OFCOM, before the time specified in the notice.
- (5) A notice for the purposes of subsection (4) must—
 - (a) state that OFCOM propose to make the regulations or order in question;
 - (b) set out the general effect of the regulations or order;

Status: Point in time view as at 29/12/2003. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 403 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)

- (c) specify an address from which a copy of the proposed regulations or order may be obtained; and
 - (d) specify a time before which any representations with respect to the proposal must be made to OFCOM.
- (6) The time specified for the purposes of subsection (5)(d) must be no earlier than the end of the period of one month beginning with the day after the latest day on which the notice is given or published for the purposes of subsection (4).
- (7) Every power of OFCOM to which this section applies includes power—
- (a) to make different provision for different cases (including different provision in respect of different areas);
 - (b) to make provision subject to such exemptions and exceptions as OFCOM think fit; and
 - (c) to make such incidental, supplemental, consequential and transitional provision as OFCOM think fit.
- (8) The Documentary Evidence Act 1868 (c. 37) (proof of orders and regulations etc.) shall have effect as if—
- (a) OFCOM were included in the first column of the Schedule to that Act;
 - (b) OFCOM and persons authorised to act on their behalf were mentioned in the second column of that Schedule.

Modifications etc. (not altering text)

- C1** S. 403 applied by 1998 c. 6, s. 6 (as substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 150** (with [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with [art. 11](#)))
- C2** S. 403 applied by 1996 c. 55, s. 104ZA(3) (as inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 302(1)**, 411(2) (with [Sch. 18 para. 51\(3\)](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with [art. 11](#)))

Commencement Information

- I1** S. 403 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. 403 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 29/12/2003. This version of this provision has been superseded.

Changes to legislation:

Communications Act 2003, Section 403 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.