



Communications Act 2003

2003 CHAPTER 21

PART 1

FUNCTIONS OF OFCOM

General duties in carrying out functions

[^{F1}4A. Duty to take account of European Commission recommendations for harmonisation

- (1) This section applies to the following functions of OFCOM—
 - (a) their functions under Chapter 1 of Part 2;
 - (b) their functions under the enactments relating to the management of the radio spectrum;
 - (c) their functions under Chapter 3 of Part 2 in relation to disputes referred to them under section 185;
 - (d) their functions under sections 24 and 25 so far as they relate to information required for purposes connected with matters in relation to which functions specified in this subsection are conferred on OFCOM; and
 - (e) their functions under section 26 so far as they are carried out for the purpose of making information available to persons mentioned in subsection (2)(a) to (c) of that section.
- (2) In carrying out those functions, OFCOM must take due account of all applicable recommendations issued (whether before or after the coming into force of this section) by the European Commission under Article 19(1) of the Framework Directive [^{F2}or Article 38(1) of the EECC Directive].
- (3) Where OFCOM decide not to follow such a recommendation they must notify the Commission of their decision, and of the reasons for it.]

Status: Point in time view as at 21/12/2020. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 4A 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)

Textual Amendments

- F1** S. 4A inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 6** (with Sch. 3 para. 2)
- F2** Words in s. 4A(2) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 4**

Status:

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