
STATUTORY INSTRUMENTS

2003 No. 1900

**The Communications Act 2003
(Commencement No. 1) Order 2003**

Transitional provisions: the transitionally commenced provisions

3.—(1) The transitionally commenced provisions are brought into force by this Order on 25th July 2003 or (as the case may be) 18th September 2003 for the purpose only of enabling the networks and services functions and the spectrum functions under those provisions to be carried out during the transitional period by the Director General of Telecommunications and the Secretary of State respectively.

(2) Until the first coming into force of regulations made by the Secretary of State under section 109 of the Act—

- (a) the references to restrictions or conditions under that section in sections 110(1), 113(4)(b) and 117(5) of the Act shall, in the case of a person who (by virtue of paragraph 17(2) of Schedule 18 to the Act) is treated as a person in whose case the electronic communications code applies by virtue of a direction given by OFCOM, be treated as references to the exceptions and conditions to which the application of the telecommunications code set out in Schedule 2 to the Telecommunications Act 1984⁽¹⁾ to that person was subject by virtue of the provisions of his licence under section 7 of that Act of 1984, and
- (b) in the application of subparagraph (a) in the case of any particular person, any reference in the exceptions and conditions in question to the revocation or expiration without renewal of that person's licence shall be treated as references to that person's becoming subject to a direction by virtue of which he is prohibited from providing the whole or part of his network.

⁽¹⁾ 1984 c. 12.