



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

General conditions: customer interests

52 Conditions relating to customer interests

- (1) It shall be the duty of OFCOM to set such general conditions (if any) as they consider appropriate for securing that—
 - (a) public communications providers, or
 - (b) such descriptions of them as OFCOM consider appropriate,establish and maintain procedures, standards and policies with respect to the matters mentioned in subsection (2).
- (2) Those matters are—
 - (a) the handling of complaints made to public communications providers by any of their domestic and small business customers [^{F1}, where the complaint relates to contractual conditions, or to the performance of a contract for the supply of an electronic communications network or service] ;
 - (b) the resolution of disputes between such providers and any of their domestic and small business customers [^{F2}, where the complaint relates to contractual conditions, or to the performance of a contract for the supply of an electronic communications network or service] ;
 - (c) the provision of remedies and redress in respect of matters that form the subject-matter of such complaints or disputes;

Changes to legislation: *Communications Act 2003, Section 52 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes*

- [^{F3}(ca) the payment of compensation to a person in respect of delay in porting a number to another public communications provider, or abuse of the process for porting a number;]
 - (d) the information about service standards and about the rights of domestic and small business customers that is to be made available to those customers by public communications providers;
 - (e) any other matter appearing to OFCOM to be necessary for securing effective protection for the domestic and small business customers of such providers.
- (3) It shall be the duty of OFCOM, in setting conditions in accordance with subsection (1), to secure so far as they consider appropriate—
- (a) that the procedures established and maintained for the handling of complaints and the resolution of disputes are easy to use, transparent [^{F4}, non-discriminatory] and effective;
 - (b) that domestic and small business customers have the right to use those procedures free of charge; and
 - (c) that where public communications providers are in contravention of conditions set in accordance with the preceding provisions of this section, the providers follow such procedures as may be required by the general conditions.
- (4) Subject to section 55, OFCOM’s duties under subsections (1) and (3) so far as relating to procedures for the handling of complaints are to be performed, to such extent as they consider appropriate, by the setting of general conditions requiring public communications providers to establish and maintain procedures that conform with a code of practice which is—
- (a) applicable to the providers to whom the conditions apply; and
 - (b) for the time being approved by OFCOM for the purposes of this subsection.
- (5) Subject to section 55, OFCOM’s duties under subsections (1) and (3) so far as relating to procedures for resolving disputes are to be performed, to such extent as they consider appropriate, by the setting of general conditions requiring public communications providers—
- (a) to establish and maintain procedures for resolving disputes; and
 - (b) to secure that those procedures are, and continue to be, approved by OFCOM.
- (6) In this section “domestic and small business customer”, in relation to a public communications provider, means a customer of that provider who is neither—
- (a) himself a communications provider; nor
 - (b) a person who is such a customer in respect of an undertaking carried on by him for which more than ten individuals work (whether as employees or volunteers or otherwise).

Textual Amendments

- F1** Words in s. 52(2)(a) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 28(a)** (with Sch. 3 para. 2)
- F2** Words in s. 52(2)(b) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 28(b)** (with Sch. 3 para. 2)
- F3** S. 52(2)(ca) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 28(c)** (with Sch. 3 para. 2)

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F4 Words in s. 52(3)(a) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 28(d)** (with Sch. 3 para. 2)

Commencement Information

- I1** S. 52 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. 52 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)

Changes to legislation:

Communications Act 2003, Section 52 is up to date with all changes known to be in force on or before 11 April 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)