

## SCHEDULES

### SCHEDULE 1

#### Amendments to Communications Act 2003 and related amendments

- 59.** In section 100 (suspending service provision for contravention of conditions)—
- (a) for subsection (1) substitute—
    - “(1) OFCOM may give a direction under this section to a person where—
      - (a) either Condition A or Condition B is satisfied in relation to the person; and
      - (b) the giving of a direction is appropriate and proportionate to the contravention in respect of which it is imposed.
    - (1A) Condition A is that—
      - (a) the person is in serious contravention of a condition set under section 45, other than SMP apparatus conditions; and
      - (b) the proposed direction has been notified to the person under section 96A and confirmed by a confirmation decision under section 96C.
    - (1B) Condition B is that—
      - (a) the person has repeatedly contravened a condition set under section 45, other than SMP apparatus conditions; and
      - (b) an attempt, by the imposition of penalties or the giving of notifications under section 96A and confirmation decisions under section 96C, or both, to secure compliance with the contravened conditions has failed.
    - (1C) Where Condition A is satisfied, a direction under this section is given where OFCOM give a confirmation decision under section 96C to the person in respect of a direction proposed in a notification under section 96A.
    - (1D) Where Condition B is satisfied, a direction under this section is to be given in accordance with the procedure set out in section 102.”,
  - (b) in subsections (2)(a), (4)(b) and (5)(a) for “contravening provider” substitute “ person ”, and
  - (c) in subsection (7)—
    - (i) for paragraph (a) substitute—
      - “(a) in the case of a previous notification of a contravention given to that person under section 96A, OFCOM have given a confirmation decision to that person under section 96C(2) in respect of the contravention;”,
    - (ii) for paragraph (b) substitute—
      - “(b) in the period of 24 months following the giving of that confirmation decision, one or more further confirmation decisions have been given to the person in respect of contraventions of a condition under section 45;”, and
    - (iii) in paragraph (c) for “notification” substitute “ confirmation decision ”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011, Paragraph 59.