

Draft Order laid before Parliament under sections 123(5) and 393(11) of the Communications Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

ELECTRONIC COMMUNICATIONS

The Communications Act 2003 (Maximum
Penalty and Disclosure of Information) Order 2005

Made - - - - 2005
Coming into force - - 30 December 2005

The Secretary of State makes the following Order in exercise of the powers conferred by sections 123(4), 393(3)(i) and 393(4)(c) of the Communications Act 2003⁽¹⁾;

In accordance with sections 123(5) and 393(11) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Communications Act 2003 (Maximum Penalty and Disclosure of Information) Order 2005 and shall come into force on 30 December 2005.

(2) In this Order “the Act” means the Communications Act 2003.

Amendment of maximum penalty

2.—(1) In section 123(2) of the Act (enforcement of conditions regulating premium rate services) for “£100,000” substitute “£250,000”.

(2) Paragraph (1) does not apply to contraventions of conditions set under section 120 of the Act which occurred before the coming into force of this Order.

Specification as a relevant person

3. The Independent Committee for the Supervision of Standards of Telephone Information Services is specified as a relevant person for the purposes of section 393(3) of the Act (general restriction on disclosure of information).

Specification as a relevant function

4. The function of administering and enforcing a code approved by OFCOM under section 121 of the Act is specified as a relevant function for the purposes of section 393(4) of the Act.

2005

Minister of State for Industry and the Regions
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision connected with the regulation of premium rate services pursuant to the Communications Act 2003 (“the Act”).

Article 2 amends section 123(2) of the Act so as to raise the maximum penalty that the Office of Communications (“Ofcom”) can impose under section 96 of the Act (as applied by section 123 of the Act), in respect of breaches of the code regulating the provision and content of premium rate services, from £100,000 to £250,000.

Articles 3 and 4 extend the circumstances in which information, which is subject to restrictions on its disclosure imposed by section 393(1) of the Act, may be disclosed. Section 393(2)(b) provides that such restrictions do not apply to any disclosure of information which is made for the purpose of facilitating the carrying out by any relevant person of any relevant function. Article 3 specifies the Independent Committee for the Supervision of Standards of Telephone Information Services (“ICSTIS”) as a relevant person for the purposes of section 393. ICSTIS is a company limited by guarantee with registered number 2398515, whose function it is to administer and enforce a code approved by Ofcom under section 121 of the Act (which regulates the provision and content of premium rate services). Article 4 specifies the function as a relevant function for the purposes of section 393.

A partial regulatory impact assessment has been prepared for this instrument and a copy is available from the Department of Trade and Industry, Bay 207, 151 Buckingham Palace Road, London SW1W 9SS and can also be found at www.dti.gov.uk/consultations.