Telecommunications Act 1984

1984 CHAPTER 12

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

93 Grants to promote interests of disabled persons.

[F1(1) The Secretary of State may, with the approval of the Treasury, make grants for the purpose of defraying or contributing towards—

(a) any expenses which may be incurred by any person in supporting research into or the development of apparatus to which this section applies; or

(b) any fees incurred by any person in respect of the exercise in relation to apparatus to which this section applies of any function conferred by or under section 22 above.

(2) This section applies to—

(a) telecommunication apparatus which is constructed for use by disabled persons;

(b) telecommunication apparatus which is so constructed as to be capable of being adapted for such use; and

(c) apparatus by means of which telecommunication apparatus falling within paragraph (b) above may be so adapted.

(3) In making a grant under this section, the Secretary of State may impose such conditions as he thinks fit and may, in particular, impose a condition requiring the repayment of all or any part of the grant—

(a) if any other condition is not complied with; or

(b) in such other circumstances as he may specify.

(4) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants under this section.

(5) Any sums received by the Secretary of State under subsection (3) above shall be paid into the Consolidated Fund.**]**

Textual Amendments

F1 S. 93 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(4)(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

94 Directions in the interests of national security etc.

[[F2](1) The Secretary of State may, after consultation with a person to whom this section applies, give to that person such directions of a general character as appear to the Secretary of State to be **[**[F3]necessary**]** in the interests of national security or relations with the government of a country or territory outside the United Kingdom.

(2) If it appears to the Secretary of State to be **[**[F4]necessary**]** to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom, he may, after consultation with a person to whom this section applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

[[F5](2A) The Secretary of State shall not give a direction under subsection (1) or (2) unless he believes that the conduct required by the direction is proportionate to what is sought to be achieved by that conduct.**]**

(3) A person to whom this section applies shall give effect to any direction given to him by the Secretary of State under this section notwithstanding any other duty imposed on him by or under **[**[F6]Part 1 or Chapter 1 of Part 2 of the Communications Act 2003 and, in the case of a direction to a provider of a public electronic communications network, notwithstanding that it relates to him in a capacity other than as the provider of such a network**]**.

(4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of opinion that disclosure of the direction is against the interests of national security or relations with the government of a country or territory outside the United Kingdom, or the commercial interests of any person.

(5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security or relations with the government of a country or territory outside the United Kingdom, or the commercial interests of some other person.

(6) The Secretary of State may, with the approval of the Treasury, make grants to **[**[F7]providers of public electronic communications networks**]** for the purpose of defraying or contributing towards any losses they may sustain by reason of compliance with the directions given under this section.

(7) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants under this section.

(8) This section applies to **[**[F8]OFCOM and to providers of public electronic communications networks.**]]**

Textual Amendments

F2 S. 94 omitted (12.3.2018 for specified purposes) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 99** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(p) (with reg. 4)

F3 Words in s. 94(1) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(2)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F4 Words in s. 94(2) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(3)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F5 S. 94(2A) inserted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(4)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F6 Words in s. 94(3) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(5)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F7 Words in s. 94(6) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(6)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F8 Words in s. 94(8) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(7)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

95 Orders under the 1973 and 1980 Acts.

[[F9]**[**[F10](1) Where the Office of Fair Trading, the Commission or (as the case may be) the Secretary of State (in this section "the relevant authority") makes a relevant order, the order may also provide for the revocation or modification of licences granted under section 7 above to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above, "relevant order" means—

(a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the Enterprise Act 2002 where—

(i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the carrying on of a commercial activity connected with telecommunications; or

(ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the carrying on of a commercial activity connected with telecommunications; or

(b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to commercial activities connected with telecommunications.**]**

[[F11](3) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the Enterprise Act 2002 have the same meanings in that subsection as in that Part.**]]**

Textual Amendments

F9 S. 95 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F10 S. 95(1)(2) substituted (20.6.2003) by 2002 c. 40, ss. 86(5), 164(2), 279, Sch. 9 Pt. 1 para. 1(2); S.I. 2003/1397, **art. 2(1)**, Sch.

F11 S. 95(3) substituted (20.6.2003) by 2002 c. 40, ss. 86(5), 164(2), 279, Sch. 9 Pt. 1 para. 1(3); S.I. 2003/1397, **art. 2(1)**, Sch.

Modifications etc. (not altering text)

C1 S. 95(2)(a) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 16, **Sch. 4 para. 4**

96 Prohibitions and restrictions applying to lessees with respect to telecommunications.

F12 . . . . . .

Textual Amendments

F12 S. 96 repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

97 Contributions by local authorities towards provision of facilities.

[[F13](1) Where a local authority consider that it would be for the benefit of the whole or any part of their area that—

(a) any additional telecommunication facilities should be provided; or

(b) any existing telecommunication facilities should continue to be provided,

by a public telecommunications operator, whether within or outside the area to be benefited, the authority may undertake to pay to that operator any loss he may sustain by reason of the provision or continued provision of those facilities.

(2) In the application of this section to Scotland, nothing in subsection (1) above shall authorise the giving of an undertaking as respects the provision or continued provision of facilities outside the area to be benefited.

(3) In this section "local authority"—

(a) in relation to England [F14]. . ., means a county council, [F15], a district council, a London borough council, the Common Council of the City of London **[**[F16]or**]**, a parish council [F17]. . .;

[[F18](aa) in relation to Wales, means a county council, a county borough council or a community council;**]**

(b) in relation to Scotland, means a **[**[F19]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**;

(c) in relation to Northern Ireland, means a district council.**]**

Textual Amendments

F13 S. 97 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(4)(b), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F14 Words in s. 97(3)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 72(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F15 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F16 Word in s. 97(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 72(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F17 Words in s. 97(3)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 72(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F18 S. 97(3)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 72(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F19 Words in s. 97(3)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 133(2)**; S.I. 1996/323, **art. 4(b)(c)**

98 Use of certain conduits for telecommunication purposes.

(1) The functions of an authority with control of a relevant conduit shall include the power—

(a) to carry out, or to authorise another person to carry out, any works in relation to that conduit for or in connection with the installation, maintenance, adjustment, repair or alteration of **[**[F20]electronic communications apparatus**]**;

(b) to keep **[**[F20]electronic communications apparatus**]** installed in that conduit or to authorise any other person to keep **[**[F20]electronic communications apparatus**]** so installed;

(c) to authorise any person to enter that conduit to inspect **[**[F20]electronic communications apparatus**]** kept installed there;

(d) to enter into agreements, on such terms (including terms as to the payments to be made to the authority) as it thinks fit, in connection with the doing of anything authorised by or under this section; and

(e) to carry on an ancillary business consisting in the making and carrying out of such agreements.

(2) Where any enactment or subordinate legislation expressly or impliedly imposes any limitation on the use to which a relevant conduit may be put, that limitation shall not have effect so as to prohibit the doing of anything authorised by or under this section.

(3) Where the doing by an authority with control of a public sewer of anything authorised by this section would, apart from this subsection, constitute a contravention of any obligation imposed (whether by virtue of any conveyance or agreement or otherwise) on the authority, the doing of that thing shall not constitute such a contravention to the extent that it consists in, or in authorising, the carrying out of works or inspections, or keeping of apparatus, wholly inside a public sewer.

(4) Subject to subsections (2) and (3) above, subsection (1) above is without prejudice to the rights of any person with an interest in land on, under or over which a relevant conduit is situated.

(5) Without prejudice to subsections (1) to (4) above, the Secretary of State may by order provide for any local Act under or in accordance with which any conduits (whether or not relevant conduits) are kept installed in **[**[F21]streets**]**[[F21]roads**]** to be amended in such manner as appears to him requisite or expedient for securing—

(a) that there is power for those conduits to be used for **[**[F22]the purposes of any electronic communications network or of any electronic communications service**]**;

(b) that the terms (including terms as to payment) on which those conduits are used for those purposes are reasonable; and

(c) that the use of those conduits for those purposes is not unreasonably inhibited (whether directly or indirectly) by reason of the terms of any consent, licence or agreement which has been given, granted or made in relation to any of those conduits for the purposes of that Act.

(6) In this section "relevant conduit" means—

(a) any conduit which, whether or not it is itself an electric line, is maintained by an electricity authority for the purpose of enclosing, surrounding or supporting such a line, including where such a conduit is connected to any box, chamber or other structure (including a building) maintained by an electricity authority for purposes connected with the conveyance, transmission or distribution of electricity, that box, chamber or structure; or

(b) a water main or any other conduit maintained by a water authority for the purpose of conveying water from one place to another; or

(c) a public sewer; or

(d) a culvert which is a designated watercourse within the meaning of the [M1]Drainage (Northern Ireland) Order **[**[F23]2006**]**.

(7) In this section a reference to the authority with control of a relevant conduit—

(a) in relation to a conduit or structure falling within paragraph (a) or (b) of subsection (6) above, shall be construed as a reference to the authority by whom the conduit or structure is maintained;

(b) in relation to a public sewer, shall be construed, subject to subsection (8) below, as a reference to the **[**[F24] person**]** in whom the sewer is vested; and

(c) in relation to a culvert falling within paragraph (d) of subsection (6) above, shall be construed as a reference to the Department of Agriculture for Northern Ireland.

(8) Where—

(a) the functions of an authority with control of a public sewer are, in pursuance of any enactment, discharged on its behalf by **[**[F25]another person**]**, and

(b) the **[**[F26]other person**]** is authorised by the authority with control of the sewer to act on its behalf for the purposes of the matters referred to in subsection (1) above,

this section shall have effect in relation to that sewer as if any reference to the authority with control of the sewer included, to such extent as may be necessary for the **[**[F26]other person**]** so to act, a reference to the **[**[F26]other person**]**.

(9) In this section—

"alteration", "**[**[F27]street**][**[F27]road**]**" **[**[F28]and "telecommunication apparatus"**]** have the same meanings as in Schedule 2 to this Act;

"conduit" includes a tunnel or subway;

"electric line"—

(a) in Great Britain, has the same meaning as in **[**[F29]the Electricity Act 1989**]**; and

(b) in Northern Ireland, has the same meaning as in the **[**[F30]Electricity (Northern Ireland) Order 1992**]**;

"electricity authority" means **[**[F31]a person authorised by a licence under Part I of the Electricity Act 1989 to **[**[F32]supply or participate in the transmission of**]** electricity**]** or **[**[F33]a person authorised by a licence under Part II of the Electricity (Northern Ireland) Order 1992 to transmit or supply electricity**]**;

"public sewer"—

(a) in England and Wales, has the same meaning as in the [M2]Public Health Act 1936;

(b) in Scotland, means any sewer which is vested in **[**[F34]Scottish Water**]**; and

(c) in Northern Ireland, means a sewer as defined in the [M3]Water and Sewerage Services (Northern Ireland) Order **[**[F23]2006**]**;

[F35] . . . . . .

"subordinate legislation" means any subordinate legislation within the meaning of the Interpretation Act 1978 or any instrument, as defined in section 1 of the [M4]Interpretation Act (Northern Ireland) 1954;

"water authority"—

(a) **[**[F36]in England and Wales, **[**[F37]means the Environment Agency, the Natural Resources Body for Wales or**]** a water undertaker;**]**

(b) in Scotland, **[**[F38]means Scottish Water**]**; and

(c) in Northern Ireland, means the **[**[F39]a water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006)**]**;

"water main"—

(a) **[**[F40]in England and Wales, means a water main **[**[F41]or resource main within the meaning of the Water Industry Act 1991**]**;**]**

(b) in Scotland, means a main within the meaning of the [M5]Water (Scotland) Act 1980; and

(c) in Northern Ireland, means **[**[F42]a water main or resource main**]** within the meaning of the [M6]Water and Sewerage Services (Northern Ireland) Order **[**[F43]2006**]**.

Textual Amendments

F20 Words in s. 98(1) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 71(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F21 Word in s. 98(5) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 92(3)(a)**

F22 Words in s. 98(5)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 71(3)**; S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F23 Word in definition of "public sewer" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(a)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F24 Word in s. 98(7)(b) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(1)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F25 Words in s. 98(8)(a) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 paras. 68(1)(b)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F26 Words in s. 98(8) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 paras. 68(1)(b)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F27 Word in s. 98(9) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 92(3)**(*b*)

F28 Words in s. 98(9) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F29 Words in s. 98(9) substituted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(2)(a), Sch. 17 paras. 33, **35(1)**

F30 Words in s. 98(9) substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12**, para. 28(a); S.R. 1992/117, **art. 3(1)**

F31 Words in s. 98(9) substituted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(2)(b), Sch. 17 paras. 33, **35(1)**

F32 Words in s. 98(9) substituted (E.W.S.) (1.9.2004) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 19 para. 2**; S.I. 2004/2184, art. 2(2), **Sch. 2**

F33 Words in s. 98(9) substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 28(b)**; S.R. 1992/117, **art. 3(1)**

F34 Words in definition of "public sewer" in s. 98(9) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(a)**

F35 In s. 98(9) definition of "sewerage authority" repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(b)**

F36 Para. (a) of definition of "water authority" in s. 98(9) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(c)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F37 Words in s. 98(9) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 181** (with Sch. 7)

F38 Words in definition of "water authority" in s. 98(9) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(c)**

F39 Words in definition of "water authority" in s. 98(9) substituted (N.I.) (1.4.2007) by virtue of The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(b)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F40 Para. (a) of definition of "water main" in s. 98(9) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(c)(ii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F41 Words in para. (a) in definition of 'water main' in s. 98(9) substituted (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 38(1)**

F42 Words in definition of "water main" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(c)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F43 Word in definition of "water main" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(c)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Marginal Citations

M1 S.I. 1973/69 (N.I. 1).

M2 1936 c. 49.

M3 S.I. 1973/70 (N.I. 2).

M4 1954 c. 33 (N.I.).

M5 1980 c. 45.

M6 S.I. 1973/70 (N.I. 2).

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[F44](1) . . . . . .

[F45](2) . . . . . .

[F45](3) . . . . . .

Textual Amendments

F44 S. 99(1) repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** Table (with art. 34)

F45 S. 99(2)(3) repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

[F46]100 . . . . . .

Textual Amendments

F46 S. 100 repealed (6.9.1994) by Telecommunications Act 1984 (c. 12, SIF 96), ss. 109, 110(4), **Sch. 7 Pt. III**; S.I. 1994/2162, **art. 2**

Supplemental

101 General restrictions on disclosure of information.

(1) Subject to the following provisions of this section, no information with respect to any particular business which—

(a) has been obtained under or by virtue of the provisions of this Act [F47]... ; and

(b) relates to the private affairs of any individual or to any particular business,

shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) above does not apply to any disclosure of information which is made—

(a) for the purpose of facilitating the performance of any functions assigned [F48]... to the Secretary of State, **[**[F49]or OFCOM by or under this Act [F50]... **]**;

(b) for the purpose of facilitating the performance of any functions of any Minister, any Northern Ireland department, the head of any such department, **[**[F51]the Competition and Markets Authority**]**[F52]; **[**[F53]the Water Services Regulation Authority**]**[F54]the Director General of Electricity Supply**]**[F55]the Director General of Electricity Supply for Northern Ireland**]**[F56]or the Director General of Gas for Northern Ireland**]**[F57]the Office of Rail and Road**]**[F58], OFCOM**]**[F59], the Civil Aviation Authority**]** or a local weights and measures authority in Great Britain under any of the enactments **[**[F60]or subordinate legislation**]** specified in subsection (3) below;

[[F61](bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;**]**

(c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

(d) for the purpose of any civil proceedings brought under or by virtue of this Act or any of the enactments **[**[F60]or subordinate legislation**]** specified in subsection (3) below; or

(e) in pursuance of **[**[F62]an EU**]** obligation.

(3) The enactments **[**[F63]and subordinate legislation**]** referred to in subsection (2) above are—

(a) the Trade Descriptions Act 1968;

(b) the 1973 Act;

(c) the Consumer Credit Act 1974;

[F64](d) . . . . . .

[F64](e) . . . . . .

(f) the Estate Agents Act 1979; [F65]

(g) the 1980 Act.

[[F66](h) the Consumer Protection Act 1987.**]**

[[F67](i) the Consumer Protection (Northern Ireland) Order 1987.**]**

[F68](i) . . . . . .

[[F69](j) the Water Act 1989 **[**[F70], or the Water Act 2003**]**[F71]or the Water Act 2014**].]**

[[F72](k) the Electricity Act 1989.**]**

[[F73](l) the Electricity (Northern Ireland) Order 1992.**]**

[[F74](ll) The Gas (Northern Ireland) Order 1996;**]**

[F75(m) the Railways Act 1993]
[F76(n) the Competition Act 1998]
[F77(o) Part I of the Transport Act 2000.]
[F78(p) the Enterprise Act 2002]
[F79(q) the Communications Act 2003 F80...]
[F81(r) the Railways Act 2005.]
[F82(s) the Energy (Northern Ireland Order 2003;
(t) the Water and Sewerage Services (Northern Ireland) Order 2006.]
[F83(u) the Business Protection from Misleading Marketing Regulations 2008;
(v) the Consumer Protection from Unfair Trading Regulations 2008.]
[F84(w) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]

F85(4) . . . . . .

(5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

[F86(6) Information obtained by [F87OFCOM] in the exercise of functions which are exercisable concurrently with [F88the Competition and Markets Authority] under Part I of the Competition Act 1998 is subject to [F89Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (5) of this section.]

Textual Amendments

F47 Words in s. 101(1)(a) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F48 Words in s. 101(2)(a) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(a)**, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F49 Words in s. 101(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F50 Words in s. 101(2)(a) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F51 Words in s. 101(2)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(2)** (with art. 3)

F52 Words inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F53 Words in s. 101(2)(b) substituted (1.4.2006) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(a)**; S.I. 2005/2714, **art. 4(f)** (with art. 5(1), Sch. 2 para. 8)

F54 Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(a), Sch. 17 paras. 33, **35(1)**

F55 Words in s. 101(2)(b) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(a)**; S.R. 1992/117, **art. 3(1)**

F56 Words in s. 101(2)(b) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)

F57 Words in s. 101(2)(b) substituted (E.W.S.) (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 4(f)**

F58 Words in s. 101(2)(b) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 72(4)** (with Sch. 18); S.I. 2003/3142, **art 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F59 Words in s. 101(2)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(a)**

F60 Words inserted by S.I. 1988/915, **reg. 7(6)(f)(i)** for the purpose mentioned therein

F61 S. 101(2)(bb) inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 56(6), **Sch. 1 para. 3(a)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

F62 Words in s. 101(2)(e) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with art. 3(2)(3), 4(2), 6(4)(5))

F63 Words inserted by S.I. 1988/915, **reg. 7(6)(f)(ii)** for the purpose mentioned therein

F64 S. 101(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 54(3), Sch. 10 Pt. IV para. 9(7)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F65 Words repealed by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 5**

F66 Paragraph (h) inserted by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 4 para. 9(1)**

F67 Paragraph (*i*) inserted (1.3.1989) after para. (h) by S.I. 1987/2049 (N.I.20), arts. 1(5), 31(5), **Sch. 3 para. 6**

F68 S. 101(3)(i) relating to Control of Misleading Advertisements 1988 repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), regs. 1, 30(1)(3), Sch. 2 para. 29(a), **Sch. 4 Pt. 1** (with reg. 28(2)(3))

F69 Paragraph (j) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F70 Words in s. 101(3)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(b)**; S.I. 2004/641 {art. 3(y)}, Sch. 2

F71 Words in s. 101(3)(j) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **2**

F72 Paragraph (k) inserted (E.W.S) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(b), Sch. 17 paras. 33, **35(1)**

F73 S. 101(3)(l) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(b)**; S.R. 1992/117, **art. 3** (1)

F74 S. 101(3)(ll) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)

F75 S. 101(3)(m) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), 154(2), **Sch. 12 para. 13(2)**; S.I. 1993/3237, **art. 2(2)**.

F76 S. 101(3)(n) inserted (11.1.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(7)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**

F77 S. 101(3)(o) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(b)**

F78 S. 101(3)(p) inserted (1.4.2003) by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 13(9)(b)}; S.I. 2003/766, **art. 2**, Sch. (with transitional and transitory provisions in art. 3)

F79 S. 101(3)(q) inserted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(5)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F80 Words in s. 101(3)(q) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F81 S. 101(3)(r) inserted (E.W.S) (8.6.2005) by Railways Act 2005 (c. 14), ss. 59, 60(2), **Sch. 12 para. 7**; S.I. 2005/1444, **art. 2(1)**, Sch. 1

F82 S. 101(3)(s)(t) inserted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order (S.I. 2006/3336 (N.I. 21), arts. 1, 308(1), **Sch. 12 para. 19(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F83 S. 101(3)(v)(u) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), regs. 1, 30(1), **Sch. 2 para. 29(a)** (with reg. 28(2)(3))

F84 S. 101(3)(w) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(3)** (with art. 3)

F85 S. 101(4) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(6)**, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

F86 S. 101(6) inserted (1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(8)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F87 Words in s. 101(6) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 72(7)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F88 Words in s. 101(6) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(4)** (with art. 3)

F89 Words in s. 101(6) substituted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(c)(ii); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Modifications etc. (not altering text)

C2 S. 101 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), **ss. 115**, 120(1); S.I. 2003/2681, **art. 2(b)**

C3 S. 101(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 23**

C4 S. 101(3)(q) modified (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, **Sch. para. 7(4)**

102 Offences by bodies corporate.

[[F90](1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.**]**

Textual Amendments

F90 S. 102 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C5 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C6 S. 102 extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

103 Summary proceedings.

[[F91](1)**]** Proceedings for any offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence.

[[F92](2) Subsection (1) above shall not apply for the purposes of an offence under any provision of the Enterprise Act 2002 as applied by virtue of section 13B above.**]**

Textual Amendments

F91 S. 103 renumbered (26.6.2003) as s. 103(1) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(10)(a)**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

F92 S. 103(2) inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(10)(b); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

104 Orders and schemes.

(1) Any power of the Secretary of State to make an order or a scheme under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section [F93]. . . 110(5), [F93]. . . to annulment in pursuance of a resolution of either House of Parliament.

[[F94](1A) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to every power of OFCOM to make an order under a provision of this Act.

(1B) [F95]. . . . . .

(1C) [F95]. . . . . .**]**

(2) Any order or scheme under this Act may make different provision with respect to different cases or descriptions of case.

(3) [F96]. . . . . .

Textual Amendments

F93 Words in s. 104(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F94 S. 104(1A)-(1C) inserted (25.7.2003 for specified purposes (except in respect of s. 104(1B)) and 29.12.2003 otherwise) by Telecommunications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 73**

(with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F95 S. 104(1B)(1C) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F96 S. 104(3) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

105 Financial provisions.

There shall be paid out of money provided by Parliament any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.

106 General interpretation.

(1) In this Act, unless the context otherwise requires—

"the 1973 Act" means the Fair Trading Act 1973;

"the 1980 Act" means the Competition Act 1980;

"the 1981 Act" means the British Telecommunications Act 1981;

"the appointed day" has the meaning given by section 2 above;

F97 ...

F98 ...

F97 ...

F99 ...

F97 ...

F97 ...

"the excepted liabilities" has the meaning given by section 60(2) above;

"modifications" includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

[F100"OFCOM" means the Office of Communications;**]**

F97 ...

F97 ...

"the successor company" and "the transfer date" have the meanings given by section 60(1) above;

F97 ...

F97 ...

F97 ...

F97 ...

F97 ...

F101(2) . . . . . .

F101(3) . . . . . .

(4) Any power conferred on the Secretary of State by this Act to give a direction if it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom

includes power to give the direction if it appears to him to be requisite or expedient to do so in order—

(a) to discharge, or facilitate the discharge of, an obligation binding on Her Majesty's Government in the United Kingdom by virtue of it being a member of an international organisation or a party to an international agreement;

(b) to attain, or facilitate the attainment of, any other objects the attainment of which is, in the Secretary of State's opinion, requisite or expedient in view of Her Majesty's Government in the United Kingdom being a member of such an organisation or a party to such an agreement; or

(c) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement.

(5) For the purposes of any licence granted, approval given or order made under this Act any description or class may be framed by reference to any circumstances whatsoever.

Textual Amendments

F97 S. 106(1): definitions repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), 2(1), 3(1), **Sch. 1** (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, **art. 1(3)**)); S.I. 2003/3142, art. 3, **Sch. 1** (with art. 11)

F98 S. 106: definition of "the Commission" omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 41** (with art. 3)

F99 S. 106(1): definition of "the Director" repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F100 S. 106(1): definition of "OFCOM" inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 74** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F101 S. 106(2)(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2.

Modifications etc. (not altering text)

C7 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C8 S. 106(4)(5) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

107 Application to territorial waters and the continental shelf etc.

(1) **[**[F102]An Order in Council under **[**[F103]section 11 of the Petroleum Act 1998**]** (application of civil law) may make provision for treating for the purposes of this Act and subordinate legislation made under it—

(a) any installation in waters to which that section applies and with respect to which provision is made under that section; and

(b) any waters within five hundred metres of such an installation,

as if they were situated in such part of the United Kingdom as may be specified in the Order; and different provision may be so made for different purposes.**]**

(2) **[**[F102]In section 6 of the [M7]Continental Shelf Act 1964 (which makes, in relation to the [M8]Wireless Telegraphy Act 1949 and regulations made under it, provision corresponding to that made by subsection (1) above) for the words "an area or part" there shall be substituted the words " waters to which that section applies and ".**]**

[[F104](3) In relation to any time before the coming into force of the said section 23, subsection (1) above shall have effect as if—

(a) for the words "section 23 of the Oil and Gas (Enterprise) Act 1982" there were substituted the words " section 3 of the Continental Shelf Act 1964 "; and

(b) for the words "waters to which that section applies and" there were substituted the words " an area or part ".**]**

(4) **[**[F102]In this section—

"installation" includes any floating structure or device maintained on a station by whatever means;

"subordinate legislation" has the same meaning as in the [M9]Interpretation Act 1978.**]**

Textual Amendments

F102 S. 107(1)(2)(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F103 Words in s. 107(1) substituted (15.2.1999) by 1998 c. 17, s. 50, **Sch. 4 para. 19(a)** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2**

F104 S. 107(3) repealed (15.2.1999) by 1998 c. 17, ss. 50, 51, Sch. 4 para. 19(b), **Sch. 5** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2**

Marginal Citations

M7 1964 c. 29.

M8 1949 c. 54.

M9 1978 c. 30.

108 Extension to the Isle of Man and the Channel Islands.

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend to the Isle of Man or any of the Channel Islands with such exceptions, adaptations and modifications as may be so specified.

Modifications etc. (not altering text)

C9 S. 108 modified (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, Sch. paras. 8, **9(d)**

109 Amendments, transitional provisions and repeals.

(1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).

(2) **[**[F105]The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the coming into force of the relevant provision of this Act as appear to him necessary or expedient in respect of—

(a) any reference in that Act or subordinate legislation to British Telecommunications;

(b) any reference in that Act or subordinate legislation to an enactment contained in the Telegraph Acts 1863 to 1916; or

(c) any use in that Act or subordinate legislation of terminology used in the Telegraph Acts 1863 to 1916 but not in the telecommunications code contained in Schedule 2 to this Act.**]**

(3) **[**[F105]The Secretary of State may by order—

(a) repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act; or

(b) repeal any enactment in a local telegraph Act which appears to him to be spent or no longer of practical utility.**]**

(4) The general transitional provisions and savings contained in Schedule 5 to this Act **[**[F106]and the special transitional provisions with respect to patents for inventions and registered designs contained in Schedule 6 to this Act**]** shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the [M10]Interpretation Act 1978 (effect of repeals).

(5) **[**[F105]If it appears to the Secretary of State requisite or expedient to do so in order to secure that telecommunication services provided before the appointed day by means of any existing apparatus continue to be available after the appointed day, he may by order make provision with respect to the terms on which existing apparatus is kept installed on any premises; and such an order may, in particular—

(a) provide for the terms of agreements in pursuance of which existing apparatus is kept installed on any premises to have effect with such modifications as may be specified in the order;

(b) impose obligations in relation to existing apparatus on persons who own or use such apparatus or who own interests in, or occupy, premises where such apparatus is kept installed; and

(c) provide, for the purposes of any provision contained in such an order by virtue of paragraph (a) or (b) above, for such questions arising under the order as are specified in the order, or are of a description so specified, to be referred to, and determined by, the Director.**]**

(6) **[**[F105]The enactments mentioned in Schedule 7 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.**]**

(7) **[**[F105]In this section—

"existing apparatus" means any telecommunication apparatus (within the meaning of Schedule 2 to this Act) which—

(a) was installed on any premises before the appointed day, and

(b) cannot, after the appointed day, be kept installed there by virtue of any right which is or may be conferred by or in accordance with the telecommunications code;

"local telegraph Act" means a local Act which incorporated a telegraph company or the Bill for which was promoted by such a company; and

"subordinate legislation" has the same meaning as in the [M11]Interpretation Act 1978.**]**

Textual Amendments

F105 S. 109(2)(3)(5)-(7) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F106 Words in s. 109(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C10 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 109(6), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C11 S. 109(6) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

Marginal Citations

M10 1978 c. 30.

M11 1978 c. 30.

110 Short title, commencement and extent.

(1) This Act may be cited as the Telecommunications Act 1984.

(2) The following provisions of this Act, namely—

sections 2 to 4;
Parts II to IV;
sections 93 to 95;
sections 97 to 99;
sections 101 to 103;
section 106;
section 109(1) and Schedule 4;
section 109(2), (3) and (7);
Part I of Schedule 5 and section 109(4) so far as relating to that Part; and
Part I of Schedule 7 and section 109(6) so far as relating to that Part,

shall come into force on the appointed day.

(3) The following provisions of this Act, namely—

Part V;
Part II of Schedule 5 and Schedule 6 and section 109(4) so far as relating to that Part and that Schedule; and
Part II of Schedule 7 and section 109(6) so far as relating to that Part,

shall come into force on the transfer date.

(4) Part III of Schedule 7 and section 109(6) so far as relating to that Part shall come into force on the dissolution of British Telecommunications.

(5) Subject to subsections (2) to (4) above, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.

(6) This Act extends to Northern Ireland.

Subordinate Legislation Made

P1 Power of appointment conferred by s. 110(2) fully exercised: 5.8.1985 appointed by S.I. 1984/876

P2 Power of appointment conferred by s. 110(3) fully exercised: 6.8.1985 appointed by S.I. 1984/876

P3 Power of appointment conferred by s. 110(4) fully exercised: British Telecommunications was dissolved on 6.9.1994 by The British Telecommunications (Dissolution) Order 1994 (S.I. 1994/2162)

P4 Power of appointment conferred by s. 110(5) partly exercised: S.I. 1984/749, 876

Modifications etc. (not altering text)

C12 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C13 S. 110(1) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

Status:
Point in time view as at 12/03/2018.

Changes to legislation:
There are currently no known outstanding effects for the Telecommunications Act 1984, Part VII.