



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART III

#### OTHER FUNCTIONS OF DIRECTOR

#### 50 Functions under 1973 and 1980 Acts.

- (1) <sup>F1</sup> .....
- <sup>F2</sup>(2) [<sup>F3</sup>The functions to which subsection (2A) below applies shall be concurrent functions of the Director and the Office of Fair Trading.]
- (2A) [<sup>F3</sup>This subsection applies to the functions of the Office of Fair Trading under Part 4 of the Enterprise Act 2002 (other than sections 166 and 171) so far as relating to commercial activities connected with telecommunications.]
- (2B) [<sup>F3</sup>So far as necessary for the purposes of, or in connection with, subsections (2) and (2A) above, references in Part 4 of the Act of 2002 to the Office of Fair Trading (including references in provisions of that Act applied by that Part) shall be construed as including references to the Director (except in sections 166 and 171 of that Act and in any other provision of that Act where the context otherwise requires).]
- <sup>F4</sup>(3) [<sup>F3</sup>The Director shall be entitled to exercise, concurrently with [<sup>F5</sup>the Office of Fair Trading], the functions of [<sup>F5</sup>the Office of Fair Trading] under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or
  - (b) conduct of the kind mentioned in section 18(1) of that Act,
- which relate to commercial activities connected with telecommunications.]
- <sup>F4</sup>(3A) [<sup>F3</sup>So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to [<sup>F6</sup>the Office of Fair Trading] are to be read as including a reference to the Director (except in

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sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).]]

- [<sup>F7</sup>(4) [<sup>F3</sup>Before the Office of Fair Trading or the Director first exercises in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above, that person shall consult the other.]
- (4A) [<sup>F3</sup>Neither the Office of Fair Trading nor the Director shall exercise in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above if functions which are so exercisable have been exercised in relation to that matter by the other.]]
- (5) [<sup>F3</sup>It shall be the duty of the Director, for the purpose of assisting the Commission in carrying out an investigation on a reference made to them by the Director by virtue of subsection (2) <sup>F8</sup>. . . above, to give to the Commission—
- (a) any information which is in his possession and which relates to matters falling within the scope of the investigation, and which is either requested by the Commission for that purpose or is information which in his opinion it would be appropriate for that purpose to give to the Commission without any such request; and
  - (b) any other assistance which the Commission may require, and which it is within his power to give, in relation to any such matters,
- and the Commission, for the purposes of carrying out any such investigation, shall take into account any information given to them for that purpose under this subsection.]
- (6) [<sup>F9</sup>If any question arises [<sup>F10</sup>in any particular case as to the jurisdiction of the Director under any of the provisions mentioned in][<sup>F11</sup>subsection (2A)] or (3) above <sup>F12</sup>. . . <sup>F13</sup>. . . , that question shall be referred to and determined by the Secretary of State; and no objection shall be taken to anything done under—
- (a) [<sup>F14</sup>Part 4 of the Enterprise Act 2002]; or
  - [<sup>F15</sup>(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),] by or in relation to the Director on the ground that it should have been done by or in relation to [<sup>F16</sup>the Office of Fair Trading].]
- [<sup>F17</sup>(6A) [<sup>F3</sup>Section 117 of the Enterprise Act 2002 (offences of supplying false or misleading information) as applied by section 180 of that Act shall have effect so far as relating to functions exercisable by the Director by virtue of subsection (2) above as if the references in section 117(1)(a) and (2) to the Office of Fair Trading included references to the Director.]]
- <sup>F18</sup>(7) . . . . .

#### Textual Amendments

- F1** S. 50(1) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 {para. 13(8)(a)}, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 8, 10)
- F2** S. 50(2)-(2B) substituted (20.6.2003) for s. 50(2) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(2); S.I. 2003/1397, art. 2(1), Sch.
- F3** S. 50(2)-(6A) 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) Notes 1, 5); 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)

*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 50. (See end of Document for details)*

- F4** S. 50(3)(3A) substituted for s. 50(3) (26.11.1998 for specified purpose and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(6)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.**
- F5** Words in s. 50(3) substituted (1.4.2003) by 2002 c. 40, s. 278, 279, Sch. 25 {para. 13(8)(b)(i)(ii)}; S.I. 2003/766, **art. 2**, **Sch.** (with transitional provisions in art. 3)
- F6** Words in s. 50(3A) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 {para. 13(8)(c)}; S.I. 2003/766, **art. 2**, **Sch.** (with transitional provisions in art. 3)
- F7** S. 50(4)(4A) substituted (20.6.2003) for s. 50(4) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(3); S.I. 2003/1397, **art. 2(1)**, **Sch.**
- F8** Words in s. 50(5) omitted (26.11.1998 for specified purposes and otherwise 1.3.2000) by virtue of 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(8)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.** and repealed (1.3.2000) by 1998 c. 41, s. 74(3), **Sch. 14 Pt. I**; S.I. 2000/344, art. 2, **Sch.**
- F9** S. 50(2)-(6A) repealed (25.7.2003 for certain purposes otherwise prosp) by Communications Act 2003, (c. 21), ss. 406, 411(2)(3), {Sch. 19} (with transitional provisions in Sch. 18, Sch. 19 note 1); S.I. 2003/1900, **art. 2(1)**, **Sch. 1** (with transitional provisions in arts. 3-6) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))
- F10** Words in s. 50(6) substituted (3.1.1995) by 1994 c. 40, ss. 12(7), 82(2), **Sch. 4 para. 3(a)**
- F11** Words in s. 50(6) substituted (20.6.2003) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(4)(a); S.I. 2003/1397, **art. 2(1)**, **Sch.**
- F12** Words in s. 50(6) repealed (20.6.2003) by 2002 c. 40, ss. 168(9), 278, 279, Sch. 9 Pt. 2 para. 16(4)(b), Sch. 26; S.I. 2003/1397, **art. 2(1)**, **Sch.** (with arts. 8, 10)
- F13** Words in s. 50(6) repealed (3.1.1995) by 1994 c. 40, ss. 12, 81, 82(2), Sch. 4 para. 3, **Sch. 17**
- F14** Words in s. 50(6) substituted (20.6.2003) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(4)(c); S.I. 2003/1397, **art. 2(1)**, **Sch.**
- F15** S. 50(6)(b) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(9)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.**
- F16** Words in s. 50(6) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(8)(d); S.I. 2003/766, **art. 2**, **Sch.** (with transitional provisions in art. 3)
- F17** S. 50(6A) substituted (20.6.2003) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(5); S.I. 2003/1397, **art. 2(1)**, **Sch.**
- F18** S. 50(7) repealed (20.6.2003) by 2002 c. 40, ss. 168(9), 278, 279, Sch. 9 Pt. 2 para. 16(6), Sch. 26; S.I. 2003/1397, **art. 2(1)**, **Sch.** (with arts. 8, 10)

**Modifications etc. (not altering text)**

- C1** Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**
- C2** S. 50(3) restricted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(1)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 50.