



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART III

#### OTHER FUNCTIONS OF DIRECTOR

#### **52 Power to give assistance in relation to certain proceedings.**

- [<sup>F1</sup>(1) Where, in relation to any proceedings or prospective proceedings to which this section applies, any actual or prospective party to the proceedings (other than the telecommunications operator) applies to the Director for assistance under this section, the Director may grant the application if he thinks fit to do so—
- (a) on the ground that the case raises a question of principle; or
  - (b) on the ground that it is unreasonable, having regard to the complexity of the case or to any other matter, to expect the applicant to deal with the case without any assistance under this section; or
  - (c) by reason of any other special consideration.
- (2) This section applies to any proceedings in which there falls to be determined any question arising under or in connection with—
- (a) the telecommunications code as applied to a telecommunications operator in relation to any part or locality of the United Kingdom; or
  - (b) any exception or condition subject to which that code has effect as so applied.
- (3) Assistance by the Director under this section may include—
- (a) giving advice;
  - (b) procuring or attempting to procure the settlement of the matter in dispute;
  - (c) arranging for the giving of advice or assistance by a solicitor or counsel;
  - (d) arranging for representation by a solicitor or counsel, including such assistance as is usually given by a solicitor or counsel in the steps preliminary or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings;
  - (e) any other form of assistance which the Director may consider appropriate,

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*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 52. (See end of Document for details)*

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but paragraph (d) above shall not affect the law and practice regulating the descriptions of persons who may appear in, conduct, defend, and address the court in, any proceedings.

(4) In so far as expenses are incurred by the Director in providing the applicant with assistance under this section, the recovery of those expenses (as taxed or assessed in such manner as may be prescribed by rules of court) shall constitute a first charge for the benefit of the Director—

- (a) on any costs or expenses which (whether by virtue of a judgment or order of a court or an agreement or otherwise) are payable to the applicant by any other person in respect of the matter in connection with which the assistance is given; and
- (b) so far as relates to any costs or expenses, on his rights under any compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings.

[<sup>F2</sup>(5) A charge conferred by subsection (4) above is subject to—

- [<sup>F3</sup>(a) any charge imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for payment of any sum to the Legal Services Commission;]
- (b) any charge or obligation for payment in priority to other debts under the Legal Aid (Scotland) Act 1986 and any provision of that Act for payment of any sum into the Scottish Legal Aid Fund; or
- [<sup>F4</sup>(c) any charge imposed by Article 17(7) of the Access to Justice (Northern Ireland) Order 2003 and any provision in, or made under, Part II of that Order for the payment of any sum to the Department of Justice.]]

(6) Any expenses incurred by the Director in providing assistance under this section shall be paid out of money provided by Parliament; and any sums received by the Director by virtue of any charge conferred by subsection (4) above shall be paid into the Consolidated Fund.]

#### Textual Amendments

- F1** S. 52 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](#))
- F2** S. 52(5) substituted by [Legal Aid Act 1988](#) (c. 34, SIF 77:1), s. 45, [Sch. 5 para. 11](#)
- F3** S. 52(5)(a) substituted (1.4.2000) by 1999 c. 22, s. 24, [Sch. 4 para. 26](#) (with s. 107); S.I. 2000/774, [art. 2](#) (with arts. 3-5)
- F4** S. 52(5)(c) substituted (N.I.) (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003](#) (S.I. 2003/435 (N.I. 10)), [art. 1\(2\)](#), [Sch. 4 para. 7](#) (with [art. 45](#)) (as amended (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014](#) (c. 11), [Sch. 2 para 6\(43\)\(a\)\(iv\)](#)); S.R. 2015/194, [art. 2](#), [Sch.](#) (with [art. 3](#))

#### 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. 52(3)(c) and (d) amended (E.W.) by S.I. 1991/2684, arts. 2(1), 4, [Sch. 1](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 52.