



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

General conditions: telephone numbers

56 The National Telephone Numbering Plan

- (1) It shall be the duty of OFCOM to publish a document (to be known as “the National Telephone Numbering Plan”) setting out—
 - (a) the numbers that they have determined to be available for allocation by them as telephone numbers;
 - (b) such restrictions as they consider appropriate on the adoption of numbers available for allocation in accordance with the plan; and
 - (c) such restrictions as they consider appropriate on the other uses to which numbers available for allocation in accordance with the plan may be put.
- (2) It shall be OFCOM’s duty—
 - (a) from time to time to review the National Telephone Numbering Plan; and
 - (b) to make any revision of that plan that they think fit in consequence of such a review;but this duty must be performed in compliance with the requirements, so far as applicable, of section 60.
- (3) OFCOM must also keep such day to day records as they consider appropriate of the telephone numbers allocated by them in accordance with the National Telephone Numbering Plan.

Status: Point in time view as at 29/12/2003.

Changes to legislation: Communications Act 2003, Cross Heading: General conditions: telephone numbers is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The publication of the National Telephone Numbering Plan, or of a revision of it, must be in such manner as appears to OFCOM to be appropriate for bringing the contents of the Plan, or of the revised Plan, to the attention of such persons as OFCOM consider appropriate.
- (5) In this Chapter references to a telephone number are (subject to subsection (7)) references to any number that is used (whether or not in connection with telephony) for any one or more of the following purposes—
- (a) identifying the destination for, or recipient of, an electronic communication;
 - (b) identifying the origin, or sender, of an electronic communication;
 - (c) identifying the route for an electronic communication;
 - (d) identifying the source from which an electronic communication or electronic communications service may be obtained or accessed;
 - (e) selecting the service that is to be obtained or accessed, or required elements or characteristics of that service; or
 - (f) identifying the communications provider by means of whose network or service an electronic communication is to be transmitted, or treated as transmitted.
- (6) In this Chapter references to the adoption of a telephone number by a communications provider are references to his doing any of the following in relation to a number allocated (whether or not to that provider) by OFCOM—
- (a) allocating or transferring that number to a particular customer or piece of apparatus;
 - (b) using that number for identifying a service or route used by that provider or by any of his customers;
 - (c) using that number for identifying a communication as one to be transmitted by that provider;
 - (d) designating that number for use in selecting a service or the required elements or characteristics of a service;
 - (e) authorising the use of that number by others for any of the purposes mentioned in subsection (5).
- (7) The Secretary of State may by order exclude such numbers as may be described in the order from the numbers that are to be treated as telephone numbers for the purposes of this Chapter.
- (8) No order is to be made containing provision authorised by subsection (7) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (9) References in this section to the allocation of a number are references to its allocation for the purposes of general conditions under section 58 or in accordance with conditions under section 59.
- (10) In this section—
- “electronic communication” means a communication for transmission by means of an electronic communications network; and
- “number” includes data of any description.

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Commencement Information

- I1** S. 56 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I2** S. 56 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

57 Conditions to secure access to telephone numbers

- (1) General conditions may impose such requirements as OFCOM consider appropriate for securing that every end-user of a public electronic communications service is able, by means of that service—
- (a) to make calls or otherwise transmit electronic communications to every normal telephone number; and
 - (b) to receive every call or other electronic communication that is made or transmitted to him using such a service from apparatus identified by a normal telephone number.
- (2) A normal telephone number is one which—
- (a) has been made available, in accordance with the National Telephone Numbering Plan, as a number to be used for the purpose of identifying the destination for, or the recipient of, electronic communications; and
 - (b) is for the time being—
 - (i) a number adopted by a communications provider to be used for such a purpose; or
 - (ii) a number in use for such a purpose by a person other than a communications provider to whom it has been allocated in accordance with conditions under section 59.
- (3) In this section “electronic communication” has the same meaning as in section 56.

Commencement Information

- I3** S. 57 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I4** S. 57 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

58 Conditions about allocation and adoption of numbers

- (1) General conditions may include conditions which—
- (a) prohibit the adoption of telephone numbers by a communications provider except in cases where the numbers have been allocated by OFCOM to a person;
 - (b) regulate the use by a communications provider, for the purpose of providing an electronic communications network or electronic communications service, of telephone numbers not allocated to that provider;
 - (c) impose restrictions on the adoption of telephone numbers by a communications provider, and on other practices by communications providers in relation to telephone numbers allocated to them;

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- (d) impose requirements on a communications provider in connection with the adoption by him of telephone numbers;
 - (e) require an allocation of particular telephone numbers to be transferred from one communications provider to another in the circumstances provided for in the conditions;
 - (f) impose such requirements and restrictions on a communications provider from whom an allocation is required to be transferred as may be provided for, in relation to the transfer, in the conditions;
 - (g) require payments of such amounts as may be determined by OFCOM to be made to them by a person in respect of the allocation to him of telephone numbers;
 - (h) require payments of such amounts as may be determined by OFCOM to be made to them by a person in respect of transfers of allocations from one person to another; and
 - (i) require communications providers to secure compliance with such rules relating to the use of telephone numbers by their customers as OFCOM may set out in general conditions or determine in accordance with provision made by the general conditions.
- (2) General conditions may also—
- (a) provide for the procedure to be followed on the making of applications to OFCOM for the allocation of telephone numbers;
 - (b) provide for the information that must accompany such applications and for the handling of such applications;
 - (c) provide a procedure for telephone numbers to be reserved pending the making and disposal of an application for their allocation;
 - (d) provide for the procedure to be followed on the making of applications for telephone numbers to be reserved, and for the handling of such applications;
 - (e) regulate the procedures to be followed, the system to be applied and the charges to be imposed for the purposes of, or in connection with, the adoption by a communications provider of telephone numbers allocated to that provider;
 - (f) regulate the procedures to be followed, the system to be applied and the charges to be imposed for the purposes of, or in connection with, the transfer of an allocation from one person to another.
- (3) The conditions that may be set under subsection (1)(d) include conditions imposing requirements with respect to the provision of information for purposes connected with—
- (a) the compilation of directories; and
 - (b) the provision of directory enquiry facilities.
- (4) The procedure to be followed on the making of an application for the allocation of numbers that are available for allocation in accordance with the National Telephone Numbering Plan must require OFCOM's determination of the application to be made—
- (a) in the case of an application made in response to an invitation in accordance with subsection (5), before the end of six weeks after the day on which the application is received; and
 - (b) in any other case, before the end of three weeks after that day.

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- (5) Where OFCOM are proposing to allocate any telephone numbers, they may—
 - (a) invite persons to indicate the payments each would be willing to make to OFCOM if allocated the numbers; and
 - (b) make the allocation according to the amounts indicated.
- (6) General conditions providing for payments to be made to OFCOM in respect of anything mentioned in subsection (1)(g) or (h)—
 - (a) must set out the principles according to which the amounts of the payments are to be determined;
 - (b) may provide for the payments to consist of a lump sum in respect of a particular allocation or transfer or of sums payable periodically while an allocation remains in force, or of both;
 - (c) may provide for the amounts to be determined by reference to—
 - (i) any indication according to which the allocation has been made as mentioned in subsection (5); or
 - (ii) any other factors (including the costs incurred by OFCOM in connection with the carrying out of their functions by virtue of section 56 and this section) as OFCOM think fit.
- (7) General conditions may—
 - (a) make modifications from time to time of, or of the method of determining, the amounts of periodic payments falling to be made by virtue of conditions containing provision authorised by this section; and
 - (b) make different provision in relation to different descriptions of communications provider and different descriptions of telephone number.
- (8) Nothing in subsection (7) authorises the modification, after it has been fixed, of the amount of a periodic payment fixed in accordance with arrangements made in relation to numbers allocated as mentioned in subsection (5)(b).
- (9) Payments that are required to be made to OFCOM in respect of anything mentioned in subsection (1)(g) or (h)—
 - (a) must be paid to them as soon as they become due in accordance with the conditions imposing the obligation to pay; and
 - (b) if not so paid, are to be recoverable by them accordingly.

Commencement Information

- I5** S. 58 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I6** S. 58 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

59 Telephone numbering conditions binding non-providers

- (1) OFCOM may set conditions under this section that apply to persons other than communications providers and relate to—
 - (a) the allocation of telephone numbers to such persons;
 - (b) the transfer of allocations to and from such persons; and
 - (c) the use of telephone numbers by such persons.

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- (2) The conditions that may be set under this section include conditions imposing obligations corresponding to any of the obligations that may be imposed on communications providers by general conditions making provision for, or in connection with—
 - (a) the allocation of telephone numbers;
 - (b) the transfer of allocations; or
 - (c) the use of telephone numbers.
- (3) Subsection (10) of section 45 applies to OFCOM’s power to set a condition under this section as it applies to their power to set a condition under that section.
- (4) Sections 47 to 49 apply in relation to—
 - (a) the setting of conditions under this section and the modification and revocation of such conditions; and
 - (b) the giving, modification or withdrawal of any direction, approval or consent for the purposes of a condition under this section,
 as they apply in the case of general conditions and in the case of directions, approvals and consents given for the purposes of general conditions.
- (5) It shall be the duty of a person who—
 - (a) is not a communications provider, but
 - (b) applies for the allocation of a telephone number, or is allocated such a number,
 to comply with any conditions set under this section.
- (6) That duty shall be enforceable in civil proceedings by OFCOM—
 - (a) for an injunction;
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or
 - (c) for any other appropriate remedy or relief.
- (7) Subsection (6) does not apply in the case of a person against whom the obligations contained in the condition in question are enforceable (by virtue of his having become a communications provider) as obligations imposed by general conditions.

Commencement Information

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| I7 | S. 59 in force at 25.7.2003 for specified purposes by S.I. 2003/1900 , art. 2(1) , Sch. 1 (with art. 3) (as amended by S.I. 2003/3142 , art. 1(3)) |
| I8 | S. 59 in force at 29.12.2003 in so far as not already in force by S.I. 2003/3142 , art. 3(1) , Sch. 1 (with art. 11) |

60 Modification of documents referred to in numbering conditions

- (1) This section applies where numbering conditions for the time being have effect by reference to provisions, as they have effect from time to time, of—
 - (a) the National Telephone Numbering Plan; or
 - (b) another document published by OFCOM.
- (2) OFCOM must not revise or otherwise modify the relevant provisions unless they are satisfied that the revision or modification is—

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- (a) objectively justifiable in relation to the matters to which it relates;
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
 - (c) proportionate to what the modification is intended to achieve; and
 - (d) in relation to what it is intended to achieve, transparent.
- (3) Before revising or otherwise modifying the relevant provisions, OFCOM must publish a notification—
 - (a) stating that they are proposing to do so;
 - (b) specifying the Plan or other document that they are proposing to revise or modify;
 - (c) setting out the effect of their proposed revisions or modifications;
 - (d) giving their reasons for making the proposal; and
 - (e) specifying the period within which representations may be made to OFCOM about their proposal.
- (4) That period must be one ending not less than one month after the day of the publication of the notification.
- (5) OFCOM may give effect, with or without modifications, to a proposal with respect to which they have published a notification under subsection (3) only if—
 - (a) they have considered every representation about the proposal that is made to them within the period specified in the notification; and
 - (b) they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for the purposes of this paragraph by the Secretary of State.
- (6) The publication of a notification under this section must be in such manner as appears to OFCOM to be appropriate for bringing the contents of the notification to the attention of such persons as OFCOM consider appropriate.
- (7) In this section—

“numbering conditions” means—

 - (a) general conditions the making of which is authorised by section 57 or 58;
 - (b) conditions set under section 59;

“the relevant provisions”, in relation to the Plan or document, means the provisions of the Plan or document by reference to which (as they have effect from time to time) the numbering conditions in question have effect.

Commencement Information

- 19** S. 60 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), art. 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- 110** S. 60 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

61 Withdrawal of telephone number allocations

- (1) Where OFCOM have allocated telephone numbers for the purposes of any numbering conditions, they may withdraw that allocation if, and only if, the case is one in which the withdrawal of an allocation is authorised by this section.

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- (2) The withdrawal of an allocation is authorised (subject to section 62) if—
- (a) consent to the withdrawal is given by the person to whom the numbers are for the time being allocated;
 - (b) the withdrawal is made for the purposes of a transfer of the allocation required by numbering conditions;
 - (c) the withdrawal is made for the purposes of a numbering reorganisation applicable to a particular series of telephone numbers;
 - (d) the withdrawal is made in circumstances specified in the numbering conditions and for the purpose of securing that what appears to OFCOM to be the best and most efficient use is made of the numbers and other data that are appropriate for use as telephone numbers;
 - (e) the allocated numbers are numbers that have not been adopted during such period after their allocation as may be specified in the numbering conditions; or
 - (f) the allocated numbers are comprised in a series of numbers which have not to a significant extent been adopted or used during such period as may be so specified.
- (3) The withdrawal of an allocation is also authorised where—
- (a) there have been serious and repeated contraventions, by the person to whom the allocation is for the time being allocated, of the numbering conditions; and
 - (b) it appears to OFCOM that the taking of other steps in respect of the contraventions is likely to prove ineffective for securing future compliance.
- (4) The withdrawal of an allocation is also authorised where—
- (a) the person to whom the allocation is for the time being allocated is not a communications provider; and
 - (b) it appears to OFCOM that contraventions by that person of numbering conditions makes the withdrawal of the allocation appropriate.
- (5) OFCOM's power to set conditions specifying circumstances for the purposes of subsection (2)(d), and their power to withdraw an allocation in the specified circumstances, are each exercisable only in a manner that does not discriminate unduly—
- (a) against particular communications providers;
 - (b) against particular users of the allocated numbers; or
 - (c) against a particular description of such providers or users;
- and the purposes for which those powers may be exercised do not include the carrying out of a numbering reorganisation of the sort mentioned in subsection (2)(c).
- (6) Where OFCOM are proposing to withdraw an allocation in exercise of the power conferred by virtue of subsection (2)(e) or (f), they must—
- (a) give a notification of their proposal;
 - (b) consider any representations made to them about the proposal within the period of one month following the day on which the notification is given; and
 - (c) ensure that the withdrawal (if OFCOM decide to proceed with it after considering those representations) does not take effect until the end of the three months beginning with the end of the period mentioned in paragraph (b).
- (7) A notification for the purposes of subsection (6) must be given in such manner as OFCOM consider appropriate for bringing it to the attention of—

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- (a) the person to whom the numbers to which the proposed withdrawal relates are for the time being allocated;
 - (b) every person appearing to OFCOM to be a person to whom communications are or may be transmitted using one of those numbers for identifying the destination or route;
 - (c) every person who uses one or more of those numbers for obtaining access to services or for communication; and
 - (d) every other person who, in OFCOM’s opinion, is likely to be affected by the proposal.
- (8) For the purposes of this section there are repeated contraventions by a person of numbering conditions to the extent that—
- (a) in the case of a previous notification given to that person under section 94, OFCOM have determined for the purposes of section 95(2) or 96(2) that a contravention of a numbering condition did occur; and
 - (b) in the period of twelve months following the day of the making of that determination, one or more further notifications have been given to that person in respect of contraventions of numbering conditions;
- and for the purposes of this subsection it shall be immaterial whether the notifications related to the same contravention or to different contraventions of the same or different conditions.
- (9) In this section “numbering conditions” means—
- (a) general conditions the making of which is authorised by section 58; or
 - (b) conditions set under section 59.

Commencement Information

- I11** S. 61 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), art. 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I12** S. 61 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

62 Numbering reorganisations

- (1) This section applies to the withdrawal of an allocation for the purposes of a numbering reorganisation that is applicable to a particular series of telephone numbers.
- (2) The allocation is to be withdrawn only if the reorganisation, so far as it relates to numbers of any description, is not such as to discriminate unduly—
 - (a) against particular communications providers;
 - (b) against particular users of the allocated numbers; or
 - (c) against a particular description of such providers or users.
- (3) The allocation must not be withdrawn if the reorganisation fails to provide for withdrawn allocations to be replaced by allocations of telephone numbers so nearly resembling the numbers to which the withdrawal relates as the purpose of the reorganisation allows.
- (4) Where a replacement allocation is made for the purposes of the re-organisation—

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- (a) no payment is to be made to OFCOM in respect of the making of the replacement allocation; but
 - (b) subsection (5) is to apply.
- (5) Where this subsection applies—
- (a) a provision for the making of periodic payments in respect of the withdrawn allocation is to be treated, to the extent that OFCOM determine that it should, as a provision requiring the making of periodic payments in respect of the replacement allocation; and
 - (b) OFCOM may, if they think fit, make such repayments or adjustments of a provision for payment as appear to them to be appropriate in consequence of differences between—
 - (i) the numbers to which the withdrawn allocation relates; and
 - (ii) the numbers to which the replacement allocation relates.

Commencement Information

- I13** S. 62 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I14** S. 62 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

63 General duty as to telephone numbering functions

- (1) It shall be the duty of OFCOM, in the carrying out of their functions under sections 56 to 62—
- (a) to secure that what appears to them to be the best use is made of the numbers that are appropriate for use as telephone numbers; and
 - (b) to encourage efficiency and innovation for that purpose.
- (2) It shall also be the duty of OFCOM, in carrying out those functions, to secure that there is no undue discrimination by communications providers against other communications providers in relation to the adoption of telephone numbers for purposes connected with the use by one communications provider, or his customers, of an electronic communications network or electronic communications service provided by another.
- (3) In this section “number” has the same meaning as in section 56.

Commencement Information

- I15** S. 63 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I16** S. 63 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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