



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 3

#### DISPUTES AND APPEALS

#### *Disputes*

#### **185 Reference of disputes to OFCOM**

(1) This section applies in the case of a dispute relating to the provision of network access if it is—

- (a) a dispute between different communications providers;
- (b) a dispute between a communications provider and a person who makes associated facilities available;
- (c) a dispute between different persons making such facilities available;
- <sup>F1</sup>(d) .....
- <sup>F1</sup>(e) .....

[<sup>F2</sup>(1A) This section also applies in the case of a dispute relating to the provision of network access if—

- (a) it is a dispute between a communications provider and a person who is identified, or is a member of a class identified, in a condition imposed on the communications provider under section 45; and
- (b) the dispute relates to entitlements to network access that the communications provider is required to provide to that person by or under that condition.]

(2) This section also applies in the case of any other dispute if—

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*Changes to legislation: Communications Act 2003, Section 185 is up to date with all changes known to be in force on or before 14 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) View outstanding changes*

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- (a) it relates to rights or obligations conferred or imposed by or under [<sup>F3</sup>a condition set under section 45, or any of the enactments relating to the management of the radio spectrum] ;
  - (b) it is a dispute between different communications providers; and
  - (c) it is not an excluded dispute.
- (3) Any one or more of the parties to the dispute may refer it to OFCOM.
- (4) A reference made under this section is to be made in such manner as OFCOM may require.
- (5) The way in which a requirement under subsection (4)—
- (a) is to be imposed, or
  - (b) may be withdrawn or modified,
- is by a notice published in such manner as OFCOM consider appropriate for bringing the requirement, withdrawal or modification to the attention of the persons who, in their opinion, are likely to be affected by it.
- (6) Requirements imposed under subsection (4) may make different provision for different cases.
- (7) A dispute is an excluded dispute for the purposes of subsection (2) if it is about—
- (a) obligations imposed on a communications provider by SMP apparatus conditions;
  - <sup>F4</sup>(b) .....
  - <sup>F4</sup>(c) .....
  - <sup>F4</sup>(d) .....
- (8) For the purposes of this section—
- (a) the disputes that relate to the provision of network access include disputes as to the terms or conditions on which it is or may be provided in a particular case; and
  - (b) the disputes that relate to an obligation include disputes as to the terms or conditions on which any transaction is to be entered into for the purpose of complying with that obligation.

<b>Textual Amendments</b>	
<b>F1</b>	S. 185(1)(d)(e) omitted (26.5.2011) by virtue of <a href="#">The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210)</a> , reg. 1(2), <b>Sch. 1 para. 91(a)</b> (with Sch. 3 para. 2)
<b>F2</b>	S. 185(1A) inserted (26.5.2011) by <a href="#">The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210)</a> , reg. 1(2), <b>Sch. 1 para. 91(b)</b> (with Sch. 3 para. 2)
<b>F3</b>	Words in s. 185(2)(a) substituted (26.5.2011) by <a href="#">The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210)</a> , reg. 1(2), <b>Sch. 1 para. 91(c)</b> (with Sch. 3 para. 2)
<b>F4</b>	S. 185(7)(b)-(d) omitted (26.5.2011) by virtue of <a href="#">The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210)</a> , reg. 1(2), <b>Sch. 1 para. 91(d)</b> (with Sch. 3 para. 2)
<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	Ss. 185-191(4) applied (6.4.2023) by <a href="#">The Trade (Mobile Roaming) Regulations 2023 (S.I. 2023/214)</a> , regs. 1(b), <b>9(2)(3)</b>

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#### **Commencement Information**

- I1** S. 185 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** S. 185 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)