



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 3

#### DISPUTES AND APPEALS

##### *Appeals*

#### **195** [<sup>F1</sup>Disposal of appeals under section 192 against certain decisions of Secretary of State]

- [<sup>F2</sup>(1) This section applies to an appeal against a decision referred to in section 192(1)(d) (i), (ii), (iia) or (iv).]
- (2) The Tribunal shall decide the appeal on the merits and by reference to the grounds of appeal set out in the notice of appeal.
  - (3) The Tribunal's decision must include a decision as to what (if any) is the appropriate action for [<sup>F3</sup> the Secretary of State ] to take in relation to the subject-matter of the decision under appeal.
  - (4) The Tribunal shall then remit the decision under appeal to [<sup>F3</sup> the Secretary of State ] with such directions (if any) as the Tribunal considers appropriate for giving effect to its decision.
  - (5) The Tribunal must not direct [<sup>F3</sup> the Secretary of State ] to take any action which he would not otherwise have power to take in relation to the decision under appeal.
  - (6) It shall be the duty of [<sup>F3</sup> the Secretary of State ] to comply with every direction given under subsection (4).

**Changes to legislation:** *Communications Act 2003, Section 195 is up to date with all changes known to be in force on or before 24 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*

- (7) In the case of an appeal against a decision given effect to by a restriction or condition set by regulations under section 109, the Tribunal must take only such steps for disposing of the appeal as it considers are not detrimental to good administration.
- (8) In its application to a decision of the Tribunal under this section, paragraph 1(2)(b) of Schedule 4 to the Enterprise Act 2002 (c. 40) (exclusion of commercial information from documents recording Tribunal decisions) is to have effect as if for the reference to the undertaking to which commercial information relates there were substituted a reference to any person to whom it relates.

<sup>F4</sup>(9) .....

<b>Textual Amendments</b>	
<b>F1</b>	S. 195 title substituted (31.7.2017) by <a href="#">Digital Economy Act 2017 (c. 30)</a> , <b>ss. 87(10)</b> , 118(6) (with s. 87(12)); <a href="#">S.I. 2017/765</a> , reg. 2(w)
<b>F2</b>	S. 195(1) substituted (31.7.2017) by <a href="#">Digital Economy Act 2017 (c. 30)</a> , <b>ss. 87(6)</b> , 118(6) (with s. 87(7)(12)); <a href="#">S.I. 2017/765</a> , reg. 2(w)
<b>F3</b>	Words in s. 195(3)-(6) substituted (31.7.2017) by <a href="#">Digital Economy Act 2017 (c. 30)</a> , <b>ss. 87(8)</b> , 118(6) (with s. 87(12)); <a href="#">S.I. 2017/765</a> , reg. 2(w)
<b>F4</b>	S. 195(9) omitted (31.7.2017) by virtue of <a href="#">Digital Economy Act 2017 (c. 30)</a> , <b>ss. 87(9)</b> , 118(6) (with s. 87(12)); <a href="#">S.I. 2017/765</a> , reg. 2(w)
<b>Commencement Information</b>	
<b>I1</b>	S. 195 in force at 25.7.2003 for specified purposes by <a href="#">S.I. 2003/1900</a> , arts. 1(2), 2(1), <b>Sch. 1</b> (with art. 3) (as amended by <a href="#">S.I. 2003/3142</a> , art. 1(3))
<b>I2</b>	S. 195 in force at 29.12.2003 in so far as not already in force by <a href="#">S.I. 2003/3142</a> , <b>art. 3(2)</b> (with art. 11)

**Changes to legislation:**

Communications Act 2003, Section 195 is up to date with all changes known to be in force on or before 24 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.

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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\(1\)](#)