



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Notification by providers

36 Enforcement notification for contravention of s. 33

- (1) This section applies where—
 - (a) a person (“the notified provider”) has been given a notification under section 35;
 - (b) OFCOM have allowed the notified provider an opportunity of making representations about the notified determination; and
 - (c) the period allowed for the making of the representations has expired.
- (2) OFCOM may give the notified provider an enforcement notification if they are satisfied—
 - (a) that he has, in one or more of the respects notified, been in contravention of section 33; and
 - (b) that he has not, during the period allowed under section 35, provided OFCOM with all the information which he should have provided to them to remedy the contravention.
- (3) An enforcement notification is a notification which imposes a requirement on the notified provider to take all such steps for providing OFCOM with that information as may be specified in the notification.
- (4) A decision of OFCOM to give an enforcement notification to a person—

Status: *This is the original version (as it was originally enacted).*

- (a) must be notified to that person, together with the reasons for the decision, no later than a week after the day on which it is taken; and
 - (b) must fix a reasonable period for the taking of the steps required by the notification.
- (5) It shall be the duty of a person to whom an enforcement notification has been given to comply with it.
- (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.