



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 1

#### ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

##### *General conditions: subject-matter*

#### **51 Matters to which general conditions may relate**

- (1) Subject to sections 52 to 64, the only conditions that may be set under section 45 as general conditions are conditions falling within one or more of the following paragraphs—
  - (a) conditions making such provision as OFCOM consider appropriate for protecting the interests of the end-users of public electronic communications services;
  - (b) conditions making such provision as OFCOM consider appropriate for securing service interoperability and for securing, or otherwise relating to, network access;
  - (c) conditions making such provision as OFCOM consider appropriate for securing the proper and effective functioning of public electronic communications networks;
  - (d) conditions for giving effect to determinations or regulations made under section 71 [<sup>F1</sup>or 72H];
  - (e) conditions requiring <sup>F2</sup>... the provision, availability and use, in the event of a disaster, of electronic communications networks, electronic communications services and associated facilities;
  - (f) conditions making such provision as OFCOM consider appropriate for securing the protection of public health by the prevention or avoidance of the

---

**Changes to legislation:** *Communications Act 2003, Section 51 is up to date with all changes known to be in force on or before 19 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*

---

- exposure of individuals to electro-magnetic fields created in connection with the operation of electronic communications networks;
- (g) conditions requiring compliance with relevant international standards.
- (2) The power under subsection (1)(a) to set conditions for protecting the interests of the end-users of public electronic communications services includes power to set conditions for that purpose which—
- (a) relate to the supply, provision or making available of goods, services or facilities in association with the provision of public electronic communications services; <sup>F3</sup>...
- [<sup>F4</sup>(b) provide protection for such end-users that is the same as, or similar to, any protection that was, immediately before IP completion day, required by Title 3 of Part 3 of the EEC Directive (end-user rights);]
- [<sup>F5</sup>(ba) relate to any of the elements of a bundled contract;]
- [<sup>F6</sup>(c) specify requirements in relation to the provision of services to disabled end-users;
- (d) require the provision, free of charge, of specified information, or information of a specified kind, to end-users;
- [ require a communications provider to pay compensation to an end-user on failing to meet a specified standard or obligation;]
- [<sup>F7</sup>(da) in order to prevent the degradation of service and the hindering or slowing down of traffic over networks, impose minimum requirements in relation to the quality of public electronic communications networks;
- (f) require a communications provider, in specified circumstances, to block access to telephone numbers or services in order to prevent fraud or misuse, and enable them to withhold fees payable to another communications provider in those circumstances;
- (g) impose a limit on the duration of a contract between an end-user and a communications provider; <sup>F8</sup>...
- (h) ensure that conditions and procedures for the termination of a contract do not act as a disincentive to an end-user changing communications provider.]
- [<sup>F9</sup>(i) specify requirements in relation to arrangements that enable an end-user to change communications provider on request.]
- <sup>F10</sup>(2A) .....
- [<sup>F11</sup>(2B) The power to set general conditions falling within subsection (1)(b) includes power to require negotiations relating to service interoperability or network access to be conducted through an intermediary who—
- (a) is independent of the parties; and
- (b) is either appointed by the parties with the approval of OFCOM or appointed by OFCOM.]
- (3) The power to set general conditions in relation to a description of electronic communications network or electronic communications service does not include power—
- (a) to set conditions that are made applicable according to the identity of the provider of a network or service; or
- (b) to set conditions that differ according to the identity of the provider of the networks or services to which they relate.

---

**Changes to legislation:** Communications Act 2003, Section 51 is up to date with all changes known to be in force on or before 19 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

---

- (4) The power to set general conditions falling within subsection (1)(b) does not include power to set conditions containing provision which under—
- (a) section 73, or
  - (b) any of sections 87 to <sup>F12</sup>91],
- must be or may be included, in a case in which it appears to OFCOM to be appropriate to do so, in an access-related condition or SMP condition.
- (5) The conditions falling within subsection (1)(c) include conditions making such provision as OFCOM consider appropriate for the purpose <sup>F13</sup>... of preventing or restricting electro-magnetic interference—
- (a) with the provision of an electronic communications network or electronic communications service; or
  - (b) with, or with the receipt of, anything conveyed or provided by means of such a network or service.
- (6) In this section “electro-magnetic interference” means interference by means of the emission or reflection of electro-magnetic energy in the course of, or in connection with, the provision any electronic communications network or electronic communications service.
- (7) In this section “disaster” includes any major incident having a significant effect on the general public; and for this purpose a major incident includes any incident of contamination involving radioactive substances or other toxic materials.
- <sup>F14</sup>(8) In this Chapter “bundled contract” means a contract, or two or more closely related or linked contracts, between the provider of a public electronic communications service and a qualifying end-user, which—
- (a) relates, or together relate, to the provision of at least one of the following—
    - (i) an internet access service; and
    - (ii) a number-based interpersonal communications service; and
  - (b) also relates, or together also relate, to the provision of at least one of the following—
    - (i) another service falling within paragraph (a)(i) or (ii);
    - (ii) any other public electronic communications service;
    - (iii) an information society service;
    - (iv) a content service; and
    - (v) terminal equipment.
- (9) In subsection (8)—
- “content service” has the meaning given by section 32(7);
  - “information society service” is to be read in accordance with Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification);
  - “internet access service” has the meaning given by section 32(2B);
  - “qualifying end-user” means an end-user who is—
    - (a) an individual acting for purposes other than those of a business;

*Changes to legislation: Communications Act 2003, Section 51 is up to date with all changes known to be in force on or before 19 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*

- (b) acting in the course of a business which is carried on by the end-user, and for which no more than 10 individuals work, whether as employees or volunteers or otherwise;
- (c) a not-for-profit body for which no more than 10 individuals work, whether as employees or otherwise but excluding volunteers.]

#### Textual Amendments

- F1** Words in s. 51(1)(d) inserted (21.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020 (S.I. 2020/1419), reg. 1(2), **Sch. 1 para. 19(2)**
- F2** Words in s. 51(1)(e) omitted (26.5.2011) by virtue of The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 27(a)** (with Sch. 3 para. 2)
- F3** Word in s. 51(2)(a) omitted (26.5.2011) by virtue of The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 27(b)(i)** (with Sch. 3 para. 2)
- F4** S. 51(2)(b) substituted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020 (S.I. 2020/1419), reg. 1(3)(a), **Sch. 1 para. 70**
- F5** S. 51(2)(ba) inserted (21.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020 (S.I. 2020/1419), reg. 1(2), **Sch. 1 para. 19(3)**
- F6** S. 51(2)(c)-(h) inserted (26.5.2011) by The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 27(b)(ii)** (with Sch. 3 para. 2)
- F7** S. 51(2)(da) inserted (27.6.2017) by Digital Economy Act 2017 (c. 30), **ss. 3**, 118(2)
- F8** Word in s. 51(2) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), **ss. 2(2)**, 118(2)
- F9** S. 51(2)(i) inserted (27.6.2017) by Digital Economy Act 2017 (c. 30), **ss. 2(3)**, 118(2)
- F10** S. 51(2A) omitted (31.12.2020) by virtue of The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 17(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** S. 51(2B) inserted (21.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020 (S.I. 2020/1419), reg. 1(2), **Sch. 1 para. 19(4)**
- F12** Word in s. 51(4)(b) substituted (26.5.2011) by The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 27(d)** (with Sch. 3 para. 2)
- F13** Words in s. 51(5) omitted (31.12.2020) by virtue of The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 17(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** S. 51(8)(9) inserted (21.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020 (S.I. 2020/1419), reg. 1(2), **Sch. 1 para. 19(5)**

#### Commencement Information

- I1** S. 51 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. 51 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:**

Communications Act 2003, Section 51 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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

- s. 51(2)(b) substituted by [S.I. 2019/246 Sch. 1 para. 17\(2\)](#) (This amendment not applied to legislation.gov.uk. Amending provision omitted (21.12.2020) by virtue of [S.I. 2020/1419, reg. 1\(2\), Sch. 2 para. 4\(2\)](#))
- 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\(1\)](#)