



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

General conditions: customer interests

55 Orders by OFCOM in the absence of conditions under s. 52

- (1) OFCOM may make an order under this section if, at any time, they consider in relation to any one or more public communications providers—
 - (a) that it is not practicable, or at least not appropriate, for OFCOM's duties under subsections (1) and (3) of section 52 to be performed in a particular respect by the setting of general conditions; and
 - (b) that it is necessary to make the order for the purpose—
 - (i) of securing the necessary protection for the customers of that provider or of those providers; ^{F1}...
 - ^{F1}(ii)
- (2) An order under this section may make such of the following provisions as OFCOM think fit—
 - (a) provision imposing requirements with respect to the complaints and disputes mentioned in section 52(2);
 - (b) provision for the enforcement of those requirements;
 - (c) provision making other arrangements for the purposes of those requirements.
- (3) The power to make provision by an order under this section includes, in particular—

Changes to legislation: *Communications Act 2003, Section 55 is up to date with all changes known to be in force on or before 18 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*

- (a) power to establish a body corporate with the capacity to make its own rules and to establish its own procedures;
 - (b) power to determine the jurisdiction of a body established by such an order or, for the purposes of the order, of any other person;
 - (c) power to confer jurisdiction with respect to any matter on OFCOM themselves;
 - (d) power to provide for a person on whom jurisdiction is conferred by the arrangements to make awards of compensation, to direct the reimbursement of costs or expenses, or to do both;
 - (e) power to provide for such a person to enforce, or to participate in the enforcement of, any awards or directions made under such an order; and
 - (f) power to make such other provision as OFCOM think fit for the enforcement of such awards and directions.
- (4) An order under this section may require such public communications providers as may be determined by or under the order to make payments to OFCOM in respect of expenditure incurred by OFCOM in connection with—
- (a) the establishment and maintenance, in accordance with such an order, of a body corporate or of a procedure; or
 - (b) the making of any other arrangements for the purposes of the requirements of such an order.
- (5) The consent of the Secretary of State is required for the making by OFCOM of an order under this section.
- (6) Section 403 applies to the power of OFCOM to make an order under this section.
- (7) A statutory instrument containing an order made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 55(1)(b)(ii) and word 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. 18](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** S. 55 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. 55 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\(1\)](#)