



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Access-related conditions

76 Modification and revocation of conditions imposed under s. 75

- (1) This section applies in the case of conditions falling within section 75(2) which have been set by OFCOM in relation to a particular person (“the system provider”).
- (2) OFCOM must not give effect to a proposal to modify or revoke any of the conditions unless—
 - (a) they have carried out an analysis for the purpose of determining in accordance with this Chapter whether that person is or remains a person on whom SMP services conditions are capable of being imposed;
 - (b) they have determined in consequence of that analysis that he is not; and
 - (c) they are satisfied that the modification or revocation will not have an adverse effect on any or all of the matters mentioned in subsection (3).
- (3) Those matters are—
 - (a) the accessibility to any persons of services that are for the time being included in the list of must-carry services in section 64;
 - (b) the prospects for effective competition in the market for programme services provided by being broadcast or otherwise transmitted in digital form; and
 - (c) the prospects for effective competition in the markets for conditional access systems and other associated facilities.

Changes to legislation: Communications Act 2003, Section 76 is up to date with all changes known to be in force on or before 28 September 2018. 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)

(4) In this section “conditional access system” has the same meaning as in section 75.

Annotations:

Commencement Information

- I1** S. 76 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. 76 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 76 is up to date with all changes known to be in force on or before 28 September 2018. 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.

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. 124O and cross-heading inserted by
[2010 c. 24](#)
[s. 19](#)
- s. 124P 124Q inserted by
[2010 c. 24](#)
[s. 20\(1\)](#)
- s. 124Q(7)(a) words substituted by
[2013 c. 22](#)
[Sch. 9](#)
[para. 52](#)
- s. 124R inserted by
[2010 c. 24](#)
[s. 21](#)
- s. 124S 124T and cross-heading inserted by
[2017 c. 30](#)
[s. 102](#)
- s. 192(1)(d) (iia) inserted by
[2010 c. 24](#)
[s. 20\(2\)](#)
- s. 365(1A) inserted by
[2017 c. 30](#)
[s. 89\(3\)](#)
- s. 365(5A)(5B) inserted by
[2017 c. 30](#)
[s. 89\(6\)](#)
- s. 365A inserted by
[2017 c. 30](#)
[s. 89\(7\)](#)
- s. 368E(5)(d)(e) inserted by
[2017 c. 30](#)

s. 94(3)