



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Other provisions relating to OFCOM*

#### **100 Retention by OFCOM of amounts paid under Wireless Telegraphy Act 2006**

- (1) The Communications Act 2003 is amended as follows.
- (2) In section 400(4)(c) (destination of fees and penalties: account for financial year), for the words from “of principles” to “subsection (4)” substitute “ under section 401 for meeting the costs set out in the statement in accordance with subsection (1)(b) ”.
- (3) In section 401 (retention of amounts by OFCOM), for subsection (1) substitute—
  - “(1) OFCOM have power to make a statement setting out—
    - (a) the principles under which they may retain any or all of the amounts paid to them—
      - (i) in pursuance of obligations imposed by or under Chapter 1 or 2 of Part 2 of the Wireless Telegraphy Act 2006;
      - (ii) in respect of fees charged under section 53D of that Act, and
    - (b) the costs in respect of which the amounts may be retained (which may include costs other than those incurred in the exercise of their functions under those provisions).”
- (4) In subsection (2) of that section, omit “of principles”.
- (5) For subsections (3) to (5) of that section substitute—
  - “(3) The provision contained in a statement made by OFCOM under this section must be such as appears to them likely to secure, on the basis of such estimates of the likely costs as it is practicable to make, that the amounts retained by

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*Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 100. (See end of Document for details)*

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OFCOM are objectively justifiable and proportionate to the costs in respect of which they are retained.”

- (6) In subsection (6) of that section, omit “the principles contained in”.
- (7) In subsection (7) of that section, for “of carrying out the functions mentioned in subsection (4) of this section” substitute “ set out in the statement in accordance with subsection (1)(b) ”.
- (8) In subsection (8) of that section, omit “of principles”.
- (9) In subsection (10) of that section, after “Treasury” insert “ and the Secretary of State ”.
- (10) For the heading to that section substitute “ Retention by OFCOM of amounts paid under Wireless Telegraphy Act 2006 ”.

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**Commencement Information**

**II** S. 100 in force at 31.7.2017 by S.I. 2017/765, reg. 2(bb)

**Changes to legislation:**

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 100.