

## SCHEDULES

### SCHEDULE 1

#### Amendments to Communications Act 2003 and related amendments

7. In section 5 (directions in respect of networks and spectrum functions)—
- (a) after subsection (3) insert—

“(3A) The Secretary of State may not give a direction under this section in respect of a function that Article 3(3a) of the Framework Directive requires OFCOM to exercise without seeking or taking instructions from any other body.”, and
  - (b) after subsection (4) insert—

“(4A) Before giving a direction under this section, the Secretary of State must take due account of the desirability of not favouring—

    - (a) one form of electronic communications network, electronic communications service or associated facility, or
    - (b) one means of providing or making available such a network, service or facility, over another.”

**Changes to legislation:**

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011, Paragraph 7.