



Telecommunications Act 1984

1984 CHAPTER 12

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

101 General restrictions on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of the provisions of this Act ^{F1} . . . ; and
 - (b) relates to the private affairs of any individual or to any particular business,
- shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions assigned ^{F2} . . . to the Secretary of State, ^{F3} or OFCOM by or under this Act ^{F4} . . . ;
 - (b) for the purpose of facilitating the performance of any functions of any Minister, any Northern Ireland department, the head of any such department, ^{F5} the Office of Fair Trading ^{F6}, the Commission ^{F7}; ^{F8} the Water Services Regulation Authority ^{F9} the Director General of Electricity Supply ^{F10} the Director General of Electricity Supply for Northern Ireland ^{F11} or the Director General of Gas for Northern Ireland ^{F12} the Office of Rail Regulation ^{F13}, OFCOM ^{F14}, the Civil Aviation Authority] or a local weights and measures authority in Great Britain under any of the enactments ^{F15} or subordinate legislation] specified in subsection (3) below;
 - ^{F16}(bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;]
 - (c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

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- (d) for the purpose of any civil proceedings brought under or by virtue of this Act or any of the enactments [^{F15}or subordinate legislation] specified in subsection (3) below; or
- (e) in pursuance of a Community obligation.
- (3) The enactments [^{F17}and subordinate legislation] referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968;
- (b) the 1973 Act;
- (c) the Consumer Credit Act 1974;
- ^{F18}(d)
- ^{F18}(e)
- (f) the Estate Agents Act 1979; ^{F19}
- (g) the 1980 Act.
- ^{F20}(h) the Consumer Protection Act 1987.]
- ^{F21}(i) the Consumer Protection (Northern Ireland) Order 1987.]
- ^{F22}(i) the Control of Misleading Advertisements Regulations 1988]
- ^{F23}(j) the Water Act 1989 [^{F24}, or the Water Act 2003].]
- ^{F25}(k) the Electricity Act 1989.]
- ^{F26}(l) the Electricity (Northern Ireland) Order 1992.]
- ^{F27}(ll) The Gas (Northern Ireland) Order 1996;]
- ^{F28}(m) the Railways Act 1993]
- ^{F29}(n) the Competition Act 1998]
- ^{F30}(o) Part I of the Transport Act 2000.]
- ^{F31}(p) the Enterprise Act 2002]
- ^{F32}(q) the Communications Act 2003 ^{F33}...]
- ^{F34}(r) the Railways Act 2005.]
- (4) ^{F35}
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- ^{F36}(6) Information obtained by [^{F37}OFCOM] in the exercise of functions which are exercisable concurrently with [^{F38}the Office of Fair Trading] under Part I of the Competition Act 1998 is subject to [^{F39}Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (5) of this section.]

Textual Amendments

- F1** Words in s. 101(1)(a) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 124, 125(1), 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))
- F2** Words in s. 101(2)(a) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 72\(3\)\(a\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#)) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#)); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with [art. 11](#))

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- F3** Words in s. 101(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)
- F4** Words in s. 101(2)(a) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)
- F5** Words in s. 101(2)(b) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(a); S.I. 2003/766, **art. 2**, Sch. (with transitional and transitory provisions in art. 3)
- F6** Words in s. 101(2)(b) inserted (1.4.1999) by S.I. 1999/506, **art. 18(b)**
- F7** Words inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F8** Words in s. 101(2)(b) substituted (1.4.2006) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(a)**; S.I. 2005/2714, **art. 4(f)** (with art. 5(1), Sch. 2 para. 8)
- F9** Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(a), Sch. 17 paras. 33, **35(1)**
- F10** Words in s. 101(2)(b) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(a)**; S.R. 1992/117, **art. 3(1)**
- F11** Words in s. 101(2)(b) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)
- F12** Words in s. 101 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16(5), 120(1), **Sch. 2 para. 19(g)**; S.I. 2004/827, **art. 4(g)**
- F13** Words in s. 101(2)(b) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 72(4)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)
- F14** Words in s. 101(2)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(a)**
- F15** Words inserted by S.I. 1988/915, **reg. 7(6)(f)(i)** for the purpose mentioned therein
- F16** S. 101(2)(bb) inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 56(6), **Sch. 1 para. 3(a)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.
- F17** Words inserted by S.I. 1988/915, **reg. 7(6)(f)(ii)** for the purpose mentioned therein
- F18** S. 101(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 54(3), Sch. 10 Pt. IV para. 9(7)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F19** Words repealed by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 5**
- F20** Paragraph (h) inserted by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 4 para. 9(1)**
- F21** Paragraph (i) inserted (1.3.1989) after para. (h) by S.I. 1987/2049 (N.I.20), arts. 1(5), 31(5), **Sch. 3 para. 6**
- F22** Words inserted (20.6.1988) by S.I. 1988/915, **reg. 7(6)(f)(ii)** for the purpose mentioned therein
- F23** Paragraph (j) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F24** Words in s. 101(3)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(b)**; S.I. 2004/641 {art. 3(y)}, Sch. 2
- F25** Paragraph (k) inserted (E.W.S) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(b), Sch. 17 paras. 33, **35(1)**
- F26** S. 101(3)(l) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(b)**; S.R. 1992/117, **art. 3** (1)
- F27** S. 101(3)(ll) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)
- F28** S. 101(3)(m) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), 154(2), **Sch. 12 para. 13(2)**; S.I. 1993/3237, **art. 2(2)**.
- F29** S. 101(3)(n) inserted (11.1.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(7)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F30** S. 101(3)(o) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(b)**

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- F31** S. 101(3)(p) inserted (1.4.2003) by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 13(9)(b)}; S.I. 2003/766, **art. 2, Sch.** (with transitional and transitory provisions in **art. 3**)
- F32** S. 101(3)(q) inserted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(5)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3, Sch. 1** (with art. 11)
- F33** Words in s. 101(3)(q) repealed (8.2.2007) by **Wireless Telegraphy Act 2006** (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)
- F34** S. 101(3)(r) inserted (E.W.S) (8.6.2005) by **Railways Act 2005** (c. 14), ss. 59, 60(2), **Sch. 12 para. 7**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F35** S. 101(4) repealed (25.7.2003 for specified purposes, otherwise prosp.) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(6), Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))
- F36** S. 101(6) inserted (1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(8)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F37** Words in s. 101(6) substituted (29.12.2003) by **Communications Act 2003** (c. 21), ss. 406, 411, **Sch. 17 para. 72(7)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)
- F38** Words in s. 101(6) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(c)(i); S.I. 2003/766, **art. 2, Sch.** (with art. 3)
- F39** Words in s. 101(6) substituted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(c)(ii); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Modifications etc. (not altering text)

- C1** S. 101 restricted (31.10.2003) by **Railways and Transport Safety Act 2003** (c. 20), **ss. 115**, 120(1); S.I. 2003/2681, **art. 2(b)**
- C2** S. 101(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 23**
- C3** S. 101(3)(q) modified (8.2.2007) by **The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006** (S.I. 2006/1391), arts. 1, 2, **Sch. para. 7(4)**

102 Offences by bodies corporate.

[^{F40}(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.]

Textual Amendments

- F40** S. 102 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3, Sch. 1** (with art. 11)

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Modifications etc. (not altering text)

- C4** Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**
- C5** S. 102 extended (Jersey) (with modifications) (29.12.2003) by **The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196)**, **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by **The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308)**, art. 6(1), Sch. 2 Pt. 1)

103 Summary proceedings.

[^{F41}(1)] Proceedings for any offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence.

[^{F42}(2) Subsection (1) above shall not apply for the purposes of an offence under any provision of the Enterprise Act 2002 as applied by virtue of section 13B above.]

Textual Amendments

- F41** S. 103 renumbered (26.6.2003) as s. 103(1) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(10)(a)**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)
- F42** S. 103(2) inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(10)(b)**; S.I. 2003/1397, **art. 2(1)**, **Sch.** (with art. 8)

104 Orders and schemes.

(1) Any power of the Secretary of State to make an order or a scheme under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section ^{F43} . . . 110(5), ^{F43} . . . to annulment in pursuance of a resolution of either House of Parliament.

[^{F44}(1A) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to every power of OFCOM to make an order under a provision of this Act.

(1B) ^{F45}

(1C) ^{F45}]

(2) Any order or scheme under this Act may make different provision with respect to different cases or descriptions of case.

(3) ^{F46}

Textual Amendments

- F43** Words in s. 104(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by **Communications Act 2003 (c. 21)**, ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)
- F44** S. 104(1A)-(1C) inserted (25.7.2003 for specified purposes (except in respect of s. 104(1B)) and 29.12.2003 otherwise) by **Telecommunications Act 2003 (c. 21)**, ss. 406, 408, 411, **Sch. 17 para. 73**

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- (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)
- F45** S. 104(1B)(1C) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)
- F46** S. 104(3) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

105 Financial provisions.

There shall be paid out of money provided by Parliament any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.

106 General interpretation.

- (1) In this Act, unless the context otherwise requires—
 - “the 1973 Act” means the Fair Trading Act 1973;
 - “the 1980 Act” means the Competition Act 1980;
 - “the 1981 Act” means the British Telecommunications Act 1981;
 - “the appointed day” has the meaning given by section 2 above;
 - F47
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 - “the Commission” means the [F48the Competition Commission];
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 - “the excepted liabilities” has the meaning given by section 60(2) above;
 - “modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;
 - [F50“OFCOM” means the Office of Communications;]
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 - F47
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 - “the successor company” and “the transfer date” have the meanings given by section 60(1) above;
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- F51(2)
- F51(3)
- (4) Any power conferred on the Secretary of State by this Act to give a direction if it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom

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includes power to give the direction if it appears to him to be requisite or expedient to do so in order—

- (a) to discharge, or facilitate the discharge of, an obligation binding on Her Majesty's Government in the United Kingdom by virtue of it being a member of an international organisation or a party to an international agreement;
 - (b) to attain, or facilitate the attainment of, any other objects the attainment of which is, in the Secretary of State's opinion, requisite or expedient in view of Her Majesty's Government in the United Kingdom being a member of such an organisation or a party to such an agreement; or
 - (c) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement.
- (5) For the purposes of any licence granted, approval given or order made under this Act any description or class may be framed by reference to any circumstances whatsoever.

Textual Amendments

- F47** S. 106(1): definitions repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); S.I. 2003/1900, arts. 1(2), 2(1), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, art. 3, [Sch. 1](#) (with art. 11)
- F48** S. 106(1): words in the definition of "the Commission" substituted (1.4.1999) by S.I. 1999/506, [art. 18\(a\)](#)
- F49** S. 106(1): definition of "the Director" repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); S.I. 2003/3142, [art. 3\(1\)](#), [Sch. 1](#) (subject to art. 3(3) and with art. 11)
- F50** S. 106(1): definition of "OFCOM" inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 74](#) (with [Sch. 18](#)); S.I. 2003/3142, [art. 3\(1\)](#), [Sch. 1](#) (subject to art. 3(3) and with art. 11)
- F51** S. 106(2)(3) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group 2.

Modifications etc. (not altering text)

- C6** Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), [Sch. 3](#) and [Sch. 7 Pt. IV](#) extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, [art. 3\(1\)](#), [Sch. Pt. I](#)
- C7** S. 106(4)(5) extended (Jersey) (with modifications) (29.12.2003) by [The Wireless Telegraphy \(Jersey\) Order 2003 \(S.I. 2003/3196\)](#), [art. 3\(1\)](#), [Sch. Pt. I](#) (as amended (27.2.2004) by [The Broadcasting and Communications \(Jersey\) Order 2004 \(S.I. 2004/308\)](#), [art. 6\(1\)](#), [Sch. 2 Pt. 1](#))

107 Application to territorial waters and the continental shelf etc.

- (1) [^{F52}An Order in Council under [^{F53}section 11 of the Petroleum Act 1998] (application of civil law) may make provision for treating for the purposes of this Act and subordinate legislation made under it—
- (a) any installation in waters to which that section applies and with respect to which provision is made under that section; and
 - (b) any waters within five hundred metres of such an installation, as if they were situated in such part of the United Kingdom as may be specified in the Order; and different provision may be so made for different purposes.]
- (2) [^{F52}In section 6 of the ^{M1}Continental Shelf Act 1964 (which makes, in relation to the ^{M2}Wireless Telegraphy Act 1949 and regulations made under it, provision

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corresponding to that made by subsection (1) above) for the words “an area or part” there shall be substituted the words “waters to which that section applies and ”.]

[^{F54}(3) In relation to any time before the coming into force of the said section 23, subsection (1) above shall have effect as if—

- (a) for the words “section 23 of the Oil and Gas (Enterprise) Act 1982” there were substituted the words “section 3 of the Continental Shelf Act 1964 ”; and
- (b) for the words “waters to which that section applies and” there were substituted the words “an area or part ”.]

(4) [^{F52}In this section—

“installation” includes any floating structure or device maintained on a station by whatever means;

“subordinate legislation” has the same meaning as in the ^{M3}Interpretation Act 1978.]

Textual Amendments

- F52** S. 107(1)(2)(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F53** Words in s. 107(1) substituted (15.2.1999) by [1998 c. 17](#), s. 50, [Sch. 4 para. 19\(a\)](#) (with [Sch. 3 para. 5\(1\)](#)); S.I. 1999/161, [art. 2](#)
- F54** S. 107(3) repealed (15.2.1999) by [1998 c. 17](#), ss. 50, 51, [Sch. 4 para. 19\(b\)](#), [Sch. 5](#) (with [Sch. 3 para. 5\(1\)](#)); S.I. 1999/161, [art. 2](#)

Marginal Citations

- M1** 1964 c. 29.
M2 1949 c. 54.
M3 1978 c. 30.

108 Extension to the Isle of Man and the Channel Islands.

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend to the Isle of Man or any of the Channel Islands with such exceptions, adaptations and modifications as may be so specified.

Modifications etc. (not altering text)

- C8** S. 108 modified (8.2.2007) by [The Wireless Telegraphy \(Pre-Consolidation Amendments\) Order 2006 \(S.I. 2006/1391\)](#), arts. 1, 2, [Sch. paras. 8, 9\(d\)](#)

109 Amendments, transitional provisions and repeals.

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) [^{F55}The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate

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legislation made, before the coming into force of the relevant provision of this Act as appear to him necessary or expedient in respect of—

- (a) any reference in that Act or subordinate legislation to British Telecommunications;
 - (b) any reference in that Act or subordinate legislation to an enactment contained in the Telegraph Acts 1863 to 1916; or
 - (c) any use in that Act or subordinate legislation of terminology used in the Telegraph Acts 1863 to 1916 but not in the telecommunications code contained in Schedule 2 to this Act.]
- (3) [^{F55}The Secretary of State may by order—
- (a) repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act; or
 - (b) repeal any enactment in a local telegraph Act which appears to him to be spent or no longer of practical utility.]
- (4) The general transitional provisions and savings contained in Schedule 5 to this Act [^{F56}and the special transitional provisions with respect to patents for inventions and registered designs contained in Schedule 6 to this Act] shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the ^{M4}Interpretation Act 1978 (effect of repeals).
- (5) [^{F55}If it appears to the Secretary of State requisite or expedient to do so in order to secure that telecommunication services provided before the appointed day by means of any existing apparatus continue to be available after the appointed day, he may by order make provision with respect to the terms on which existing apparatus is kept installed on any premises; and such an order may, in particular—
- (a) provide for the terms of agreements in pursuance of which existing apparatus is kept installed on any premises to have effect with such modifications as may be specified in the order;
 - (b) impose obligations in relation to existing apparatus on persons who own or use such apparatus or who own interests in, or occupy, premises where such apparatus is kept installed; and
 - (c) provide, for the purposes of any provision contained in such an order by virtue of paragraph (a) or (b) above, for such questions arising under the order as are specified in the order, or are of a description so specified, to be referred to, and determined by, the Director.]
- (6) [^{F55}The enactments mentioned in Schedule 7 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.]
- (7) [^{F55}In this section—
- “existing apparatus” means any telecommunication apparatus (within the meaning of Schedule 2 to this Act) which—
- (a) was installed on any premises before the appointed day, and
 - (b) cannot, after the appointed day, be kept installed there by virtue of any right which is or may be conferred by or in accordance with the telecommunications code;
- “local telegraph Act” means a local Act which incorporated a telegraph company or the Bill for which was promoted by such a company; and

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“subordinate legislation” has the same meaning as in the ^{M5}Interpretation Act 1978.]

Textual Amendments

- F55** S. 109(2)(3)(5)-(7) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with **Sch. 18**, **Sch. 19(1)** Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, **Sch. 1** (with art. 11)
- F56** Words in s. 109(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with **Sch. 18**, **Sch. 19(1)** Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, **Sch. 1** (with art. 11)

Modifications etc. (not altering text)

- C9** Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 109(6), 110(1), **Sch. 3** and **Sch. 7** Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, **art. 3(1)**, **Sch. Pt. I**
- C10** S. 109(6) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, **Sch. Pt. I** (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), **art. 6(1)**, **Sch. 2** Pt. 1)

Marginal Citations

- M4** 1978 c. 30.
M5 1978 c. 30.

110 Short title, commencement and extent.

- (1) This Act may be cited as the Telecommunications Act 1984.
- (2) The following provisions of this Act, namely—
 - sections 2 to 4;
 - Parts II to IV;
 - sections 93 to 95;
 - sections 97 to 99;
 - sections 101 to 103;
 - section 106;
 - section 109(1) and Schedule 4;
 - section 109(2), (3) and (7);
 - Part I of Schedule 5 and section 109(4) so far as relating to that Part; and
 - Part I of Schedule 7 and section 109(6) so far as relating to that Part,
 shall come into force on the appointed day.
- (3) The following provisions of this Act, namely—
 - Part V;
 - Part II of Schedule 5 and Schedule 6 and section 109(4) so far as relating to that Part and that Schedule; and
 - Part II of Schedule 7 and section 109(6) so far as relating to that Part,
 shall come into force on the transfer date.

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- (4) Part III of Schedule 7 and section 109(6) so far as relating to that Part shall come into force on the dissolution of British Telecommunications.
- (5) Subject to subsections (2) to (4) above, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (6) This Act extends to Northern Ireland.

Subordinate Legislation Made

- P1** Power of appointment conferred by s. 110(2) fully exercised: 5.8.1985 appointed by [S.I. 1984/876](#)
- P2** Power of appointment conferred by s. 110(3) fully exercised: 6.8.1985 appointed by [S.I. 1984/876](#)
- P3** Power of appointment conferred by s. 110(4) fully exercised: British Telecommunications was dissolved on 6.9.1994 by [The British Telecommunications \(Dissolution\) Order 1994 \(S.I. 1994/2162\)](#)
- P4** Power of appointment conferred by s. 110(5) partly exercised: [S.I. 1984/749](#), 876

Modifications etc. (not altering text)

- C11** [Pt. VI](#) (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by [S.I. 1994/1064](#), [art. 3\(1\)](#), [Sch. Pt. I](#)
- C12** [S. 110\(1\)](#) extended (Jersey) (with modifications) (29.12.2003) by [The Wireless Telegraphy \(Jersey\) Order 2003 \(S.I. 2003/3196\)](#), [art. 3\(1\)](#), [Sch. Pt. I](#) (as amended (27.2.2004) by [The Broadcasting and Communications \(Jersey\) Order 2004 \(S.I. 2004/308\)](#), [art. 6\(1\)](#), [Sch. 2 Pt. 1](#))

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