



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART II

#### PROVISION OF TELECOMMUNICATION SERVICES

##### *Modification of licences*

#### **14 Reports on licence modification references.**

- [<sup>F1</sup>(1) In making a report on a reference under section 13 above, the Commission—
- (a) shall include in the report definite conclusions on the questions comprised in the reference together with such an account of their reasons for those conclusions as in their opinion is expedient for facilitating proper understanding of those questions and of their conclusions;
  - (b) where they conclude that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, shall specify in the report the effects adverse to the public interest which those matters have or may be expected to have; and
  - (c) where they conclude that any adverse effects so specified could be remedied or prevented by modifications of the conditions of the licence, shall specify in the report modifications by which those effects could be remedied or prevented.

[<sup>F2</sup>(1A) For the purposes of section 15 below, a conclusion contained in a report of the Commission is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted in connection with the reference concerned in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998.

(1B) If a member of a group so constituted disagrees with any conclusions contained in a report made on a reference under section 13 above as the conclusions of the Commission, the report shall, if the member so wishes, include a statement of his disagreement and of his reasons for disagreeing.]

[<sup>F3</sup>(2) .....

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*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 14. (See end of Document for details)*

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- [<sup>F4</sup>(3) For the purposes of the law relating to defamation, absolute privilege attaches to any report made by the Commission on a reference under section 13 above.
- (3A) In making any report on a reference under section 13 above the Commission must have regard to the following considerations before disclosing any information.
- (3B) The first consideration is the need to exclude from disclosure (so far as practicable) any information whose disclosure the Commission thinks is contrary to the public interest.
- (3C) The second consideration is the need to exclude from disclosure (so far as practicable)
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- (a) commercial information whose disclosure the Commission thinks might significantly harm the legitimate business interests of the undertaking to which it relates, or
- (b) information relating to the private affairs of an individual whose disclosure the Commission thinks might significantly harm the individual's interests.
- (3D) The third consideration is the extent to which the disclosure of the information mentioned in subsection (3C)(a) or (b) is necessary for the purposes of the report.]
- (4) A report of the Commission on a reference under section 16 above shall be made to the Director.
- (5) On receiving such a report, the Director—
- (a) shall send a copy of the report to the Secretary of State and, in the case of a licence granted to a particular person, to that person; and
- (b) subject to any direction given under subsection (6) below, shall publish the report in such manner as he considers appropriate for bringing the report to the attention of persons likely to be affected by it.
- (6) If it appears to the Secretary of State that the publication of any matter in such a report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days beginning with the day on which he receives the copy of the report, direct the Director to exclude that matter from the report as published under subsection (5) above.]

#### Textual Amendments

- F1** Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 147(c), 406, 408, 411, [Sch. 19](#) (with [Sch. 18](#), [Sch. 19](#) 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)
- F2** S. 14(1A)(1B) inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, [Sch. 25](#) para. {13(5)(a)}; S.I. 2003/1397, [art. 2\(1\)](#), [Sch.](#) (with art. 8)
- F3** S. 14(2) repealed (1.3.2000) by 1998 c. 41, ss. 54(3), 74(3), [Sch. 10 Pt. IV](#) para. 9(3), [Sch. 14 Pt. I](#) (with s. 73); S.I. 2000/344, [art. 2](#), [Sch.](#)
- F4** S. 14(3)-(3D) substituted (20.6.2003) for s. 14(3) by 2002 c. 40, ss. 278, 279, [Sch. 25 para. 13\(5\)\(b\)](#); S.I. 2003/1397, [art. 2\(1\)](#), [Sch.](#) (with art. 8)

#### Modifications etc. (not altering text)

- C1** S. 12-15 excluded (10.11.2000) by S.I. 2000/2998, [reg. 2](#)
- C2** Ss. 3-7, 12-19, [Pt. III](#) (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, [reg. 8\(2\)](#), [Sch. 1 para. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 14.