
Changes to legislation: There are currently no known outstanding effects for the Office of Communications Act 2002, Paragraph 17. (See end of Document for details)

SCHEDULE

FURTHER PROVISION ABOUT OFCOM

Modifications etc. (not altering text)

- C1** Sch. extended (Guernsey) (with modifications) (29.12.2003) by [Communications \(Bailiwick of Guernsey\) Order 2003 \(S.I. 2003/3195\)](#), arts. 1(2), 5, **Sch. 1**
- C1** Sch. extended (Jersey) (with modifications) (29.12.2003) by [Communications \(Jersey\) Order 2003 \(S.I. 2003/3197\)](#), arts. 1(2), 5, **Sch. 1**
- C1** Sch. extended (Isle of Man) (with modifications) (29.12.2003) by [Communications \(Isle of Man\) Order 2003 \(S.I. 2003/3198\)](#), arts. 1(2), 5, **Sch. 1**

Disqualification for acting in relation to certain matters

- 17 (1) This paragraph applies if at any meeting of—
- (a) OFCOM,
 - (b) the chairman and other non-executive members of OFCOM, or
 - (c) any committee established by OFCOM,
- any member of OFCOM or, as the case may be, of the committee has any form of direct or indirect interest in any matter falling to be considered at that meeting.
- (2) The person with the interest shall declare it and the declaration shall be recorded in the minutes of the meeting.
- (3) The person with the interest shall not take part in any discussion or decision relating to the matter in which he has an interest, unless—
- (a) in the case of a meeting of OFCOM or of the chairman and other non-executive members of OFCOM, the other members of OFCOM who are present when the discussion or decision falls to take place or is made have resolved unanimously that the interest is to be disregarded; or
 - (b) in any other case, the other members of the committee who are present when the discussion or decision falls to take place or is made have so resolved in the manner authorised by OFCOM.
- (4) It shall be the duty of OFCOM, in granting authorisations for the purposes of subparagraph (3)(b), to secure that a resolution for those purposes does not allow a person to take part in a discussion or decision at a meeting of a committee established by virtue of paragraph 14(1)(a) unless at least the following requirements are met—
- (a) the number of other members of the committee in favour of the resolution is not less than two thirds of those who are both present and entitled to vote on the resolution; and
 - (b) the number of other members of the committee in favour of the resolution is not less than its quorum.
- (5) For the purposes of this paragraph a general notification given at or sent to a meeting of OFCOM, of the chairman and other non-executive members of OFCOM or of a committee established by OFCOM that—
- (a) a person is a member of a company or firm, and
 - (b) is to be regarded as interested in any matter involving that company or firm,

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shall be regarded (subject to sub-paragraph (6)(b)), as compliance in relation to any such matter with sub-paragraph (2) for the purposes of that meeting and any subsequent meeting of OFCOM, of the chairman and other non-executive members of OFCOM or of the committee established by OFCOM which is held while the notification is in force.

- (6) A notification for the purposes of sub-paragraph (5)—
 - (a) shall remain in force until it is withdrawn, and
 - (b) if given at or sent to a meeting of the chairman and other non-executive members of OFCOM or to a committee shall have effect in relation only to meetings of the chairman and other non-executive members or, as the case may be, to meetings of that committee.

- (7) A person required to make a declaration for the purposes of this paragraph in relation to any meeting—
 - (a) shall not be required to attend the meeting; but
 - (b) shall be taken to have complied with the requirements of this paragraph if he takes reasonable steps to secure that notice of his interest is read out at, and taken into consideration at, the meeting in question.

^{F1}(8)

^{F1}(9)

Textual Amendments
F1 Sch. para. 17(8)(9) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 172\(2\)\(c\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

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