

**Changes to legislation:** Communications Act 2003, Cross Heading: Telecommunications Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 17

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Telecommunications Act 1984*

- 63 (1) Sections 44 to 46 of the Telecommunications Act 1984 (c. 12) (offences relating to modification and interception of messages and to assaults on the persons engaged on the business of a telecommunications operator) shall cease to have effect.
- (2) No proceedings shall be capable of being begun at any time after the commencement of this paragraph for any offence under any of those sections which was committed before the commencement of this paragraph.
- (3) Any proceedings for an offence under any of those sections which have been begun before the commencement of this paragraph but in which there has not yet been a conviction must be discontinued immediately.

#### Commencement Information

- I1** Sch. 17 para. 63 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** Sch. 17 para. 63 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

<sup>F1</sup>64 .....

#### Textual Amendments

- F1** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006](#) (c. 36), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

#### Commencement Information

- I3** Sch. 17 para. 64 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with [art. 11](#))

<sup>F1</sup>65 .....

#### Textual Amendments

- F1** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006](#) (c. 36), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

#### Commencement Information

- I4** Sch. 17 para. 65 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with [art. 11](#))

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F166 .....

**Textual Amendments**

**F1** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

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**Commencement Information**

**I5** Sch. 17 para. 66 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

F167 .....

**Textual Amendments**

**F1** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

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**Commencement Information**

**I6** Sch. 17 para. 67 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

F168 .....

**Textual Amendments**

**F1** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

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**Commencement Information**

**I7** Sch. 17 para. 68 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

F169 .....

**Textual Amendments**

**F1** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

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**Commencement Information**

**I8** Sch. 17 para. 69 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

- 70 (1) Section 94 of that Act (directions in the interests of national security) shall be amended as follows.
- (2) In subsection (1), for “requisite or expedient” there shall be substituted “ necessary”.
- (3) In subsection (2), for “requisite or expedient” there shall be substituted “ necessary”.
- (4) After subsection (2), there shall be inserted—
- “(2A) The Secretary of State shall not give a direction under subsection (1) or (2) unless he believes that the conduct required by the direction is proportionate to what is sought to be achieved by that conduct.”

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- (5) In subsection (3), for “this Act” there shall be substituted “ Part 1 or Chapter 1 of Part 2 of the Communications Act 2003 and, in the case of a direction to a provider of a public electronic communications network, notwithstanding that it relates to him in a capacity other than as the provider of such a network ”.
- (6) In subsection (6), for “public telecommunications operators” there shall be substituted “ providers of public electronic communications networks ”.
- (7) In subsection (8), for the words from “the Director” onwards there shall be substituted “ OFCOM and to providers of public electronic communications networks. ”

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**Commencement Information**

- I9** Sch. 17 para. 70 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I10** Sch. 17 para. 70 in force at 18.9.2003 in so far as not already in force by [S.I. 2003/1900](#), art. 2(2), [Sch. 2](#)

- 71 (1) Section 98 of that Act (use of conduits for telecommunications purposes) shall be amended as follows.
  - (2) In subsection (1), for the words “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”.
  - (3) In subsection (5)(a), for the words “telecommunication purposes” there shall be substituted “ the purposes of any electronic communications network or of any electronic communications service ”.

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**Commencement Information**

- I11** Sch. 17 para. 71 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I12** Sch. 17 para. 71 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 72 (1) Section 101 of that Act (general restrictions on disclosure of information) shall be amended as follows.
  - <sup>F2</sup>(2) .....
  - (3) In subsection (2)(a)—
    - (a) the words “or transferred” shall be omitted; and
    - (b) for the words “, the Director or the Commission by or under this Act” there shall be substituted “ or OFCOM by or under this Act (except functions assigned by or under Part 6) ”.
  - (4) In subsection (2)(b), after “the Rail Regulator” there shall be inserted “ , OFCOM ”.
  - (5) In subsection (3), after paragraph (p) there shall be inserted—
    - “(q) the Communications Act 2003 (excluding the provisions of that Act which are enactments relating to the management of the radio spectrum within the meaning of that Act).”
  - (6) Subsection (4) shall cease to have effect.

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(7) In subsection (6), for “the Director” there shall be substituted “ OFCOM ”.

#### Textual Amendments

**F2** Sch. 17 para. 72(2) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with **Sch. 8 Pt. 1**)

#### Commencement Information

- I13** Sch. 17 para. 72(1)-(3)(5)(6) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I14** Sch. 17 para. 72(1)-(3) (5) (6) in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), **Sch. 1** (with [art. 11](#))
- I15** Sch. 17 para. 72(4) (7) in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), **Sch. 1** (with [art. 11](#))

73 In section 104 of that Act (orders and schemes), after subsection (1) there shall be inserted—

“(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) The approval of the Secretary of State is required for the making by OFCOM of an order under section 85 or 86 above.

(1C) A statutory instrument containing an order made by OFCOM under section 85 or 86 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

- I16** Sch. 17 para. 73 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I17** Sch. 17 para. 73 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), **Sch. 1** (with [art. 11](#))

74 In section 106(1) of that Act (general interpretation), after the definition of “modifications” there shall be inserted—

““OFCOM” means the Office of Communications;”.

#### Commencement Information

- I18** Sch. 17 para. 74 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), **Sch. 1** (with [art. 11](#))

75 In paragraph 18(2) of Schedule 2 to that Act (notices affixed to overhead apparatus), for “paragraph 24(4)(a)” there shall be substituted “ paragraph 24(2A)(a) ”.

#### Commencement Information

- I19** Sch. 17 para. 75 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

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**I20** Sch. 17 para. 75 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)