S C H E D U L E S

[F1SCHEDULE 3A

THE ELECTRONIC COMMUNICATIONS CODE

Textual Amendments

F1   Sch. 3A inserted (31.7.2017 for the purpose of making regulations under Sch. 3A para. 95, 22.11.2017 but only in relation to Sch. 3A para. 106, 28.12.2017 in so far as not already in force) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 1** (with Sch. 2); S.I. 2017/765, reg. 2(ii)(jj); S.I. 2017/1136, reg. 2; S.I. 2017/1286, reg. 2(b)

Modifications etc. (not altering text)

C1   Sch. 3A applied by S.I. 1991/1220 (N.I. 11), **art. 104(5)** (as substituted (28.12.2017) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 (S.I. 2017/1285), reg. 1(1), **Sch. 1 para. 28(2)(c)**)

PART 16

ENFORCEMENT AND DISPUTE RESOLUTION

Power to confer jurisdiction on other tribunals

95   (1) The Secretary of State may by regulations provide for a function conferred by this code on the court to be exercisable by any of the following—

   (a)   in relation to England, the First-tier Tribunal;

   [F2(aa)   in relation to Wales, the First-tier Tribunal, but only in connection with proceedings under Part 4A;]

   (b)   in relation to England and Wales, the Upper Tribunal;

   (c)   in relation to Scotland, the Lands Tribunal for Scotland;

   (d)   in relation to Northern Ireland, the Lands Tribunal for Northern Ireland.

(2) Regulations under sub-paragraph (1) may make provision for the function to be exercisable by a tribunal to which the regulations apply—

   (a)   instead of by the court, or

   (b)   as well as by the court.

(3) The Secretary of State may by regulations make provision—

   (a)   requiring proceedings to which regulations under sub-paragraph (1) apply to be commenced in the court or in a tribunal to which the regulations apply;

   (b)   enabling the court or such a tribunal to transfer such proceedings to a tribunal which has jurisdiction in relation to them by virtue of such regulations or to the court.

(4) The power in section 402(3)(c) for regulations under sub-paragraph (1) or (3) to make consequential provision includes power to make provision which amends, repeals or revokes or otherwise modifies the application of any enactment.

(5) Before making regulations under sub-paragraph (1) or (3) the Secretary of State must—

    (a) so far as the regulations relate to Scotland, consult the Scottish Ministers;

    (b) so far as the regulations relate to Northern Ireland, consult the Department of Justice in Northern Ireland.]

Textual Amendments

F2 Sch. 3A para. 95(1)(aa) inserted (15.3.2021 for specified purposes, 26.12.2022 for E.W. in so far as not already in force, 1.7.2023 for S. in so far as not already in force) by Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7), s. 3(3)(b)(4), **Sch. para. 4(11)**; S.I. 2022/1308, reg. 3(c)

Status:
Point in time view as at 06/04/2024.

Changes to legislation:
Communications Act 2003, Cross Heading: Power to confer jurisdiction on other tribunals is up to date with all changes known to be in force on or before 04 June 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.