

Changes to legislation: Communications Act 2003, PART 16 is up to date with all changes known to be in force on or before 14 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

[^{F1}SCHEDULE 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

Introductory

- 92 This Part of this code makes provision about—
- (a) the court or tribunal by which agreements and rights under this code may be enforced,
 - (b) the meaning of references to “the court” in this code, and
 - (c) the power of the Secretary of State by regulations to confer jurisdiction under this code on other tribunals.

Enforcement of agreements and rights

- 93 An agreement under this code, and any right conferred by this code, may be enforced—
- (a) in the case of an agreement imposed by a court or tribunal, by the court or tribunal which imposed the agreement,
 - (b) in the case of any agreement or right, by any court or tribunal which for the time being has the power to impose an agreement under this code, or
 - (c) in the case of any agreement or right, by any court of competent jurisdiction.

Meaning of “the court”

- 94 (1) In this code “the court” means—

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- (a) in relation to England and Wales, the county court,
- (b) in relation to Scotland, the sheriff court, and
- (c) in relation to Northern Ireland, a county court.

(2) Sub-paragraph (1) is subject to provision made by regulations under paragraph 95.

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;
 - [in relation to Wales, the First-tier Tribunal, but only in connection with
 - ^{F2}(aa) 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)

Award of costs by tribunal

- 96 (1) Where in any proceedings a tribunal exercises functions by virtue of regulations under paragraph 95(1), it may make such order as it thinks fit as to costs, or, in Scotland, expenses.

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(2) The matters a tribunal must have regard to in making such an order include in particular—

- ^{F3}(a) [the extent to which any party is successful in the proceedings]^{F4}, and
- (b) any unreasonable refusal by a party to engage in alternative dispute resolution.]

Textual Amendments

- F3** Words in [Sch. 3A para. 96\(2\)](#) renumbered in part as [Sch. 3A para. 96\(2\)\(a\)](#) (7.11.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 69\(5\)\(a\)](#), 79(2); S.I. 2023/1022, [reg. 2\(b\)](#)
- F4** [Sch. 3A para. 96\(2\)\(b\)](#) and word inserted (7.11.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 69\(5\)\(b\)](#), 79(2); S.I. 2023/1022, [reg. 2\(b\)](#)

Applications to the court

- 97 Regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 (SI 2011/1210) makes provision about the time within which certain applications to the court under this code must be determined.

Appeals in Northern Ireland

- 98 Article 60 of the County Courts (Northern Ireland) Order 1980 (ordinary appeals from the county court in civil cases) is to apply in relation to any determination of the court in Northern Ireland under this code in the same manner as it applies in relation to any decree of the court made in the exercise of the jurisdiction conferred by Part 3 of that Order.]

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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\(1\)](#)