



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Electronic communications code

106 Application of the electronic communications code

(1) In this Chapter “the electronic communications code” means [^{F1}the code set out in Schedule 3A].

^{F2}(2)

(3) The electronic communications code shall have effect—

- (a) in the case of a person to whom it is applied by a direction given by OFCOM; and
- (b) in the case of the Secretary of State or any Northern Ireland department where the Secretary of State or that department is providing or proposing to provide an electronic communications network.

(4) The only purposes for which the electronic communications code may be applied in a person’s case by a direction under this section are—

- (a) the purposes of the provision by him of an electronic communications network; or
- (b) the purposes of the provision by him of a system of [^{F3}infrastructure] which he is making available, or proposing to make available, for use by providers of electronic communications networks for the purposes of the provision by them of their networks.

Status: Point in time view as at 28/12/2017.

Changes to legislation: Communications Act 2003, Section 106 is up to date with all changes known to be in force on or before 12 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)

- (5) A direction applying the electronic communications code in any person's case may provide for that code to have effect in his case—
- (a) in relation only to such places or localities as may be specified or described in the direction;
 - (b) for the purposes only of the provision of such electronic communications network, or part of an electronic communications network, as may be so specified or described; or
 - (c) for the purposes only of the provision of such [^{F4}system of infrastructure], or part of a [^{F4}system of infrastructure], as may be so specified or described.
- (6) The Secretary of State may by order provide for the electronic communications code to have effect for all purposes with a different amount substituted for the amount for the time being specified in paragraph [^{F5}85(7)] of the code (minimum compensation).

^{F6}(7)

Textual Amendments

- F1** Words in s. 106(1) substituted (31.7.2017 for specified purposes, 22.11.2017 for specified purposes, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\), ss. 4\(4\), 118\(6\)](#); S.I. [2017/765, reg. 2\(ii\)\(jj\)](#); S.I. [2017/1136, reg. 2](#); S.I. [2017/1286, reg. 2\(a\)](#)
- F2** S. 106(2) omitted (31.7.2017 for specified purposes, 22.11.2017 for specified purposes, 28.12.2017 in so far as not already in force) by virtue of [Digital Economy Act 2017 \(c. 30\), ss. 4\(5\), 118\(6\)](#); S.I. [2017/765, reg. 2\(ii\)\(jj\)](#); S.I. [2017/1136, reg. 2](#); S.I. [2017/1286, reg. 2\(a\)](#)
- F3** Word in s. 106(4)(b) substituted (31.7.2017 for specified purposes, 22.11.2017 for specified purposes, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\), ss. 4\(6\), 118\(6\)](#); S.I. [2017/765, reg. 2\(ii\)\(jj\)](#); S.I. [2017/1136, reg. 2](#); S.I. [2017/1286, reg. 2\(a\)](#)
- F4** Words in s. 106(5)(c) substituted (31.7.2017 for specified purposes, 22.11.2017 for specified purposes, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\), ss. 4\(7\), 118\(6\)](#); S.I. [2017/765, reg. 2\(ii\)\(jj\)](#); S.I. [2017/1136, reg. 2](#); S.I. [2017/1286, reg. 2\(a\)](#)
- F5** Words in s. 106(6) substituted (31.7.2017 for specified purposes, 22.11.2017 for specified purposes, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\), ss. 4\(8\), 118\(6\)](#); S.I. [2017/765, reg. 2\(ii\)\(jj\)](#); S.I. [2017/1136, reg. 2](#); S.I. [2017/1286, reg. 2\(a\)](#)
- F6** S. 106(7) omitted (31.7.2017 for specified purposes, 22.11.2017 for specified purposes, 28.12.2017 in so far as not already in force) by virtue of [Digital Economy Act 2017 \(c. 30\), ss. 4\(9\), 118\(6\)](#); S.I. [2017/765, reg. 2\(ii\)\(jj\)](#); S.I. [2017/1136, reg. 2](#); S.I. [2017/1286, reg. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** Ss. 106-119 modified (coming into force in accordance with reg. 1 of the amending S.I.) by [The Electronic Communications Code \(Transitional Provisions\) Regulations 2017 \(S.I. 2017/1008\), reg. 4](#)

Commencement Information

- I1** S. 106 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** S. 106 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](#))

Status:

Point in time view as at 28/12/2017.

Changes to legislation:

Communications Act 2003, Section 106 is up to date with all changes known to be in force on or before 12 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.