



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Interpretation of Chapter 1

151 Interpretation of Chapter 1

(1) In this Chapter—

“the Access Directive” means Directive [2002/19/EC](#) of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities;

“access-related condition” means a condition set as an access-related condition under section 45;

“allocation” and “adoption”, in relation to telephone numbers, and cognate expressions, are to be construed in accordance with section 56;

“apparatus market”, in relation to a market power determination, is to be construed in accordance with section 46(9)(b);

“designated universal service provider” means a person who is for the time being designated in accordance with regulations under section 66 as a person to whom universal service conditions are applicable;

“electronic communications apparatus”—

(a) in relation to SMP apparatus conditions and in section 141, means apparatus that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals

Status: Point in time view as at 06/04/2006. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 151 is up to date with all changes known to be in force on or before 23 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)

(within the meaning of section 32) that are transmitted by means of an electronic communications network; and

(b) in all other contexts, has the same meaning as in the electronic communications code;

“the electronic communications code” has the meaning given by section 106(1);

“end-user”, in relation to a public electronic communications service, means—

(a) a person who, otherwise than as a communications provider, is a customer of the provider of that service;

(b) a person who makes use of the service otherwise than as a communications provider; or

(c) a person who may be authorised, by a person falling within paragraph (a), so to make use of the service;

“the Framework Directive” means Directive [2002/21/EC](#) of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services;

“general condition” means a condition set as a general condition under section 45;

“interconnection” is to be construed in accordance with subsection (2);

“market power determination” means—

(a) a determination, for the purposes of provisions of this Chapter, that a person has significant market power in an identified services market or an identified apparatus market, or

(b) a confirmation for such purposes of a market power determination reviewed on a further analysis under section 84 or 85;

“misuse”, in relation to an electronic communications network or electronic communications service, is to be construed in accordance with section 128(5) and (8), and cognate expressions are to be construed accordingly;

“network access” is to be construed in accordance with subsection (3);

“persistent” and “persistently”, in relation to misuse of an electronic communications network or electronic communications service, are to be construed in accordance with section 128(6) and (7);

“premium rate service” is to be construed in accordance with section 120(7);

“privileged supplier condition” means a condition set as a privileged supplier condition under section 45;

“provider”, in relation to a premium rate service, is to be construed in accordance with section 120(9) to (12), and cognate expressions are to be construed accordingly;

“public communications provider” means—

(a) a provider of a public electronic communications network;

(b) a provider of a public electronic communications service; or

(c) a person who makes available facilities that are associated facilities by reference to a public electronic communications network or a public electronic communications service;

“public electronic communications network” means an electronic communications network provided wholly or mainly for the purpose of making electronic communications services available to members of the public;

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“public electronic communications service” means any electronic communications service that is provided so as to be available for use by members of the public;

“regulatory authorities” is to be construed in accordance with subsection (5);

“relevant international standards” means—

- (a) any standards or specifications from time to time drawn up and published in accordance with Article 17 of the Framework Directive;
- (b) the standards and specifications from time to time adopted by—
 - (i) the European Committee for Standardisation,
 - (ii) the European Committee for Electrotechnical Standardisation; or
 - (iii) the European Telecommunications Standards Institute; and
- (c) the international standards and recommendations from time to time adopted by—
 - (i) the International Telecommunication Union;
 - (ii) the International Organisation for Standardisation; or
 - (iii) the International Electrotechnical Committee;

“service interoperability” means interoperability between different electronic communications services;

“services market”, in relation to a market power determination or market identification, is to be construed in accordance with section 46(8)(a);

“significant market power” is to be construed in accordance with section 78;

“SMP condition” means a condition set as an SMP condition under section 45, and “SMP services condition” and “SMP apparatus condition” are to be construed in accordance with subsections (8) and (9) of that section respectively;

“telephone number” has the meaning given by section 56(5);

“the Universal Service Directive” means Directive [2002/22/EC](#) of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services;

“universal service condition” means a condition set as a universal service condition under section 45;

“the universal service order” means the order for the time being in force under section 65.

- (2) In this Chapter references to interconnection are references to the linking (whether directly or indirectly by physical or logical means, or by a combination of physical and logical means) of one public electronic communications network to another for the purpose of enabling the persons using one of them to be able—

- (a) to communicate with users of the other one; or
- (b) to make use of services provided by means of the other one (whether by the provider of that network or by another person).

- (3) In this Chapter references to network access are references to—

- (a) interconnection of public electronic communications networks; or
- (b) any services, facilities or arrangements which—
 - (i) are not comprised in interconnection; but
 - (ii) are services, facilities or arrangements by means of which a communications provider or person making available associated facilities is able, for the purposes of the provision of an electronic

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communications service (whether by him or by another), to make use of anything mentioned in subsection (4);

and references to providing network access include references to providing any such services, making available any such facilities or entering into any such arrangements.

(4) The things referred to in subsection (3)(b) are—

- (a) any electronic communications network or electronic communications service provided by another communications provider;
- (b) any apparatus comprised in such a network or used for the purposes of such a network or service;
- (c) any facilities made available by another that are associated facilities by reference to any network or service (whether one provided by that provider or by another);
- (d) any other services or facilities which are provided or made available by another person and are capable of being used for the provision of an electronic communications service.

(5) References in this Chapter to the regulatory authorities of member States are references to such of the authorities of the member States as have been notified to the European Commission as the regulatory authorities of those States for the purposes of the Framework Directive.

(6) For the purposes of this Chapter, where there is a contravention of an obligation that requires a person to do anything within a particular period or before a particular time, that contravention shall be taken to continue after the end of that period, or after that time, until that thing is done.

(7) References in this Chapter to remedying the consequences of a contravention include references to paying an amount to a person—

- (a) by way of compensation for loss or damage suffered by that person; or
- (b) in respect of annoyance, inconvenience or anxiety to which he has been put.

(8) In determining for the purposes of provisions of this Chapter whether a contravention is a repeated contravention for any purposes, a notification of a contravention under that provision shall be disregarded if it has been withdrawn before the imposition of a penalty in respect of the matters notified.

(9) For the purposes of this section a service is made available to members of the public if members of the public are customers, in respect of that service, of the provider of that service.

Commencement Information

- I1** [S. 151](#) 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. 151](#) 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)

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