



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 3

#### DISPUTES AND APPEALS

##### *Disputes*

#### **186 Action by OFCOM on dispute reference**

(1) This section applies where a dispute is referred to OFCOM under and in accordance with section 185.

(2) OFCOM must decide whether or not it is appropriate for them to handle the dispute.

[<sup>F1</sup>(2A) In relation to a dispute falling within subsection 185(1), OFCOM may in particular take into account their priorities and available resources in considering whether it is appropriate for them to handle the dispute.]

(3) [<sup>F2</sup>In relation to a dispute falling within section 185(1A) or (2),] Unless they consider—

- (a) that there are alternative means available for resolving the dispute,
- (b) that a resolution of the dispute by those means would be consistent with the [<sup>F3</sup>six] requirements set out in section 4, and
- (c) that a prompt and satisfactory resolution of the dispute is likely if those alternative means are used for resolving it,

their decision must be a decision that it is appropriate for them to handle the dispute.

(4) As soon as reasonably practicable after OFCOM have decided—

- (a) that it is appropriate for them to handle the dispute, or

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**Changes to legislation:** *Communications Act 2003, Section 186 is up to date with all changes known to be in force on or before 15 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*

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- (b) that it is not,  
 they must inform each of the parties to the dispute of their decision and of their reasons for it.
- (5) The notification must state the date of the decision.
- (6) [<sup>F4</sup>In relation to a dispute falling within section 185(1A) or (2),] Where—
- (a) OFCOM decide that it is not appropriate for them to handle the dispute, but
  - (b) the dispute is not resolved by other means before the end of the four months after the day of OFCOM's decision,
- the dispute may be referred back to OFCOM by one or more of the parties to the dispute.

#### Textual Amendments

- F1** S. 186(2A) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 93(a)** (with Sch. 3 para. 2)
- F2** Words in s. 186(3) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 93(b)** (with Sch. 3 para. 2)
- F3** Word in s. 186(3)(b) substituted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(3)(a), **Sch. 1 para. 79**
- F4** Words in s. 186(6) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 93(b)** (with Sch. 3 para. 2)

#### Modifications etc. (not altering text)

- C1** Ss. 185-191(4) applied (6.4.2023) by [The Trade \(Mobile Roaming\) Regulations 2023 \(S.I. 2023/214\)](#), regs. 1(b), **9(2)(3)**

#### Commencement Information

- I1** S. 186 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. 186 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:**

Communications Act 2003, Section 186 is up to date with all changes known to be in force on or before 15 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.

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

- s. 186(3)(b) word substituted by [S.I. 2019/246 Sch. 1 para. 37](#) (This amendment not applied to legislation.gov.uk. Amending provision omitted (21.12.2020) by virtue of S.I. 2020/1419, reg. 1(2), Sch. 2 para. 4(2))
- 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\(1\)](#)