



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 3

#### DISPUTES AND APPEALS

#### *Appeals*

#### **[<sup>F1</sup>194A Disposal of appeals under section 192 (other than against certain decisions of Secretary of State)]**

- (1) This section applies to an appeal against a decision referred to in section 192(1)(a), (b), (c), (d)(iii) or (e).
- (2) The Tribunal must decide the appeal, by reference to the grounds of appeal set out in the notice of appeal, by applying the same principles as would be applied by a court on an application for judicial review.

[ In a case where the appeal is against a relevant security decision of OFCOM, the <sup>F2</sup>(2A) Tribunal is to apply those principles without taking any special account of the merits of the case.

(2B) Subsection (2A) has effect notwithstanding any [<sup>F3</sup>assimilated] case law <sup>F4</sup>...

- (3) The Tribunal may—
  - (a) dismiss the appeal or quash the whole or part of the decision to which it relates; and
  - (b) where it quashes the whole or part of that decision, remit the matter back to the decision-maker with a direction to reconsider and make a new decision in accordance with the ruling of the Tribunal.

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**Changes to legislation:** Communications Act 2003, Section 194A 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

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- (4) The decision-maker must comply with a direction under subsection (3)(b).
- (5) In its application to a decision of the Tribunal under this section, paragraph 1(2)(b) of Schedule 4 to the Enterprise Act 2002 (exclusion of commercial information from documents recording Tribunal decisions) is to have effect as if, for the reference to the undertaking to which commercial information relates, there were substituted a reference to any person to whom it relates.
- (6) In this section
- [<sup>F5</sup>“assimilated case law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018;]
- “the decision-maker” means the person who made the decision appealed against;
- [<sup>F6</sup>“relevant security decision” means a decision under any of sections 105I, 105L to 105O and 105U to 105W;
- <sup>F7</sup> ...]]

#### Textual Amendments

- F1** S. 194A inserted (31.7.2017) by Digital Economy Act 2017 (c. 30), ss. 87(4), 118(6) (with s. 87(12)); S.I. 2017/765, reg. 2(w)
- F2** S. 194A(2A)(2B) inserted (1.10.2022) by Telecommunications (Security) Act 2021 (c. 31), ss. 13(2), 28(2)(b); S.I. 2022/931, reg. 2(b)
- F3** Word in s. 194A(2B) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 50(2)(a)
- F4** Words in s. 194A(2B) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 50(2)(b)
- F5** Words in s. 194A(6) inserted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 50(3)(a)
- F6** Words in s. 194A(6) inserted (1.10.2022) by Telecommunications (Security) Act 2021 (c. 31), ss. 13(3), 28(2)(b); S.I. 2022/931, reg. 2(b)
- F7** Words in s. 194A(6) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 50(3)(b)

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

- C1** S. 194A applied (6.4.2023) by The Trade (Mobile Roaming) Regulations 2023 (S.I. 2023/214), regs. 1(b), 10(2)

**Changes to legislation:**

Communications Act 2003, Section 194A 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.

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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\(1\)](#)