



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Conditions of entitlement to provide network or service etc.

[^{F1}48A. [^{F2}Consultation] for section 45 conditions

- (1) This section applies where OFCOM propose to set, modify or revoke—
 - (a) SMP apparatus conditions; or
 - (b) any other conditions set under section 45 where what is proposed would, in OFCOM's opinion, have a significant impact on a market for any of the services, facilities, apparatus or directories in relation to which they have functions under this Chapter.
- (2) But this section does not apply where ^{F3}... in OFCOM's opinion—
 - (a) there are exceptional circumstances; and
 - (b) there is an urgent need to act in order to safeguard competition and to protect the interests of consumers.

[This section also does not apply to the proposed setting, modification or revocation ^{F4}(2A) of a social tariff condition.]

- (3) OFCOM must publish a notification—
 - (a) stating that they are proposing to set, modify or revoke the conditions that are specified in the notification;
 - (b) setting out the effect of those conditions, modifications or revocations;

Status: Point in time view as at 31/12/2020.

Changes to legislation: Communications Act 2003, Section 48A 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)

- (c) giving their reasons for making the proposal; and
 - (d) specifying the period within which representations may be made to OFCOM about their proposal.
- (4) That period must end no less than [^{F5}30 days] after the day of the publication of the notification.
- (5) But where OFCOM are satisfied that there are exceptional circumstances justifying the use of a shorter period, the period specified as the period for making representations may be whatever shorter period OFCOM consider reasonable in those circumstances.
- (6) OFCOM must—
- (a) consider every representation about the proposal made to them during the period specified in the notification; and
 - (b) have regard to every international obligation of the United Kingdom (if any) which has been notified to them for the purposes of this paragraph by the Secretary of State.
- (7) ^{F6}... OFCOM may then give effect to [^{F7}the proposal], with any modifications that appear to OFCOM to be appropriate.]

Textual Amendments

- F1** Ss. 48A-48C inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 23** (with Sch. 3 paras. 2, 6)
- F2** Word in s. 48A heading substituted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 10(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 48A(2) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 10(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 48A(2A) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 13(2)**
- F5** Words in s. 48A(4) substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 13(3)**
- F6** Words in s. 48A(7) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 10(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 48A(7) substituted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 10(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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