



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

SMP services conditions: subject-matter

89 Conditions about network access in exceptional cases

- (1) This section applies where—
 - (a) OFCOM have made a determination that a person (“the dominant provider”) has significant market power in an identified services market;
 - (b) that person is the provider of an electronic communications network or a person who makes associated facilities available; and
 - (c) OFCOM consider that there are exceptional circumstances making it appropriate for conditions with respect to the provision of network access to be applied to the dominant provider in addition to those that are required to be or may be applied to him apart from this section.
- (2) OFCOM may set the additional SMP conditions and apply them to the dominant provider if—
 - (a) they have submitted the additional conditions to the European Commission for approval; and
 - (b) the Commission has approved the imposition on the dominant provider of the obligations contained in those conditions.

Status: Point in time view as at 15/06/2011. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 89 is up to date with all changes known to be in force on or before 31 May 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)

Commencement Information

- I1** S. 89 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. 89 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Point in time view as at 15/06/2011. This version of this provision has been superseded.

Changes to legislation:

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