

SCHEDULES

SCHEDULE 14

REGULATORS: USE OF POWERS UNDER THE 1998 ACT

Communications Act 2003 (c. 21)

- 17 In section 94 (notification of contravention of SMP apparatus conditions), for subsection (10) substitute—
- “(10) Before giving a notification under this section, OFCOM must consider whether it would be more appropriate to proceed under the Competition Act 1998.
 - (10A) OFCOM must not give a notification under this section if they consider that it would be more appropriate to proceed under the Competition Act 1998.
 - (10B) In a case where OFCOM decide that it would be more appropriate to proceed under the Competition Act 1998, they must publish a statement to that effect in such manner as they consider appropriate for bringing their decision to the attention of persons whom they consider are likely to be affected by it.”