



Telecommunications (Security) Act 2021

2021 CHAPTER 31

Further amendments

24 Further amendment concerning penalties

After section 139 of the Communications Act 2003 insert—

“139ZA Higher penalties for certain contraventions

- (1) This section applies where—
 - (a) a person is given a notification under section 138 which specifies a proposed penalty; and
 - (b) the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
 - (a) the proposed penalty is in respect of a contravention of a requirement to provide information under section 135; and
 - (b) the demand for the information contains a statement that OFCOM consider the information to be necessary for the purpose of—
 - (i) carrying out any of their functions under sections 105L to 105Z;
 - (ii) preparing a report under section 105Z12.
- (3) The condition in this subsection is that the proposed penalty is in respect of a contravention of a requirement imposed under subsection (3C) of section 135.
- (4) Section 139 applies in relation to the proposed penalty as if—
 - (a) in subsection (4B), the maximum penalty specified were £50,000 per day;
 - (b) in subsection (5), the maximum penalty specified were £10 million.
- (5) The Secretary of State may by regulations amend this section so as to make different provision as to the maximum penalty applying under section 139(4B) or (5).

- (6) No regulations are to be made containing provision authorised by subsection (5) unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”

25 Further consequential amendments

- (1) The Communications Act 2003 is amended as follows.
- (2) In section 38 (fixing of charges) in subsection (6) (list of functions by reference to which charges are to be fixed) omit paragraph (ec).
- (3) In section 402 (power of Secretary of State to make orders and regulations) in subsection (2) (orders and regulations subject to negative procedure)—
 - (a) omit the “or” before paragraph (c);
 - (b) after paragraph (c) insert “or
 - (d) any regulations that are required, by any provision of this Act, to be laid before Parliament and approved in draft,”.