

SCHEDULES

SCHEDULE 17

VIDEO-SHARING PLATFORM SERVICES: TRANSITIONAL PROVISION ETC

PART 4

AFTER THE END OF THE TRANSITIONAL PERIOD

Interpretation of this Part

- 26 In this Part of this Schedule—
- (a) “the repeal time” means the time when section 210 of this Act comes into force (repeal of Part 4B of the Communications Act);
 - (b) (except in paragraph (a)) references to sections are to sections of the Communications Act.
- 27 For the purposes of this Part an investigation relating to a person begins when OFCOM notify the person to that effect.

OFCOM as appropriate regulatory authority

- 28 The repeal of section 368T does not affect OFCOM’s powers to act after the repeal time as the appropriate regulatory authority under Part 4B of the Communications Act as it has effect by virtue of this Part of this Schedule.

Duties of service providers to co-operate with investigations

- 29 The repeal of section 368Y(3)(c) (duty to co-operate) does not affect the application of that provision after the repeal time in relation to—
- (a) an investigation as mentioned in section 368Z10(3)(f) begun before that time, or
 - (b) any demand for information for the purpose mentioned in section 368Z10(3)(i) resulting from such an investigation.

Demands for information, and enforcement of such demands

- 30 (1) The repeal of sections 368Y(3)(b) and 368Z10 (demands for information) does not affect the application of those provisions after the repeal time in a case in which—
- (a) OFCOM require information after the repeal time for the purposes of an investigation as mentioned in section 368Z10(3)(f), and
 - (b) the investigation was begun before that time.
- (2) The repeal of sections 368Z2, 368Z4 and 368Z10 does not affect the application of those sections after the repeal time in connection with—

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- (a) a failure to comply with a requirement under section 368Z10 imposed before that time, or
 - (b) a failure to comply with a requirement imposed after that time under section 368Z10 as it has effect in a case mentioned in sub-paragraph (1).
- (3) In this paragraph—
- (a) “the purposes of an investigation” include the purposes of any enforcement action or proceedings resulting from an investigation;
 - (b) references to sections 368Z2 and 368Z4 include references to those sections as modified by section 368Z10.

Enforcement notifications, financial penalties etc

- 31 (1) The repeal of sections 368W and 368Z4 (enforcement of section 368V) does not affect the application of those sections after the repeal time in a case in which OFCOM—
- (a) made a determination as mentioned in section 368W(1) before that time, or
 - (b) began, before that time, to investigate whether they may have grounds to make such a determination.
- (2) The repeal of sections 368Z2 and 368Z4 (enforcement of sections 368Y and 368Z1(6) and (7)) does not affect the application of those sections after the repeal time in a case in which OFCOM—
- (a) made a determination as mentioned in section 368Z2(1) before that time, or
 - (b) began, before that time, to investigate whether they may have grounds to make such a determination.
- (3) The repeal of sections 368Z3 and 368Z4 (enforcement of sections 368Z1(1) and (2)) does not affect the application of those sections after the repeal time in a case in which OFCOM—
- (a) made a determination as mentioned in section 368Z3(1) before that time, or
 - (b) began, before that time, to investigate whether they may have grounds to make such a determination.

Suspension or restriction of service for contraventions or failures

- 32 (1) The repeal of section 368Z5 (suspension or restriction of service for contraventions or failures) does not affect the application of that section after the repeal time in a case in which OFCOM—
- (a) made a determination as mentioned in section 368W(1), 368Z2(1) or 368Z3(1) before that time, or
 - (b) made such a determination after that time following an investigation begun before that time.
- (2) The repeal of section 368Z5 does not affect the application of that section (as modified by section 368Z10) after the repeal time in a case in which—
- (a) OFCOM are satisfied that a person failed to comply with a requirement under section 368Z10 imposed before that time, or
 - (b) OFCOM are satisfied that a person failed to comply with a requirement imposed after that time under section 368Z10 as it has effect in a case mentioned in paragraph 30(1).

- (3) The repeal of sections 368Z7 (directions under sections 368Z5 and 368Z6) and 368Z8 (offence relating to such directions) does not affect the application of those sections after the repeal time in connection with a direction given under section 368Z5 as it has effect by virtue of this paragraph.