
STATUTORY INSTRUMENTS

2003 No. 3142

**The Office of Communications Act 2002
(Commencement No. 3) and Communications
Act 2003 (Commencement No. 2) Order 2003**

Transitional provisions: existing legislation

10.—(1) The repeal of sections 45(5) to (6A) and 47(8) to (9A) of the 1990 Act shall not affect the operation of section 41 of that Act, as applied by those provisions, in relation to any matter arising before the coming into force of those repeals.

(2) In the period beginning with the transfer of functions from the ITC to OFCOM on 29th December 2003 in accordance with the provisions of the principal Act brought into force by this Order and ending immediately before section 299(1) of the principal Act is brought into force by this Order on 30th June 2004, for the reference to “the Commission” in section 97(2)(c) of the 1996 Act there shall be substituted a reference to “OFCOM”.

(3) In relation to any time between the commencement of the repeal of section 2 of the 1990 Act on 29th December 2003 and the commencement of the repeal of section 181 of that Act on 1st April 2004, section 181 shall have effect as if the definition of “television broadcasting service” in subsection (4) were—

““television broadcasting service” means a television broadcasting service within the meaning of Part 3 of the Communications Act 2003, whether provided by the holder of a licence under Part 1 of this Act or by the BBC or the Welsh Authority.”

(4) In relation to any time between the commencement of the repeal of section 2 of the 1990 Act on 29th December 2003 and the coming into force of any revocation of regulation 3 of the Wireless Telegraphy (Television Licence Fees) Regulations 1997(1), the reference in that regulation to “television programme services” as defined by section 2(4) of the 1990 Act shall be read as if it were a reference to such services as defined by section 362 of the principal Act.

(1) [SI 1997/290](#), which set the level of the television licence fee. Regulation 3 provides the definition of “television receiver” for the purposes of [1949 c. 54](#).