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STATUTORY INSTRUMENTS

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**2003 No. 3142**

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

**Commencement on 29th December 2003**

3.—(1) Paragraph 12 of the Schedule to the Office of Communications Act 2002 and the provisions of the principal Act set out in Schedule 1 hereto shall, subject to the exceptions set out therein and to paragraph (3) below, come into force on 29th December 2003.

(2) The transitionally commenced provisions are brought into force by this Order on 29th December 2003 for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM.

(3) Section 2 of, and paragraph 1(1)(a) of Schedule 1 and paragraphs 6 and 15 of Schedule 17 to, the principal Act shall not come into force on 29th December 2003 to the extent that the 1949 Act applies in respect of television licences and television receivers; and until those provisions are further brought into force by article 4 below on 1st April 2004—

- (a) the 1949 Act shall continue to apply in respect of television licences and television receivers as it applies immediately before 29th December 2003,
- (b) the reference to section 1(7) of the 1949 Act in section 1(1) of the Wireless Telegraphy Act 1998<sup>(1)</sup> shall be construed accordingly,
- (c) the reference to the enactments relating to the management of the radio spectrum in section 394(2)(c) of the principal Act shall be construed in respect of television licences and television receivers as a reference to those enactments as they apply immediately before 29th December 2003, and
- (d) section 15 of the 1949 Act shall apply in respect of television licences and television receivers as if references therein to the Secretary of State included references to OFCOM, save that in respect of television licences and television receivers, OFCOM may do under the said section 15 only those things which they will be able to do under section 366 of the principal Act when it comes into force on 1st April 2004.