

**DEPARTMENT FOR BUSINESS  
ENTERPRISE & REGULATORY REFORM**

**COMMUNICATIONS ACT 2003**

Third Report on the  
Secretary Of State's  
functions by the Secretary  
of State for Business,  
Enterprise and Regulatory  
Reform and the Secretary  
of State for Culture, Media  
and Sport

HC 594 JULY 2007



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URN No 07/1110

ISBN 978-0-10-294618-5



9 780102 946185



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For the period from 29 December 2005 to 28 December 2006

Presented pursuant to section 390 of the Communications Act 2003

Ordered by the House of Commons to be printed 19th July 2007

HC 594 LONDON : THE STATIONERY OFFICE

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Wireless Telegraphy Act 1967 section 15(6) *, Broadcasting Act section 204(6), Intelligence Services Act 1994 section 12(4), Broadcasting Act 1996 section 150(4), Communications Act 2003 section 411(6), Wireless Telegraphy Act 2006 section 118(3), 118(6), 119(3) and paragraph 24 of Schedule 8	14.12.06	The Wireless Telegraphy (Jersey) Order 2006	SI 2006 No. 3324	Extends the Wireless Telegraphy Act 2006, with modifications, to Jersey
Wireless Telegraphy Act 1967 section 15(6) *, Broadcasting Act section 204(6), Intelligence Services Act 1994 section 12(4), Broadcasting Act 1996 section 150(4), Communications Act 2003 section 411(6), Wireless Telegraphy Act 2006 section 118(3), 118(6), 119(3) and paragraph 24 of Schedule 8	14.12.06	The Wireless Telegraphy (Guernsey) Order 2006	SI 2006 No. 3325	Extends the Wireless Telegraphy Act 2006, with modifications, to Guernsey

\* Note: The Wireless Telegraphy Act 2006 received Royal Assent on 8 November 2006 and came into force in the United Kingdom on 8 February 2007. The new Act replaced the Wireless Telegraphy Acts 1949, 1967 and 1998, the Marine etc Broadcasting (Offences) Act 1967, Part 6 of the Telecommunications Act 1984 and certain provisions of the Communications Act 2003. The Act was also extended to the Channel Islands and the Isle of Man on 8 February 2007. The Isle of Man Order in Council was made on 7 February 2007.

## COMMUNICATIONS ACT 2003

Report by the Secretary of State for Business, Enterprise and Regulatory Reform and the Secretary of State for Culture, Media and Sport

### Introduction

1. Section 390 of the Communications Act 2003 requires the Secretary of State to prepare and lay before Parliament reports about the performance of the Secretary of State's functions under the following legislation:

The Communications Act 2003;  
The Wireless Telegraphy Act 2006;  
The Office of Communications Act 2002; and  
The Broadcasting Acts 1990 and 1996.

2. The First Report (HC 325 July 2005) covered the period from 19 March 2002 to 28 December 2004. Every subsequent report to the first report must relate to the period of twelve months beginning with the end of the period to which the previous report related. This report (the "Third Report") covers the period from 29 December 2005 to 28 December 2006.

### Previous Reports

First Report	July 2005	HC325
Second Report	July 2006	HC1445

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Power	Date (made, where reference to an enactment)	Measure	Reference	Description
Wireless Telegraphy Act 1967 section 6(1) * and Communications Act 2003 sections 365(1) and (4), and 402(3)	07.03.06	The Communications (Television Licensing) (Amendment) Regulations 2006	SI 2006 No. 619	Amends the provisions prescribing the fees payable for television licenses and amends the definition of a "television set" in Regulation 11 of the Communications (Television Licensing) Regulations 2004 to exempt mobile telephones from the television dealer notification requirements set out in the Wireless Telegraphy Act 1967 Part I
Communications Act 2003 section 130(9)	02.04.06	The Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006	SI 2006 No. 1032	Amends section 130(4) of the Communications Act 2003 so as to raise the maximum penalty that the Office of Communications (Ofcom) can impose under section 130 of that Act in respect of persistent misuse of electronic communications networks or services from £5,000 to £50,000

Broadcasting Act 1996 section 1(5) and Communications Act 2003 sections 234 and 402(3)	24.07.06	The Television Licensable Content Services Order 2006	SI 2006 No. 2131	Amends the definition of a "television licensable content service" in the Communications Act 2003 so that television programme services falling within that definition can be carried on a radio multiplex service. It also makes other amendments to that Act and the Broadcasting Act 1996
Broadcasting Act 1996 section 63(3)(b)	18.10.06	The Broadcasting Digital Terrestrial Sound (Technical Service) Order 2006	SI 2006 No. 2793	Amends the meaning of a technical service for the purposes of section 63(3)(b) of the Broadcasting Act 1996 because it is now possible for certain television services to be carried on a digital radio multiplex service. It also amends the Broadcasting Digital Terrestrial Sound (Technical Service) Order 1998 to take account of modifications in the Television Licensable Services Order 2006 (SI 2006/2131) which enabled television licensable content services to be carried on a digital radio multiplex service