



Department for  
Science, Innovation  
& Technology

## **COMMUNICATIONS ACT 2003**

Eleventh Report on the Secretary of State's functions under the Communications Act 2003, the Wireless Telegraphy Act 2006, the Office of Communications Act 2002 and the Broadcasting Acts 1990 and 1996, by the Secretary of State for Science, Innovation and Technology

20 July 2023

HC 1776



# Department for Science, Innovation and Technology

Eleventh Report on the Secretary of State's functions under the Communications Act 2003, the Wireless Telegraphy Act 2006, the Office of Communications Act 2002 and the Broadcasting Acts 1990 and 1996, by the Secretary of State for Science, Innovation and Technology

For the period of 29 December 2020 to 19 December 2022

Presented to Parliament pursuant to section 390 of the Communications Act 2003

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# COMMUNICATIONS ACT 2003

Report by the Secretary of State Science, Innovation and Technology

## Introduction

1. Section 390 of the Communications Act 2003 requires the Secretary of State to prepare and lay before Parliament reports about the carrying out 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 & 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 "Eleventh Report") covers the period from 29 December 2020 to 19 December 2022. In the interest of efficiency, this report covers both the periods December 2020-21 and December 2021-22.

Previous Reports:

First Report July 2005 HC 325

Second Report July 2006 HC 1445

Third Report July 2007 HC 594

Fourth Report Oct 2008 HC 1037

Fifth Report July 2009 HC 911

Sixth Report July 2010 HC 171

Seventh Report Nov 2011 HC 1613

Eight Report Dec 2012 HC 791

Ninth Report February 2014 HC 1057

Tenth Report July 2021 HC 290

Eleventh Report July 2023 HC 1776

**COMMUNICATIONS ACT 2003: Report by the Secretary of State for Science,  
Innovation and Technology**

**Statutory Instrument**

<b>Power under which instrument made</b>	<b>Date made</b>	<b>Name of instrument</b>	<b>SI number</b>	<b>Description of what the instrument does</b>
s2(2) European Communities Act 1972 and s8(1) and para 21 of Sch 7 to European Union (Withdrawal) Act 2018	2 December 2020	The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020	SI 2020/1419	This instrument implements the European Electronic Communications Code Directive (2018/1972/EU). It makes amendments to the Communications Act 2003, the Wireless Telegraphy Act 2006 along with other minor amendments to secondary legislation. The European Electronic Communications Code Directive (2018/1972/EU) repeals and replaces directives within the European Framework on Electronic Communications including the Framework Directive (2002/21/EC), the Access Directive (2002/19/EC), the Authorisation Directive (2002/20/EC), and the Universal Service Directive (2002/22/EC). The main provisions relate to the promotion of very high capacity networks and network investment; the management of spectrum including a power of Ofcom to require the licence holder to enter into a wholesale roaming access agreement (an agreement between a spectrum licence-holder and a service provider who depends on the use of spectrum to provide services to customers) and enabling Ofcom to allow the leasing or transfer of all spectrum licences; consumer or end-user protection relating to bundled and other contracts and their fair termination; and provisions relating to universal service conditions, regarding the affordability of a possible mobile universal service, and monitoring by Ofcom of retail prices for fixed broadband and telephony.
S.1 Legislative and Regulatory Reform Act 2006	9 December 2020	Legislative Reform (Renewal of Radio Licences) Order 2020	SI 2020/1526	Amends the Broadcasting Act 1990 to allow analogue commercial radio licences to be renewed for a further ten year period, on the condition that the licensee also provides a service on an appropriate digital radio multiplex.
S.365 (1), s.365(4) and s.402(3) Communications Act 2003	3 February 2021	Communications (Television Licensing) (Amendment) Regulations 2021	SI 2021/124	Provided increases in the amount payable for most categories of TV licence; and the amount of each instalment for certain categories of TV licence which are payable in instalments.

S.365 (1), s.365(4) and s.402(3) Communications Act 2003	2 March 2021	Communications (Television Licensing) (Amendment) (No. 2) Regulations 2021	SI 2021/227	These Regulations amend the Communications (Television Licensing) Regulations 2004 to make provision for the form of TV licence known as a “simple payment plan licence” to be available from 1st May 2021 to eligible television licence fee payers who are resident in the Isle of Man.
s.243(1) and s.402(3) Communications Act 2003	11 August 2021	Television Multiplex Services (Renewal of Multiplex Licences) Order 2021	SI 2021/941	This Order modifies Part 1 of the Broadcasting Act 1996 to give Ofcom the power to further renew the Multiplex A, B, C, D and Multiplex 2 licences. These are licences to provide television multiplex services - the means by which digital terrestrial television is broadcast (i.e. digital television services received via a conventional aerial).

<b>Power under which instrument made</b>	<b>Date made</b>	<b>Name of instrument</b>	<b>SI number</b>	<b>Description of what the instrument does</b>
S.1 Legislative and Regulatory Reform Act 2006	7 April 2022	Legislative Reform (Renewal of National Radio Multiplex Licences) Order 2022	SI 2022/444	Amends the Broadcasting Act 1996 to allow the two national commercial radio multiplex licences to be renewed to 31 December 2035.
s.105B, s.105D and s.402(3) Communications Act 2003	1 September 2022	Electronic Communications (Security Measures) Regulations 2022	SI 2022/933	These Regulations require the providers of public electronic communications networks or public electronic communications services to take specified security measures.
s.105E and s.105F Communications Act 2003	1 December 2022	Telecommunications Security Code of Practice	N/A	The Code of Practice provides guidance to large and medium-sized public telecoms providers on measures to take to comply with the Electronic Communications (Security Measures) Regulations 2022
S.65 Communications Act 2003	5 September 2022	Electronic Communications (Universal Service) (Amendment) Order 2022	SI 2022/937	This Order amends the Electronic Communications (Universal Service) Order 2003 which sets out the extent to which electronic communications networks and services, and facilities related to those services, are to be provided throughout the UK as universal services, that is, basic telephony services that are available upon reasonable request and at an affordable price.
s.1(7) Office of Communications Act 2002	11 October 2022	Office of Communications (Membership) (Modification) Order 2022	SI 2022/1033	This Order increases the maximum membership of the Office of Communications from twelve to thirteen. Increasing the maximum number of board members by one will allow for two new members with online safety expertise to be appointed.
s.402(3) of, and paragraphs 27C(8), 27D(1)(d) and 27G(1)(c) of Schedule 3A to, the Communications Act 2003	17 October 2022	Telecommunications Infrastructure (Leasehold Property) (Conditions and Time Limits) Regulations 2022	SI 2022/1057	The electronic communications code replaces the previous code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12). The code sets out the basis on which electronic communications operators authorised by Ofcom under



				section 106 of the Communications Act 2003 may exercise rights to deploy and maintain their electronic communications apparatus on, over and under land.
s.321A(6), s368FA(6) and s.368Z14(7) of the Communications Act 2003	9 December 2022	Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2022	SI 2022/1311	These Regulations amend the date on which the requirements introduced by those sections relating to the advertising of less healthy food and drink, inserted into the Communications Act 2003 (c. 21) by Schedule 18 to the Health and Care Act 2022 (c. 31) take effect, so that it is postponed until 1 October 2025.
s.368Z14(7) of the Communications Act 2003	19 December 2022	The Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) (No. 2) Regulations 2022	SI 2022/1382	This SI makes a correction to the statutory instrument laid on Friday 9 December which delayed the implementation date of the restrictions on advertising of products high in fat, salt or sugar (HFSS) to 1 October 2025. The original instrument erroneously referred to a date of 1 January 2025 in some of the provisions. This SI corrects this by substituting all dates to 1 October 2025. This ensures implementation of the HFSS advertising restrictions will be delayed until 1 October 2025 as intended.

### Statutory Functions:

Statutory Function	Date	Description
Section 56 of the Broadcasting Act 1990 (S4C)	9 Apr 2021	The Secretary of State appointed Chris Jones, Adele Gritten, Guto Bebb and Denise Lewis Poulton as members of the S4C Authority for four years.
Section 56 of the Broadcasting Act 1990 (S4C)	10 August 2022	The Secretary of State appointed Suzy Davies as a member of the S4C Authority for four years.
Section 23 of the Broadcasting Act 1990 (Channel 4)	1 March 2021	The Secretary of State approved the reappointment of Lord Holmes of Richmond as the Deputy Chair of the Channel 4 Television Corporation for 3 years.
Section 23 of the Broadcasting Act 1990 (Channel 4)	06 December 2021	The Secretary of State approved the appointment of Dawn Airey, Tess Alps, David Kogan and Sarah Sands as Non-Executive Directors of the Channel 4 Television Corporation for 3 years.
Section 23 of the Broadcasting Act 1990 (Channel 4)	25 January 2022	The Secretary of State approved the appointment of Dawn Airey as interim Chair of the Channel 4 Television Corporation.
Section 23 of the Broadcasting Act 1990 (Channel 4)	04 April 2022	The Secretary of State approved the appointment of Sir Ian Cheshire as Chair of the Channel 4 Television Corporation for 3 years.
Section 23 of the Broadcasting Act 1990 (Channel 4)	26 April 2022	The Secretary of State approved the appointment of Michael Lynton as Non-Executive Director of the Channel 4 Television Corporation for 3 years.

Section 23 of the Broadcasting Act 1990 (Channel 4)	30 November 2022	The Secretary of State approved the extension of the appointments of Paul Geddes and Roly Keating as Non-Executive Directors of the Channel 4 Television Corporation for nine months.
Section 1 of the Office of Communications Act 2002	01 January 2021	The Secretary of State appointed Maggie Carver as Interim Chair
Section 1 of the Office of Communications Act 2002	01 May 2022	The Secretary of State appointed Lord Michael Grade as Chair of the Board at Ofcom for 4 years.
Section 1 of the Office of Communications Act 2002	01 June 2022	The Secretary of State approved the extension of Graham Mather to the Ofcom board by 9 months.
Section 1 of the Office of Communications Act 2002	30 September 2022	The Secretary of State approved the extension of Angela Dean to the Ofcom board by 9 months.
Section 1 of the Office of Communications Act 2002	3 October 2022	The Secretary of State approved the appointment of Will Harding to the Board of Ofcom for 4 years.
Section 46 of the Broadcasting Act 1996	22 July 2022	The Secretary of State consented to Ofcom specifying a nil value Percentage of Multiplex Revenue in its terms for renewal for the national commercial digital radio multiplex licences.
Section 97 of the Broadcasting Act 1996	25 April 2022	The Secretary of State added the FIFA Women's World Cup and the UEFA European Women's Championship to the listed events regime, following consultation with statutory consultees.

Section 105Z8 of the Communications Act 2003	13 October 2022	The Secretary of State issued a designation notice to Huawei in the interest of national security.
Section 105Z1 of the Communications Act 2003	13 October 2022	The Secretary of State issued a designated vendor direction to 35 telecommunication providers relating to the use of Huawei goods and services in UK public telecommunications networks.



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