



Department for
Science, Innovation
& Technology

Twelfth Report on the Secretary of State's functions under the Communications Act 2003, the Wireless Telegraphy Act 2006, the Office of Communications Act 2002, the Broadcasting Acts 1990 and 1996, and the Online Safety Act 2023, by the Secretary of State for Science, Innovation and Technology

July 2024

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Technology**

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the Secretary of State for Science,
Innovation and Technology**

For the period of 20 December 2022 to 19 December 2023

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;

The Broadcasting Acts 1990 & 1996;

The Online Safety Act 2023

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 "Twelfth Report") covers the period from 20 December 2022 to 19 December 2023.

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 908

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

Statutory Instrument

Power under which instrument made	Date made	Name of instrument	SI number	Description of what the instrument does
Communications Act 2003	19/12/22	Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) (No. 2) Regulations 2022	SI 2022/1381	These Regulations correct errors in the Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2022 (S.I. 2022/1311), correcting the date in the amendments made by that Statutory Instrument to section 368Z14(11) and (12)(a) of the Communications Act 2003 (c. 21) ("the 2003 Act").
Communications Act 2003	16/12/23	Electronic Communications Code (Jurisdiction) (Amendment) Regulations 2023	SI 2023/1220	<p>These Regulations amend the Electronic Communications Code (Jurisdiction) Regulations 2017 (S.I. 2017/1284) ("the jurisdiction regulations") to confer on the First-Tier Tribunal jurisdiction for all proceedings in relation to England and Wales under the Electronic Communications Code ("the code"). The code is set out in Schedule 3A to the Communications Act 2003 (c. 21), as inserted by Part 2 of the Digital Economy Act 2017 (c. 30).</p> <p>The jurisdiction regulations were made in exercise of the powers conferred by section 402(3) of the Communications Act 2003 and paragraph 95(1) to (4) of the code. The jurisdiction regulations permit functions conferred on "the court" by the code to be exercised by certain tribunals, and modify the code accordingly. The jurisdiction regulations restrict the commencement of relevant proceedings to certain tribunals, and provide for the transfer of relevant proceedings in England and Wales and in Scotland to certain courts if the tribunal considers that court to be a more appropriate forum.</p> <p>Regulation 2 of these Regulations amends regulation 3 of the jurisdiction regulations to</p>

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				<p>confer on the First-Tier Tribunal jurisdiction for all proceedings in relation to England and Wales under the code. It does this by removing the restriction that functions are only exercisable by the First-Tier Tribunal for code cases in relation to England that have been transferred to it from the Upper Tribunal and for code cases in relation to England and Wales in connection with Part 4A proceedings.</p> <p>Regulation 3 of these Regulations amends regulation 4 of the jurisdiction regulations to remove the restriction that relevant code proceedings in relation to England and Wales must be commenced in the Upper Tribunal. The restriction that Part 4A code proceedings must be commenced in the First-Tier Tribunal is retained.</p>
Online Safety Act 2023	21/11/23	The Online Safety Act 2023 (Commencement No. 1) Regulations 2023	SI 2023/1242	<p>These Regulations bring section 114(2) and (7) of the Online Safety Act 2023 (c. 50) (“the Act”) into force. They are the first Commencement Regulations made under the Act. The provisions specified in section 240(4) of the Act came into force on the day which it was passed.</p> <p>Section 114(1) of the Act grants the Office of Communications (“OFCOM”) an express power to co-operate with an overseas regulator, including by disclosing online safety information to that regulator, for the purposes of (a) facilitating the exercise by the overseas regulator of any of that regulator’s online regulatory functions, or (b) criminal investigations or proceedings relating to a matter to which the overseas regulator’s online regulatory functions relate. Section 114(2) of the Act provides that OFCOM’s power to co-operate only applies in relation to an overseas regulator specified in regulations made by the Secretary of State. Section 114(7) of the Act defines certain terms for the purposes of section 114, including the terms “online regulatory functions”, “online safety information” and “overseas regulator”.</p>

Power under which instrument made	Date made	Name of instrument	SI number	Description of what the instrument does
Online Safety Act 2023	19/12/23	The Online Safety Act 2023 (Commencement No. 2) Regulations 2023	SI 2023/1420	<p>These Regulations are the second commencement regulations under the Online Safety Act 2023 (c. 50) (“the 2023 Act”). They bring into force all provisions of the 2023 Act which have not otherwise been brought into force, except:</p> <p>(a) Section 18 (Duties to protect news publisher content); (b) Section 64 (User identity verification); (c) Section 66 (Requirement to report CSEA content to the NCA); (d) Section 69 (Offence in relation to CSEA reporting); (e) Section 71 (Duty not to act against users except in accordance with terms of service); (f) Section 72(2) to (9) and (12) (Further duties about terms of service); (g) Section 75 (Disclosure of information about use of service by deceased child users); (h) Section 81 (Duties about regulated provider pornographic content); (i) Part 10 and Schedule 14; (j) Section 160 (OFCOM's report about reporting and complaints procedures); (k) Section 193(2)(b) (OFCOM's guidance about illegal content judgements); and (l) Section 210 (Repeal of Part 4B of the Communications Act).</p>

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