



department for  
**culture, media  
and sport**

**COMMUNICATIONS ACT 2003**

## Seventh Report on the Secretary of State's functions by the Secretary of State for Culture, Olympics, Media and Sport

3 November 2011

HC 1613

improving  
the quality  
of life for all

Department for Culture, Media and Sport

Seventh Report on the Secretary of State's  
functions by the Secretary of State for Culture,  
Olympics, Media and Sport

For the period from 29 December 2009 to 28 December 2010

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

Ordered by the House of Commons to be printed 3 November 2011

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ISBN: 9780102975161

Printed in the UK by The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office

ID 2462217                      11/11

Printed on paper containing 75% recycled fibre content minimum.

## COMMUNICATIONS ACT 2003

Report by the Secretary of State for Culture, Olympics, 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 & 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 "Seventh Report") covers the period from 29 December 2009 to 28 December 2010.

#### Previous Reports

First Report	July 2005	HC325
Second Report	July 2006	HC1445
Third Report	July 2007	HC594
Fourth Report	Oct 2008	HC1037
Fifth Report	July 2009	HC911
Sixth Report	July 2010	HC171

**COMMUNICATIONS ACT 2003:**

**Report by the Secretary of State for Culture, Olympics, Media and Sport**

<b>Power</b>	<b>Date (made, where reference to an enactment)</b>	<b>Measure</b>	<b>Reference</b>	<b>Description</b>
Sections 262 and 402(3) of the Communications Act 2003	21 January 2010	Community Radio (Amendment) Order 2010	SI 2010/118	<p>The Order, amends the Community Radio Order 2004, which had made various modifications to the Broadcasting Act 1990 (“the 1990 Act”) and the Communications Act 2003 Act in relation to community radio.</p> <p>The order removed the restriction that a community radio licence may not be granted to an applicant who proposes to receive more than 50 per cent of the income needed to provide the service from any one source. The order provides that references to “any other local service” and “any other local licence” do not include references to any other community radio service or licence. It removes the prohibition of OFCOM granting a licence to provide a community radio service where the licence would overlap with another local licence for a service with a potential audience of no more than 50,000 persons aged fifteen or over. The Order provides that conditions prohibiting the inclusion of any remunerated advertisement and sponsorship that OFCOM are required to include in a community radio licence for a service which overlaps with another local</p>

Section 393(3) of the Communications Act 2003	08 February 2010	Communications Act 2003 (Disclosure of Information) Order 2010	SI 2010/282	<p>service (other than a community radio service) apply where the potential audience does not exceed 150,000 persons aged fifteen or over. The Order adds two further criteria to the list of matters as a result of which OFCOM must consult when deciding whether to consent to a departure from the character of a community radio service for the purposes of a condition imposed in a community radio licence under section 106(1A) of the 1990 Act. The Order also modified the 2003 Act in relation to community radio by substituting for section 253 a new section 253A, which gives OFCOM the power to extend community radio licences for one period of not more than five years.</p> <p>The Order makes provision connected with the implementation of Directive 2007/65 EC of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.</p> <p>The Order removes certain restrictions on the disclosure of information to which the regulatory authorities would otherwise be subject under section 391 of the Communications Act 2003.</p>
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Sections 365(1) and (4) and 402 of the Communications Act 2003	04 March 2010	Communications (Television Licensing) (Amendment) Regulations 2010	SI 2010/640	The Regulations provide for increases in the sums to be paid for different categories of television licences set out in the 2004 Regulations, and in the sums payable by way of instalments under instalment schemes set out in those Regulations.
Section 5 of the Wireless Telegraphy Act 2006	20 December 2010	Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2010	SI 2010/3024	The Order gives a number of directions to the Office of Communications (OFCOM). It directs OFCOM to vary existing wireless telegraphy licences to include provisions regarding the revocation of those licences, the duration of those licences, and coverage of services. In addition it directs OFCOM to amend their spectrum trading regulations to permit the trading of licences. OFCOM is also directed to amend their regulations to provide for amended charges for the grant of a licence, and to make regulations to set the rules for an auction of licences to use frequencies. The Order implements Directive 2009/114/EC of the European Parliament and of the Council amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community. The regulations give effect to Commission Decision 2009/343/EC on allowing the use of radio spectrum equipment using ultra-wideband technology in a harmonised manner in the Community.

<p>Section 130(9) of the Communications Act 2003</p>	<p>15 Sept 2010</p>	<p>Increases the maximum penalty for persistent misuse of network or service Order 2010</p>	<p>SI 2010/2291</p>	<p>The Order amends section 130(4) of the Communication Act 2003 to raise from £50,000 to £2 Million, the maximum penalty that Ofcom can impose under section 130 of the Communications Act in respect of persistent misuse of electronic communications networks or electronic communications services.</p> <p>The measure is primarily targeted at companies that make silent calls to consumers, although the penalty increase equally applies to other forms of persistent misuse as well.</p>
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