

**Changes to legislation:** Communications Act 2003, SCHEDULE 16 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 16 Section 389

FURTHER AMENDMENTS IN CONNECTION WITH MEDIA MERGERS

*Competition Act 1980 (c. 21)*

- 1 In section 11C(1) of the Competition Act 1980 (application of section 117 of the Enterprise Act 2002 (c. 40)) for the words “the OFT,” there shall be substituted “the OFT, OFCOM,”.

**Commencement Information**

**II** Sch. 16 para. 1 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Gas Act 1986 (c. 44)*

- 2 In section 41EB(4) of the Gas Act 1986 (application of section 117 of the Enterprise Act 2002) for the words “the OFT,” there shall be substituted “the OFT, OFCOM,”.

**Commencement Information**

**I2** Sch. 16 para. 2 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Electricity Act 1989 (c. 29)*

- 3 In section 56CB(4) of the Electricity Act 1989 (application of section 117 of the Enterprise Act 2002) for the words “the OFT,” there shall be substituted “the OFT, OFCOM,”.

**Commencement Information**

**I3** Sch. 16 para. 3 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Railways Act 1993 (c. 43)*

- 4 (1) The Railways Act 1993 shall be amended as follows.
- (2) In section 13B(4) of that Act (application of section 117 of the Enterprise Act 2002) for the words “the OFT,” there shall be substituted “the OFT, OFCOM,”.
- (3) In section 15C(2G) of that Act (application of section 117 of the Enterprise Act 2002) for the words “the OFT,” there shall be substituted “the OFT, OFCOM,”.

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(4) In Schedule 4A to that Act, in paragraphs 10A(4) and 15(2G) (application of section 117 of the Enterprise Act 2002) for the words “ “the OFT,”” there shall, in both places, be substituted “ “the OFT, OFCOM,” ”.

**Commencement Information**  
**I4** Sch. 16 para. 4 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

F1 ...

**Textual Amendments**  
**F1** Sch. 16 para. 5 and crossheading repealed (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 19](#) (with [Sch. 20](#)); [S.I. 2013/423](#), [art. 3](#), [Sch.](#)

F15 .....

**Commencement Information**  
**I5** Sch. 16 para. 5 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

Postal Services Act 2000 (c. 26)

F26 .....

**Textual Amendments**  
**F2** Sch. 16 para. 6 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 69](#); [S.I. 2011/2329](#), [art. 3](#)

**Commencement Information**  
**I6** Sch. 16 para. 6 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

Transport Act 2000 (c. 38)

- 7
- (1) The Transport Act 2000 shall be amended as follows.
  - (2) In section 12B(4) (application of section 117 of the Enterprise Act 2002 (c. 40)) for the words “ “the OFT,”” there shall be substituted “ “the OFT, OFCOM,” ”.
  - (3) In section 18(9) (application of section 117 of the Enterprise Act 2002) for the words “ “the OFT,”” there shall be substituted “ “the OFT, OFCOM,” ”.

**Commencement Information**  
**I7** Sch. 16 para. 7 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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*Enterprise Act 2002 (c. 40)*

- 8 (1) Section 43 of the Enterprise Act 2002 (intervention notices under section 42) shall be amended as follows.
- (2) In subsection (4)(a) (final determination of matters to which intervention notice relates)—
- (a) after the word “OFT” there shall be inserted “ or (if relevant) OFCOM ”; and
- (b) after the word “44” there shall be inserted “ or (as the case may be) 44A ”.
- (3) After subsection (5) there shall be inserted—
- “(6) In this Part “OFCOM” means the Office of Communications.”

**Commencement Information**

**I8** Sch. 16 para. 8 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 9 In section 45(1)(b) of that Act (circumstances in which the Secretary of State may make a public interest reference to the Competition Commission) after the words “section 44” there shall be inserted “ , and any report of OFCOM which is required by virtue of section 44A, ”.

**Commencement Information**

**I9** Sch. 16 para. 9 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 10 After section 50(2) of that Act (reports on references in public interest cases) there shall be inserted—
- “(2A) Where the report relates to a reference under section 45 which has been made after a report of OFCOM under section 44A, the Commission shall give a copy of its report (whether or not published) to OFCOM.”

**Commencement Information**

**I10** Sch. 16 para. 10 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 11 In section 57(2) of that Act (duty to bring representations to attention of Secretary of State) after the words “the OFT”, in both places where they occur, there shall be inserted “ , OFCOM ”.

**Commencement Information**

**I11** Sch. 16 para. 11 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 12 In section 58(4)(b) of that Act (retrospective effect of orders modifying specified considerations) after the word “OFT,” there shall be inserted “ OFCOM, ”.

**Commencement Information**

**I12** Sch. 16 para. 12 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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- 13 In section 60(4)(a) of that Act (final determination of matters to which special intervention notice relates)—
- (a) after the word “OFT” there shall be inserted “ or (if relevant) OFCOM ”;
  - and
  - (b) after the word “61” there shall be inserted “ or (as the case may be) 61A ”.

**Commencement Information**

**I13** Sch. 16 para. 13 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 14 In section 62(1)(b) of that Act (circumstances in which the Secretary of State may make a special public interest reference to the Competition Commission) after the words “section 61” there shall be inserted “ , and any report of OFCOM which is required by virtue of section 61A, ”.

**Commencement Information**

**I14** Sch. 16 para. 14 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 15 After section 65(2) of that Act (reports on references in special public interest cases) there shall be inserted—
- “(2A) Where the report relates to a reference under section 62 which has been made after a report of OFCOM under section 61A, the Commission shall give a copy of its report (whether or not published) to OFCOM.”

**Commencement Information**

**I15** Sch. 16 para. 15 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 16 In section 67(1)(b) of that Act (intervention to protect legitimate interests)—
- (a) the words from “which” to “or 33” shall cease to have effect;
  - (b) for the words “that section” there shall be substituted “ section 22 or 33 ”; and
  - (c) after the word “concerned” there shall be inserted “ (whether or not there would otherwise have been a duty to make such a reference) ”.

**Commencement Information**

**I16** Sch. 16 para. 16 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 17 In section 68(2)(c) of that Act (scheme for protecting legitimate interests)—
- (a) the words from “which”, where it occurs for the second time, to “or 33” shall cease to have effect; and
  - (b) for the words “that section” there shall be substituted “ section 22 or 33 (whether or not there would otherwise have been a duty to make such a reference) ”.

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**Commencement Information**

**I17** Sch. 16 para. 17 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 18 (1) Section 107 of that Act (further publicity requirements) shall be amended as follows.
- (2) In subsection (3) (duties of the Secretary of State to publish), after paragraph (b), there shall be inserted—
- “(ba) any report of OFCOM under section 44A or 61A which has been received by him;”.
- (3) In subsection (9)(a) (publication of reports of OFT in public interest cases) after the words “section 44” there shall be inserted “ , and any report of OFCOM under section 44A, ”.
- (4) In subsection (10)(a) (publication of reports of OFT in special public interest cases) after the words “section 61” there shall be inserted “ , and any report of OFCOM under section 61A, ”.

**Commencement Information**

**I18** Sch. 16 para. 18 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 19 In section 108 of that Act (defamation) after the words “the OFT,” there shall be inserted “ OFCOM, ”.

**Commencement Information**

**I19** Sch. 16 para. 19 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 20 (1) Section 117 of that Act (false or misleading information) shall be amended as follows.
- (2) In subsection (1)(a) (offence of supplying false or misleading information to the OFT etc.) after the word “OFT,” there shall be inserted “ OFCOM, ”.
- (3) In subsection (2) (offence of supplying false or misleading information to another person for use by OFT etc.) after the word “OFT,” there shall be inserted “ OFCOM, ”.

**Commencement Information**

**I20** Sch. 16 para. 20 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 21 In section 118(1) of that Act (excisions from reports) before the word “or” at the end of paragraph (a) there shall be inserted—
- “(aa) a report of OFCOM under section 44A or 61A;”.

**Commencement Information**

**I21** Sch. 16 para. 21 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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- 22 In section 120(1) of that Act (review of decisions under Part 3) after the word “OFT,” there shall be inserted “ OFCOM, ”.

**Commencement Information**

**I22** Sch. 16 para. 22 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 23 (1) Section 121 of that Act (fees) shall be amended as follows.
- (2) In subsection (1)—
- (a) after the words “the OFT”, where they occur for the second time, there shall be inserted “ , OFCOM ”; and
  - (b) the words “ , Part V of the Fair Trading Act 1973 (c. 41)” shall cease to have effect.
- (3) In subsection (2)—
- (a) at the end of paragraph (a) there shall be inserted the word “ or ”; and
  - (b) paragraph (b), and the word “or” at the end of the paragraph, shall cease to have effect.
- (4) In subsection (4)(c)—
- (a) sub-paragraph (i);
  - (b) the word “and” at the end of the sub-paragraph; and
  - (c) in sub-paragraph (ii), the words “in any other case,”; shall cease to have effect.
- (5) In subsection (8)—
- (a) after the words “the OFT”, where they occur for the second time, there shall be inserted “ , OFCOM ”; and
  - (b) the words “ , Part V of the Act of 1973” shall cease to have effect.
- (6) Subsection (10) shall cease to have effect.

**Commencement Information**

**I23** Sch. 16 para. 23 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 24 (1) Section 124 of that Act (orders and regulations under Part 3) shall be amended as follows.
- (2) In subsection (3) after the word “34” there shall be inserted “ , 59(6A) ”.
- (3) In subsection (4) after the word “40(8),” there shall be inserted “ 44(11), ”.
- (4) In subsection (6) after the word “34,” there shall be inserted “ 44(11), 59(6A), ”.

**Commencement Information**

**I24** Sch. 16 para. 24 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 25 (1) Section 130 of that Act (index of defined expressions) shall be amended as follows.
- (2) After the entry relating to “Anti-competitive outcome” there shall be inserted—

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"Broadcasting Section 44(9)".

(3) After the entry relating to “Market in the United Kingdom” there shall be inserted—

“Media public interest consideration	Section 44(8)”.
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(4) After the entry for “Modify” there shall be inserted—

“Newspaper	Section 44(10)
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Newspaper enterprise                                  Section 58A(3)".

(5) After the entry for “Notified arrangements” there shall be inserted—

“OFCOM Section 43(6)”.

## Commencement Information

**I25** Sch. 16 para. 25 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

26 In section 180(2) of that Act (application of section 117 of that Act for the purposes of Part 4 of that Act) after the word “alone” there shall be inserted “ and as if the references to OFCOM were omitted ”.

## Commencement Information

**I26** Sch. 16 para. 26 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)