



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

f¹ Security of public electronic communications networks and services

^{f¹} ^{f²} 105I **Duty to explain failure to act in accordance with code of practice**

- (1) This section applies where OFCOM have reasonable grounds for suspecting that the provider of a public electronic communications network or a public electronic communications service is failing, or has failed, to act in accordance with a provision of a code of practice issued under section 105E.
- (2) OFCOM may give a notification to the provider that—
 - (a) specifies the provision of the code of practice;
 - (b) specifies the respects in which the provider is suspected to be failing, or to have failed, to act in accordance with it; and
 - (c) directs the provider to give to OFCOM a statement under subsection (3) or (4).
- (3) A statement under this subsection is a statement that—
 - (a) confirms that the provider is failing, or has failed, in the respects specified in the notification to act in accordance with the provision of the code of practice; and
 - (b) explains the reasons for the failure.
- (4) A statement under this subsection is a statement that—

Changes to legislation: Communications Act 2003, Section 105I is up to date with all changes known to be in force on or before 07 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

- (a) states that the provider is not failing, or has not failed, in the respects specified in the notification to act in accordance with the provision of the code of practice; and
 - (b) explains the reasons for that statement.
- (5) The provider must comply with a direction given under subsection (2)(c) within such reasonable period as may be specified in the notification.]]

Textual Amendments

- F1** Ss. 105A-105D and cross-heading inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 65** (with Sch. 3 para. 2)
- F2** Ss. 105E-105I inserted (17.11.2021 for specified purposes) by [Telecommunications \(Security\) Act 2021 \(c. 31\)](#), **ss. 3, 28(1)(b)**

Changes to legislation:

Communications Act 2003, Section 105I is up to date with all changes known to be in force on or before 07 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.

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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\(1\)](#)