



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 1

#### ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

#### *[<sup>F1</sup>Security of public electronic communications networks and services: designated vendor directions]*

#### **[<sup>F1</sup>105Z20] Enforcement of notification**

- (1) This section applies where—
  - (a) a public communications provider has been given a notification under section [105Z18](#);
  - (b) the Secretary of State has allowed the provider an opportunity to make representations about the matters notified; and
  - (c) the period allowed for the making of representations has expired.
- (2) The Secretary of State may—
  - (a) give the provider a decision (“a confirmation decision”) confirming the imposition of requirements on the provider in accordance with the notification under section [105Z18](#); or
  - (b) inform the provider that no further action will be taken.
- (3) The Secretary of State may not give the provider a confirmation decision unless, after considering any representations, the Secretary of State is satisfied that the provider has, in one or more of the ways specified in the notification under section [105Z18](#), contravened—
  - (a) a requirement imposed by a designated vendor direction, or

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**Changes to legislation:** *Communications Act 2003, Section 105Z20 is up to date with all changes known to be in force on or before 09 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*

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- (b) a requirement imposed under section 105Z7, specified in the notification under section 105Z18.
- (4) A confirmation decision must be given to the provider without delay.
- (5) A confirmation decision must include reasons for the decision.
- (6) A confirmation decision may—
  - (a) require immediate action by the provider—
    - (i) to comply with the requirement specified in the notification under section 105Z18, and
    - (ii) to remedy the consequences of the contravention, or
  - (b) specify a period within which the provider must comply with that requirement and remedy those consequences,
 and may specify the steps to be taken by the provider in order to comply with that requirement or remedy those consequences.
- (7) A confirmation decision may require the provider to pay—
  - (a) the penalty specified in the notification under section 105Z18, or
  - (b) such lesser penalty as the Secretary of State considers appropriate in the light of—
    - (i) any representations made by the provider, and
    - (ii) any steps taken by the provider to comply with the requirement specified in the notification under section 105Z18 or to remedy the consequences of the contravention,
 and may specify the period within which the penalty is to be paid.
- (8) It is the duty of the provider to comply with any requirement imposed by a confirmation decision.
- (9) The Secretary of State may enforce the provider’s duty in civil proceedings—
  - (a) for an injunction;
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988; or
  - (c) for any other appropriate remedy or relief.]

#### **Textual Amendments**

**F1** Ss. 105Z18-105Z21 inserted (17.11.2021) by [Telecommunications \(Security\) Act 2021 \(c. 31\)](#), **ss. 20, 28(1)(c)**

**Changes to legislation:**

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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\(1\)](#)