



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Notification by providers

33 Advance notification to OFCOM

- (1) A person shall not—
 - (a) provide a designated electronic communications network,
 - (b) provide a designated electronic communications service, or
 - (c) make available a designated associated facility,unless, before beginning to provide it or to make it available, he has given a notification to OFCOM of his intention to provide that network or service, or to make that facility available.
- (2) An electronic communications network, electronic communications service or associated facility is designated for the purposes of this section if it is of a description of networks, services or facilities that is for the time being designated by OFCOM as a description of networks, services or facilities for which notification under this section is required.
- (3) A person who has given a notification for the purposes of subsection (1) must, before—
 - (a) providing or making available the notified network, service or facility with any significant differences, or
 - (b) ceasing to provide it or to make it available,

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give a notification to OFCOM of the differences or (as the case may be) of his intention to cease to provide the network or service or to make the facility available.

- (4) A notification for the purposes of this section must—
 - (a) be sent to OFCOM in such manner as OFCOM may require; and
 - (b) contain all such information as OFCOM may require.
- (5) The only information OFCOM may require a notification to contain is—
 - (a) a declaration of the relevant proposal of the person giving the notification^{F1}, including a short description of the network, service or facility];
 - (b) the time when it is intended that effect should be given to the relevant proposal;
 - (c) particulars identifying the person giving the notification^{F2}, including the person’s legal status and, in the case of a body corporate, details of its incorporation];
 - ^{F3}(ca) the address of the person’s main establishment and, if that is outside the United Kingdom, of any secondary establishment in the United Kingdom;
 - (cb) the person’s website address, where applicable, associated with the provision of electronic communications networks or services;]
 - (d) particulars identifying one or more persons with addresses in the United Kingdom who, for the purposes of matters relating to the notified network, service or facility, are authorised to accept service at an address in the United Kingdom on behalf of the person giving the notification;
 - ^{F4}(e)
 - (f) addresses and other particulars necessary for effecting service on or contacting each of the persons mentioned in paragraphs (c) [^{F5}and (d)].
- (6) The declaration of the relevant proposal that may be required under subsection (5) is whichever of the following is appropriate in the case of the person giving the notification—
 - (a) a declaration of his proposal to provide the network or service described in the notification or to make available the facility so described;
 - (b) a declaration of his proposal to make the modifications that are so described of the network, service or facility specified in the notification; or
 - (c) a declaration of his proposal to cease to provide the network or service so specified or to cease to make available the facility so specified.
- ^{F6}(7)
- ^{F7}(8)
- (9) The reference in subsection (3) to providing or making available a notified network, service or facility with significant differences is a reference to continuing to provide it, or to make it available, after a change in whatever falling within subsection (5)(a) to (f) was last notified to OFCOM under this section.
- (10) References in this section to accepting service at an address are references—
 - (a) to accepting service of documents or process at that address; or
 - (b) otherwise to receiving notifications at that address;

^{F8}

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- (11) Where a description of electronic communications network, electronic communications service or associated facility is designated for the purposes of this section at a time when a network, service or facility of that description is already being provided or made available by a person—
- (a) that person's obligation under this section to give a notification before beginning to provide or make available that network, service or facility shall have effect as an obligation to give a notification within such period after the coming into force of the designation as may be specified in the notice in which the designation is contained; and
 - (b) that notification is to be one stating that that person is already providing the network or service, or making the facility available (rather than that it is his intention to do so).
- (12) Subsection (11) has effect subject to any transitional provision—
- (a) which is contained in the notification setting out the designation; and
 - (b) treats a person as having given the notification required by that subsection.

Textual Amendments

- F1** Words in s. 33(5)(a) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 8(a)**
- F2** Words in s. 33(5)(c) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 8(b)**
- F3** S. 33(5)(ca)(cb) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 8(c)**
- F4** S. 33(5)(e) omitted (21.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 8(d)**
- F5** Words in s. 33(5)(f) substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 8(e)**
- F6** S. 33(7) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 8(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 33(8) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 8(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 33(10) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 8(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** S. 33 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** S. 33 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

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\(1\)](#)