



Communications Act 2003

2003 CHAPTER 21

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

400 Destination of^{F1} ... fees and penalties

- (1) This section applies (subject to section 401) to the following amounts—
- (a) an amount paid to OFCOM in respect of a penalty imposed by them under Chapter 1 of Part 2 (including a penalty imposed by virtue of section 191(5));
 - (b) so much of an amount paid to OFCOM under numbering conditions in respect of an allocation of telephone numbers as is an amount determined by reference to an indication given in response to an invitation such as is mentioned in section 58(5)(a);
 - (c) an amount paid to OFCOM in pursuance of an obligation imposed by or under [^{F2}Chapter 1 or 2 of Part 2 of the Wireless Telegraphy Act 2006] ;
 - (d) an amount paid to OFCOM in respect of a penalty imposed by them under [^{F3}section 42^{F4} ... [^{F5} or Part 2A] of that Act] ;
 - [^{F6}(da) an amount paid to OFCOM in respect of a fee charged under section 53D of that Act;]
 - (e) a cash bid amount paid to OFCOM under a Broadcasting Act licence for the first year falling within the period for which the licence is in force;
 - (f) an amount paid to OFCOM under such a licence for a subsequent year as the amount equal to a cash bid amount increased by the appropriate percentage;
 - (g) an amount paid to OFCOM under such a licence as an amount representing a percentage of relevant revenue for an accounting period;
 - (h) an amount paid to OFCOM in respect of a penalty imposed by them under Part 1 or 3 of the 1990 Act, Part 1 or 2 of the 1996 Act or Part 3 of this Act.
 - [^{F7}(i) an amount paid to OFCOM in respect of a penalty imposed by them under Part 3 of the Postal Services Act 2011.]

Changes to legislation: Communications Act 2003, Section 400 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

- [^{F8}(j) an amount paid to OFCOM in respect of a penalty imposed by them under Chapter 6 of Part 7 of the Online Safety Act 2023;
 - (k) an amount paid to OFCOM in respect of an additional fee charged under Schedule 10 to the Online Safety Act 2023.]
- (2) Where OFCOM receive an amount to which this section applies [^{F9}(except an amount mentioned in subsection (1)(j) or (k))], it must be paid into the appropriate Consolidated Fund; but this subsection does not apply to an amount which is required by OFCOM for making an adjustment in respect of an overpayment.
- (3) The reference in subsection (2) to the payment of an amount into the appropriate Consolidated Fund—
 - (a) in the case of an amount received in respect of matters appearing to OFCOM to have no connection with Northern Ireland, is a reference to the payment of the amount into the Consolidated Fund of the United Kingdom;
 - (b) in the case of an amount received in respect of matters appearing to OFCOM to have a connection with Northern Ireland but no connection with the rest of the United Kingdom, is a reference to the payment of the amount into the Consolidated Fund of Northern Ireland; and
 - (c) in any other case, is a reference to the payment of the amount, in such proportions as OFCOM consider appropriate, into each of those Funds.
- [^{F10}(3A) Where OFCOM receive an amount mentioned in subsection (1)(j) or (k), it must be paid into the Consolidated Fund of the United Kingdom.]
- (4) OFCOM must, in respect of each financial year, prepare an account showing—
 - (a) the amounts to which this section applies that have been received by them during that year;
 - (b) the sums paid into the Consolidated Funds of the United Kingdom and Northern Ireland respectively under this section in respect of those amounts;
 - (c) the aggregate amount of the sums received by them during that year that is retained in accordance with a statement [^{F11} under section 401 for meeting the costs set out in the statement in accordance with subsection (1)(b)] of that section during that year;
 - (d) the aggregate amount that they estimate will fall to be so retained out of amounts due to them and likely to be paid or recovered; and
 - (e) the cost to OFCOM of carrying out during that year the functions in respect of which amounts are or are to be retained in accordance with such a statement.
- (5) OFCOM must send that account to the Comptroller and Auditor General not later than the end of the month of November following the financial year to which it relates.
- (6) The Comptroller and Auditor General must examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.
- (7) References in this section to penalties imposed by OFCOM under Part 3 of this Act include references to penalties which the BBC is liable to pay to OFCOM by virtue of section 198(3).
- (8) In this section—
 - “the appropriate percentage” has the same meaning as in section 19 of the 1990 Act;

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“cash bid amount” means an amount specified in a cash bid for a Broadcasting Act licence or the amount determined by OFCOM for the purposes of any provision of the 1990 Act or this Part to be what would have been the amount of a cash bid for a licence;

“financial year” has the same meaning as in the Schedule to the Office of Communications Act 2002 (c. 11);

“numbering conditions” means conditions the setting of which is authorised by section 58 or 59; and

“relevant revenue” means any of the following—

- (a) the amount which for the purposes of section 19, 52(1), 102(1) or 118 (1) of the 1990 Act is the amount of qualifying revenue for an accounting period;
- (b) the amount which for the purposes of section 13(1) or 55(1) of the 1996 Act is the amount of multiplex revenue for an accounting period; or
- (c) an amount which for the purposes of paragraph 7 of Schedule 10 to this Act is the amount of qualifying revenue for an accounting period.

Textual Amendments

- F1** Word in s. 400 heading omitted (10.1.2024) by virtue of [Online Safety Act 2023 \(c. 50\)](#), **ss. 206(5)**, 240(1); S.I. 2023/1420, **reg. 2(z26)**
- F2** Words in s. 400(1)(c) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 7 para. 32(a)**
- F3** Words in s. 400(1)(d) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 7 para. 32(b)**
- F4** Words in s. 400(1)(d) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), **ss. 9(10)**, 118(2) (with s. 9(13))
- F5** Words in s. 400(1)(d) inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 8(4)(a)**, 118(6); S.I. 2017/765, **reg. 2(c)**
- F6** S. 400(1)(da) inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 8(4)(b)**, 118(6); S.I. 2017/765, **reg. 2(c)**
- F7** S. 400(1)(i) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 66**; S.I. 2011/2329, **art. 3**
- F8** S. 400(1)(j)(k) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 206(2)**, 240(1); S.I. 2023/1420, **reg. 2(z26)**
- F9** Words in s. 400(2) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 206(3)**, 240(1); S.I. 2023/1420, **reg. 2(z26)**
- F10** S. 400(3A) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 206(4)**, 240(1); S.I. 2023/1420, **reg. 2(z26)**
- F11** Words in s. 400(4)(c) substituted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 100(2)**, 118(6); S.I. 2017/765, **reg. 2(bb)**

Commencement Information

- I1** S. 400 in force at 29.12.2003 by S.I. 2003/3142, **art. 3(1)**, **Sch. 1** (with art. 11)

Changes to legislation:

Communications Act 2003, Section 400 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.

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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\(1\)](#)