



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Conditions of entitlement to provide network or service etc.

48 Procedure for setting, modifying and revoking conditions

- (1) Subject to the following provisions of this Chapter—
- the way in which conditions are to be set or modified under section 45 is by the publication of a notification setting out the conditions or modifications; and
 - the way in which such a condition is to be revoked is by the publication of a notification stating that the condition is revoked.
- [^{F1}(2) Where section 48A applies, OFCOM must comply with the applicable requirements of that section ^{F2}... before—
- setting conditions under section 45; or
 - modifying or revoking a condition so set.
- (2A) Where section 48A does not apply to the setting, modification or revocation of conditions because of subsection (2) of that section—
- the conditions, or their modification or revocation, must be temporary; and
 - the notification published under subsection (1) of this section must state the period for which the conditions, or their modification or revocation, are to have effect.
- (2B) Where OFCOM propose to extend or make permanent any such temporary conditions, modification or revocation—

Changes to legislation: Communications Act 2003, Section 48 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) [^{F3}section 48A does] not apply in relation to the proposal; ^{F4}...
^{F4}(b)]
- (4) In the case of a [^{F5}proposal by OFCOM] with respect to an SMP condition, the applicable requirements of sections 79 to 86 must also be complied with.
- ^{F6}(5)
- (6) The publication of a notification under this section [^{F7}or section 48A] must be in such manner as appears to OFCOM to be appropriate for bringing the contents of the notification—
- (a) in the case of a notification setting general conditions, to the attention of such persons as OFCOM consider appropriate; and
- (b) in any other case, to the attention of the persons who, in OFCOM’s opinion, are likely to be affected by the contents of the notification.
- (7) Nothing in the following provisions of this Chapter imposing a duty on OFCOM to set or modify a condition shall be taken as dispensing with any of the requirements of this section [^{F8}or section 48A].

Textual Amendments

- F1** S. 48(2)-(2B) substituted for s. 48(2)(3) (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 22(a)** (with Sch. 3 paras. 2, 6)
- F2** Words in s. 48(2) 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. 9(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 48(2B)(a) substituted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 48(2B)(b) and word 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. 9(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 48(4) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 22(b)** (with Sch. 3 paras. 2, 6)
- F6** S. 48(5) omitted (26.5.2011) by virtue of [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 22(c)** (with Sch. 3 paras. 2, 6)
- F7** Words in s. 48(6) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 22(d)** (with Sch. 3 paras. 2, 6)
- F8** Words in s. 48(7) substituted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 9(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** S. 48 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. 48 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:

Communications Act 2003, Section 48 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\(1\)](#)