STATUTORY INSTRUMENTS

2023 No. 1220

ELECTRONIC COMMUNICATIONS

The Electronic Communications Code (Jurisdiction) (Amendment) Regulations 2023

Made - - - -	*16th November 2023*
Laid before Parliament	*21st November 2023*
Coming into force - -	*6th April 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 402(3) of, and paragraph 95(1) to (3) of Schedule 3A to, the Communications Act 2003(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electronic Communications Code (Jurisdiction) (Amendment) Regulations 2023.

(2) These Regulations come into force on 6th April 2024.

(3) These Regulations extend to England and Wales and Scotland.

Amendment of the Electronic Communications Code (Jurisdiction) Regulations 2017

2.—(1) The Electronic Communications Code (Jurisdiction) Regulations 2017(**b**) are amended as follows.

(2) In regulation 3 (conferral of jurisdiction on tribunals)—

(a) in paragraph (1), omit "paragraph (2) and";

(b) omit paragraph (2).

(3) In regulation 4 (restriction on jurisdiction for commencement of relevant proceedings), in paragraph (1)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), after "Scotland," insert "in".

(**a**) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30). Paragraph 95(1) of Schedule 3A to the Communications Act 2003 has been amended by paragraph 4(11) of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7) and paragraphs (a) and (b) of section 71 of the Product Security and Telecommunications Infrastructure Act 2022 (c. 46).

(**b**) S.I. 2017/1284, amended by paragraphs 5 to 10 of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7).

John Whittingdale
Minister of State
Department for Science, Innovation and Technology

16th November 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electronic Communications Code (Jurisdiction) Regulations 2017 (S.I. 2017/1284) ("the jurisdiction regulations") to confer on the First-Tier Tribunal jurisdiction for all proceedings in relation to England and Wales under the Electronic Communications Code ("the code"). The code is set out in Schedule 3A to the Communications Act 2003 (c. 21), as inserted by Part 2 of the Digital Economy Act 2017 (c. 30).

The jurisdiction regulations were made in exercise of the powers conferred by section 402(3) of the Communications Act 2003 and paragraph 95(1) to (4) of the code. The jurisdiction regulations permit functions conferred on "the court" by the code to be exercised by certain tribunals, and modify the code accordingly. The jurisdiction regulations restrict the commencement of relevant proceedings to certain tribunals, and provide for the transfer of relevant proceedings in England and Wales and in Scotland to certain courts if the tribunal considers that court to be a more appropriate forum.

Regulation 2 of these Regulations amends regulation 3 of the jurisdiction regulations to confer on the First-Tier Tribunal jurisdiction for all proceedings in relation to England and Wales under the code. It does this by removing the restriction that functions are only exercisable by the First-Tier Tribunal for code cases in relation to England that have been transferred to it from the Upper Tribunal and for code cases in relation to England and Wales in connection with Part 4A proceedings.

Regulation 3 of these Regulations amends regulation 4 of the jurisdiction regulations to remove the restriction that relevant code proceedings in relation to England and Wales must be commenced in the Upper Tribunal. The restriction that Part 4A code proceedings must be commenced in the First-Tier Tribunal is retained.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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