

**2010 No. 2291**

**ELECTRONIC COMMUNICATIONS**

**The Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2010**

*Made - - - - 15th September 2010*

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by section 130(9) of the Communications Act 2003(a);

In accordance with section 130(10) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and Commencement**

1. This Order may be cited as The Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2010 and shall come into force on the tenth day after the day on which it is made.

**Amendment of section 130 of the Communications Act 2003**

2.—(1) In section 130(4) of the Communications Act 2003 (penalties for persistent misuse)(b) for “£50,000” substitute “£2,000,000”.

(2) Paragraph (1) does not apply to penalties in respect of –

- (a) a misuse; or
- (b) a contravention of a requirement of an enforcement notification given in respect of a notified misuse,

which occurred before the coming into force of this Order.

15th September 2010

*Ed Vaizey*  
Minister for Culture, Communications and Creative Industries  
Department for Business, Innovation and Skills

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(a) 2003 c.21.  
(b) Section 130(4) was amended by S.I. 2006/1032.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends section 130(4) of the Communications Act 2003 so as to raise from £50,000 to £2,000,000 the maximum penalty that the Office of Communications can impose under section 130 of that Act in respect of persistent misuse of electronic communications networks or electronic communications services.

An impact assessment has been prepared for this Order and a copy is available from Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET.

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