Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electronic Communications Code (Jurisdiction) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 1284

ELECTRONIC COMMUNICATIONS

The Electronic Communications Code (Jurisdiction) Regulations 2017

Made - - - - 14th December 2017

Coming into force in accordance with regulation 1(1)

The Secretary of State, in exercise of the powers conferred by section 402(3) of, and paragraphs 95(1) to (4) of Schedule 3A to, the Communications Act 2003(**1**), makes the following Regulations.

The Secretary of State has consulted the Scottish Ministers in accordance with paragraph 95(5)(a) of Schedule 3A to that Act.

A draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 402(2A) of that Act(**2**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electronic Communications Code (Jurisdiction) Regulations 2017 and come into force on the day that section 4 of, and Schedule 1 to, the Digital Economy Act 2017 come fully into force.

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

Commencement Information

I1 Reg. 1 in force at 28.12.2017, see **reg. 1(1)**

Interpretation

2.—(1) In these Regulations—

"the code" means the electronic communications code set out in Schedule 3A to the Communications Act 2003;

"relevant proceedings" means proceedings under any of the following provisions of the code—

(a) Parts 4, 5, 6, 12 or 13, or

(**1**) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30).
(**2**) Section 402(2A) was inserted by paragraph 47(3) of Schedule 3 to the Digital Economy Act 2017.

(b) paragraph 53.

Commencement Information
I2 Reg. 2 in force at 28.12.2017, see **reg. 1(1)**

Conferral of jurisdiction on tribunals

3. Subject to regulation 4, the functions conferred by the code on the court(**3**) are also exercisable by the following tribunals—

(a) in relation to England, the First-tier Tribunal (in a case where relevant proceedings are transferred to it by the Upper Tribunal),

(b) in relation to England and Wales, the Upper Tribunal, and

(c) in relation to Scotland, the Lands Tribunal for Scotland,

and any provision of the code which confers a function on the court is to be read as if the reference to the court included references to these tribunals.

Commencement Information
I3 Reg. 3 in force at 28.12.2017, see **reg. 1(1)**

Restriction on jurisdiction for commencement of relevant proceedings

4. Relevant proceedings must be commenced—

(a) in relation to England and Wales, in the Upper Tribunal, or

(b) in relation to Scotland, the Lands Tribunal for Scotland.

Commencement Information
I4 Reg. 4 in force at 28.12.2017, see **reg. 1(1)**

Transfer of relevant proceedings to the court

5.—(1) A tribunal referred to in regulation 3 may transfer relevant proceedings to—

(a) in relation to England or Wales, the county court, or

(b) in relation to Scotland the sheriff court,

if that tribunal considers the court to be a more appropriate forum for the determination of those proceedings.

(2) A tribunal may transfer proceedings in accordance with paragraph (1) of its own motion or on the application of a party to those proceedings.

Commencement Information
I5 Reg. 5 in force at 28.12.2017, see **reg. 1(1)**

(**3**) See paragraph 94(1) of Schedule 3A to the Communications Act 2003 for the definition of "the court".