

Subsidiary Legislation made under s.32.

Communications (Fitness and Propriety) Regulations 2025

LN.2025/214

Commencement

7.8.2025

ARRANGEMENT OF REGULATIONS

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2025/214 Communications (Fitness and Propriety) Regulations 2025

In exercise of the powers conferred on the Minister by section 32 of the Communications Act 2006, the Minister has made these Regulations—

Title.

1. These Regulations may be cited as the Communications (Fitness and Propriety) Regulations 2025.

Commencement.

2. These Regulations come into operation on the day of publication.

Interpretation.

3. In these Regulations—

“beneficial owner” means the individual who owns or controls a corporate body, whether by direct or indirect ownership of shares, voting rights or any other means;

“officer” means a director or the secretary of a company and includes any person in accordance with whose directions or instructions the directors of the company are accustomed to act; and

“relevant individual” has the meaning given in regulation 4(2).

Overview.

4.(1) These regulations set out criteria to be applied by the Authority in assessing, for the purposes of section 32(2) of the Communications Act 2006, whether a person is fit and proper to hold or continue to hold a general authorisation.

(2) Where the person is a company, the assessment of fitness and propriety must also extend to any individual (a “relevant individual”) who is an officer, manager or beneficial owner of the person.

Fitness and propriety.

5.(1) In assessing whether a person is fit and proper, the Authority must have regard to all relevant matters concerning the person’s honesty, integrity, competence and capability to hold or continue to hold a general authorisation.

(2) For the purposes of sub-regulation (1), the Authority must, in particular, have regard to whether the person or a relevant individual—

- (a) in respect of any licence or authorisation (however described) to conduct any business activity—
 - (i) has had any licence or authorisation application refused;
 - (ii) has had any licence or authorisation revoked;
 - (iii) is or has been the subject of any investigation in relation to an existing licence or authorisation; or
 - (iv) has been the subject of any sanction for contravening a licence or authorisation;
 - (b) has been convicted of any criminal offence (excluding spent convictions);
 - (c) has been the subject of any adverse finding by a regulatory, professional or similar body;
 - (d) has been a director, partner, or concerned in the management of a business that has gone into insolvency, liquidation or administration;
 - (e) has ever been disqualified from acting as a director or disqualified from acting in any managerial capacity; or
 - (f) has been dismissed or asked to resign from employment, a position of trust or similar appointment.
- (3) The Authority may collect such information, conduct such inquiries and take such other steps as it considers appropriate for the purpose of assessing whether a person is fit and proper to hold or continue to hold a general authorisation.