



Digital Economy Act 2017

2017 CHAPTER 30

PART 1

ACCESS TO DIGITAL SERVICES

1 Universal service broadband obligations

- (1) The Communications Act 2003 is amended as follows.
- (2) Section 65 (obligations to be secured by universal service conditions) is amended as follows.
- (3) In subsection (1) omit “(“the universal service order”)”.
- (4) After subsection (2) insert—
 - “(2A) The provision made under subsection (1) is referred to as “the universal service order”.
 - (2B) The universal service order may in particular say that broadband connections and services must be provided to any extent, but may not do so unless—
 - (a) it specifies the minimum download speed that must be provided by those connections and services, and
 - (b) the speed so specified is at least 10 megabits per second.
 - (2C) The universal service order may contain—
 - (a) guidance about matters relating to the speed or other characteristics of broadband connections or services that it says must be provided (as well as or, except in the case of the minimum download speed, instead of setting out any of those characteristics); and
 - (b) guidance about any other matters relating to those connections or services.”
- (5) In section 66 (designation of universal service provider) after subsection (9) insert—

“(9A) In making any regulations under this section, OFCOM must have regard to any guidance that is contained in the universal service order.”

- (6) In section 67(8) (universal service conditions: duty to have regard to guidance) omit “about matters relating to pricing”.
- (7) After section 72 (before the heading “Access-related conditions”) insert—

“72A Review of universal service order

- (1) The Secretary of State may direct OFCOM to review and report to the Secretary of State on any provision made, or that may be made, by the universal service order in relation to broadband connections or services.
- (2) The Secretary of State must consult OFCOM before giving a direction under this section.
- (3) The Secretary of State must publish a direction under this section.
- (4) OFCOM must publish the report made by them to the Secretary of State of a review under this section.

72B Broadband download speeds: duty to give direction under section 72A

- (1) The Secretary of State must give OFCOM a direction under section 72A if—
- (a) the universal service order specifies a minimum download speed for broadband connections and services and the speed so specified is less than 30 megabits per second, and
 - (b) it appears to the Secretary of State, on the basis of information published by OFCOM, that broadband connections or services that provide a minimum download speed of at least 30 megabits per second are subscribed to for use in at least 75% of premises in the United Kingdom.
- (2) The direction—
- (a) must require OFCOM to review and report to the Secretary of State on whether it would be appropriate for the universal service order to specify a higher minimum download speed, and
 - (b) may also require OFCOM to review and report to the Secretary of State on any other matter falling within section 72A(1).”
- (8) In section 135(3)(f) (power of OFCOM to require information for purposes of reviews) for “or 70” substitute “, 70 or 72A”.

2 General conditions: switching communications provider

- (1) Section 51(2) of the Communications Act 2003 (conditions which may be set for protecting interests of end-users) is amended as follows.
- (2) Omit “and” after paragraph (g).
- (3) After paragraph (h) insert—
- “(i) specify requirements in relation to arrangements that enable an end-user to change communications provider on request.”

3 Automatic compensation for failure to meet performance standards

In section 51(2) of the Communications Act 2003 (conditions which may be set for protecting interests of end-users), after paragraph (d) insert—

“(da) require a communications provider to pay compensation to an end-user on failing to meet a specified standard or obligation;”.