

2018 No. 445

ELECTRONIC COMMUNICATIONS

**The Electronic Communications (Universal Service)
(Broadband) Order 2018**

<i>Made</i> - - - -	<i>28th March 2018</i>
<i>Laid before Parliament</i>	<i>28th March 2018</i>
<i>Coming into force</i> - -	<i>23rd April 2018</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 65 of the Communications Act 2003(a).

The Secretary of State has consulted OFCOM and such other persons as he considers appropriate in accordance with section 65(4).

Citation and commencement

1. This Order may be cited as the Electronic Communications (Universal Service) (Broadband) Order 2018 and comes into force on 23rd April 2018.

Broadband universal service

2. Schedule 1 sets out the broadband connections and services that must be provided throughout the United Kingdom.

Guidance about matters relating to broadband universal service

3. Schedule 2 sets out guidance about matters relating to the broadband connections and services that must be provided.

Amendment of the Electronic Communications (Universal Service) Order 2003

4.—(1) The Schedule to the Electronic Communications (Universal Service) Order 2003(b) is amended as follows.

(2) In paragraph 1 (publicly available telephone services), in sub-paragraph (2) for the words “, facsimile” to the end substitute “and facsimile”.

(a) 2003 c. 21. Section 65 was amended by the Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/2010), the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) and section 1 of the Digital Economy Act 2017 (c. 30).

(b) S.I. 2003/1904. The Schedule was amended by the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) and the Electronic Communications (Universal Service) (Amendment) Order 2011 (S.I. 2011/1209).

28th March 2018

Matthew Hancock
Secretary of State
Department for Digital, Culture, Media and Sport

SCHEDULE 1

Article 2

Broadband universal service

Broadband universal service: specification

1. Subject to paragraph 2, affordable broadband connections and services must be provided throughout the United Kingdom with all the following characteristics—

- (a) a download sync speed of at least 10 megabits per second;
- (b) an upload sync speed of at least 1 megabit per second;
- (c) a contention ratio of no higher than 50:1;
- (d) latency which is capable of allowing the end-user to make and receive voice calls over the connection effectively;
- (e) the capability to allow data usage of at least 100 gigabytes per month.

Broadband universal service: eligibility

2. Paragraph 1 only applies to the extent that all the following conditions are met—

- (a) the broadband connection is to a fixed location which is a residence or place of business;
- (b) a prospective end-user requests that a broadband connection is provided to that location;
- (c) a broadband connection and service with all the characteristics specified in paragraph 1—
 - (i) is not available to that location; and
 - (ii) will not be made available to that location through a publicly-funded intervention within the period of one year beginning with the date on which the request is made;
- (d) provision of the broadband connection—
 - (i) will cost no more than £3,400; or
 - (ii) will cost more than £3,400, but any costs in excess of £3,400 will be paid by the end-user.

SCHEDULE 2

Article 3

Guidance about matters relating to broadband universal service

Demand aggregation

1. In order to facilitate the effective aggregation of demand for connections, OFCOM should ensure that, in calculating the cost of providing a broadband connection to a particular location, due account is taken of the extent to which the cost may be shared between multiple locations.

Pricing

2. OFCOM should ensure that any designated universal service provider is required to offer broadband connections and services at prices that are—

- (a) affordable; and
- (b) uniform throughout the United Kingdom, unless OFCOM have determined that there is clear justification for not doing so.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is a universal service order in relation to broadband connections and services. It re-implements Article 3 and Article 4(1) and (2) of Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (O.J. No. L 108, 24.4.2002, p.51), as amended by Directive 2009/136/EC (O.J. No. L 337, 18.12.2009, p.11).

Article 2 introduces Schedule 1, which sets out the broadband universal service which must be provided throughout the United Kingdom. Paragraph 1 of Schedule 1 sets out the specification of the broadband connections and services that must be provided. Paragraph 2 of Schedule 1 sets out certain restrictions on the extent to which those connections and services must be provided.

Article 3 introduces Schedule 2 which sets out guidance about matters relating to broadband universal service. OFCOM must have regard to this guidance when setting universal service conditions under section 67 of the Communications Act 2003 (c. 21) to secure compliance with the universal service order.

Article 4 amends the Schedule to the Electronic Communications (Universal Service) Order 2003 (S.I. 2003/1904) to remove the provision which is re-implemented by this Order.

A full impact assessment of the effect that this instrument will have on the cost of business has been prepared. A copy of this document has been placed in the Library of each House of Parliament and is annexed to the Explanatory Memorandum which is available alongside this Order at www.legislation.gov.uk.

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