
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020

Citation and commencement

1.—(1) These Regulations may be cited as the Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020.

(2) These Regulations, except the provisions mentioned in paragraph (3), come into force on 21st December 2020.

(3) The following provisions come into force on IP completion day—

- (a) Parts 2 and 4 of Schedule 1 (and regulation 2 so far as relating to those Parts);
- (b) Part 2 of Schedule 2 (and regulation 3 so far as relating to that Part); and
- (c) regulation 4 and Schedule 3.

Amendments of primary legislation

2. Schedule 1 contains amendments of primary legislation.

Amendments of subordinate legislation

3. Schedule 2 contains amendments of subordinate legislation.

Amendments of retained direct EU legislation

4. Schedule 3 contains amendments of retained direct EU legislation.

Review of legacy services

5. During the period beginning with 21st December 2020 and ending with IP completion day, section 72A(1) of the Communications Act 2003(2) is to have effect as if after subsection (3) there were inserted—

“(3A) OFCOM may on their own initiative review and report to the Secretary of State on the extent to which any provision falling within section 65(2BC) made by the universal service order continues to be necessary in the circumstances.”(3).

(1) Section 72A was inserted by section 1(7) of the Digital Economy Act 2017 (c. 30).

(2) 2003 c. 21.

(3) Section 65(2BC) is inserted by paragraph 22(3) of Schedule 1 to these Regulations.

Saving for existing universal service conditions relating to social tariffs

6.—(1) The amendments made by paragraphs 22(5), 24 and 29 of Schedule 1 and paragraph 1 of Schedule 2 do not affect the continuation in force of any universal service condition which—

- (a) relates to the matter mentioned in paragraph 5(2) of the Schedule to the Electronic Communications (Universal Service) Order 2003(4); and
- (b) is in force immediately before 21st December 2020.

(2) OFCOM may not, without the consent of the Secretary of State—

- (a) modify or revoke a universal service condition falling within paragraph (1)(a) and (b); or
- (b) under a power conferred by such a universal service condition, give a direction that has the effect of modifying—
 - (i) the level of a tariff (as defined by section 68(8) of the Communications Act 2003) required by the condition; or
 - (ii) the persons to whom it is to be made available.

(3) This regulation ceases to have effect when, in accordance with a direction of the Secretary of State under section 72D(7)(5) of the Communications Act 2003, a social tariff condition is set under section 45 of that Act and applied to providers of public electronic communications services who include the designated universal service providers.

(4) Expressions used in this regulation and in Chapter 1 of Part 2 of the Communications Act 2003 have the same meaning as in that Chapter.

Date

Name
Parliamentary Under Secretary of State
Department for Digital, Culture, Media and
Sport

(4) S.I. 2003/1904; paragraph 5(2) of the Schedule is revoked by paragraph 1 of Schedule 2 to these Regulations.

(5) Section 72D is inserted by paragraph 29 of Schedule 1 to these Regulations.