

ANNEX A Impact Assessment – Key Analysis

Department for
Business,
Enterprise and
Regulatory Reform

Impact Assessment on the proposed
amendments to Regulations 5 and 8 of the
Electronic Communications Code
Regulation 2003 No.2553

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What is the problem under consideration? Why is government intervention necessary?

Amendments to Regulation 2, 5 and 8 of the Electronic Communications Code
Regulation 2003 No.2553

- The lack of clarity of certain definitions and presence of two typographical errors in the legislation. (Reg 2)
- The superfluous inclusion of New Forest in the legislation (Reg 2)
- Reflect the replacement of English Nature by Natural England (Reg 2)
- Correct a technical fault in a designation (Reg 2)
- An existing drafting error within the Code (Reg 5)
- Lower standard of regulation and protection of Protected Areas (Reg 8)

In order to rectify the above, it is necessary to make changes to the legislation.

What are the policy objectives and the intended effects?

To provide greater clarity of definitions;

To remove any typographical errors; superfluous references to certain bodies; drafting errors, from the legislation; in order to provide greater clarity and certainty;

To provide a more comprehensive level of regulation and protection in Protected Areas.

What policy options have been considered? Please justify any preferred option.

Do nothing

Implement changes of a technical nature which will provide greater clarity for code operators in the application of the Code.

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When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Not applicable

Ministerial Sign-off:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options

Signed by the responsible Minister:



Date 12 November 2008

Policy Option A

ANNUAL COSTS

One off (Transition) Yrs

Average Annual Cost
(excluding one-off)

Total cost (PV)

Other key non-monetised costs

ANNUAL BENEFITS

One off Yrs

Average Annual Benefit
(excluding one-off)

Total Benefit PV

Other key non-monetised BENEFITS

There will be some small benefits to Code Operators in that the changes will provide greater clarity and certainty in adhering to/implementing the Code.

KEY Assumption/Sensitivities Risks

Price Base Year	Time Period Years	Net Benefit Range (NPV) £-£	NET BENEFIT (NPV Best Estimate) £
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What is the geographic coverage of the policy/option?	
On what date will the policy be implemented?	
Which organisation(s) will enforce the policy?	
What is the total annual cost of enforcement for these organisations?	
Will implementation go beyond minimum EU requirements	
What is the value of the proposed offsetting measure per year?	
What is the value of changes in green gas emissions?	
Will the proposal have a significant impact on competition?	
Annual cost per organisation (excluding one-off)	Micro Small Med Large
Are any of these organisations exempt?	

Impact on Admin Burdens Baseline (2005 prices)			
Increase of <input type="text"/>	Decrease of <input type="text"/>	Net Impact	<input type="text" value="Nil"/>

Evidence Base for Summary Sheets

Government Rationale

The proposed amendments to Regulation 2(2) will provide definitions for the areas referred to in this Regulation and correct two typographical errors. In addition the inclusion of English Nature and the New Forest plus their definition in this Regulation is unnecessary as English Nature is now part of Natural England and the New Forest is now included in the existing definition of a Protected Area in Regulation 8.

The proposed amendment to Regulation 5 will remove the drafting error which currently exists in the Code. The Joint Committee on Statutory Instruments considers the use of the word 'calendar' to be superfluous as the Interpretation Act 1978 defines 'month' as a 'calendar month'.

The first proposed amendment to Regulation 8 will provide a more comprehensive level of regulation and protection in Protected Areas thereby formalising the efforts that code operators already make in Areas of Outstanding Natural Beauty. The second amendment proposes that "England Nature" which is now known as "Natural England" following the bringing together of English Nature, the landscape, access and recreation elements of the Countryside Agency and the environmental land management functions of the Rural Development Service.

Options

1. Do nothing – this is not an option. The practical impact of the proposed changes – which are essentially of a 'housekeeping' nature on industry and other stakeholders is expected to be minimal and we do not expect any significant opposition to them.
2. Make technical changes to legislation in accordance with BERR's policy strategy to ensure better regulation for the communications sector.

Costs

Cost to the government of making changes to the legislation

Benefits

Some small, non-quantifiable benefits to Code Operators arising from greater clarity and certainty in respect of the Code. However these are of a negligible nature as the changes will merely formalise how the vast majority of Code Operators currently implement the Code.

Competition Assessment

There are no competition issues arising from these changes.

Small Firms Impact Test

These changes will not impact disproportionately on small firms.

Equalities Duties

After initial screening as to the potential impact of this policy/regulation on race, disability and gender equality it has been decided that there will not be a major impact upon minority groups in terms of numbers affected or the seriousness of the likely impact, or both.

Specific Impact Tests - Checklist

Type of testing undertaken	Results in Evidence Base? (Y/N)	Results annexed? (Y/N)
Competition Assessment	Yes	
Small Firms Impact Test	Yes	
Legal Aid	<i>Not applicable</i>	
Sustainable Development	<i>Not applicable</i>	
Carbon Assessment	<i>Not applicable</i>	
Other Environment	<i>Not applicable</i>	
Health	<i>Not applicable</i>	
Race Equality	<i>Not applicable</i>	
Disability Equality	<i>Not applicable</i>	
Gender Equality	Yes	
Human Rights	Yes	
Rural Proofing	Yes	

ANNEX B

Consultees

Organisation
3
ABFL Groupe Intellex
Aicatel-Lucent
AOL
BBC
BERR
Broadband Stakeholder Group
BSAC
BSkyB
BT
C & W
Cabinet Office
Cable & Wireless
Carphone Warehouse & Opal Telecom
CBI
Centre for the Protection of National Infrastructure
Channel 5(?)
Childnet International
Cisco
Citizens Online
Clearswift
CMA
COI
Colt Telecom
Communications Management Association
Corning Inc.
Credit & Data policy
DCA
DCMS
Digital Tech. Advisory Ltd
Discovery
DMA

Easynet
EMEA
Energy Networks Assn.
ENPAA
Ericsson
Ernst & Young LLP
Eurim
FCO
FCS
FCS Business Radio Group & air-radio
Fed of Comms Services
Geoscan (UK) Ltd
Global Crossing
Google
Hearing Concern
Help the Aged
HM Treasury
Huawei
IBM
ICO
ICSTIS
IET
Intellect
Interforum
INTUG
INWG
Irish Government
Ironport
ISPA
ITV
Kingston
LACORS
London Internet Exchange
Mayer Brown
Mcom
Merula
Message Labs
Microsoft
Middlesex University

Mobile Broadband Group
NAAONB
National Consumer Council
National Consumer Federation
NCC
Nokia
Nominet
Nortel
ntl
O2
Ofcom
Ofcom Consumer Panel
OFT
Olswang
Orange
Packet Vision Ltd
PCCW
PhoneAbility
PhonePayplus
Pipex Business
Point Topic
Political Intelligence
RADAR
Radio Regulatory Association Ltd
Reuters
RIM
RNIB
RNID
Scottish Government
Sense
Skype
Spamhaus
SSE Telecom
Telcoconsulting
Telesphere Ltd
Telewest
The Association of TV On-Demand
Thus

TimeWarner
Timico
Tiscali
T-Mobile
UK Broadband
UKCTA
University of Essex
Verizon
Verizon Business
Vodafone
Vonage
Yahoo
Z Group