



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

[^{F1}Reports on infrastructure etc

Textual Amendments

- F1** Ss. 134A-134C and cross-headings inserted (8.6.2010) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 1(1), 47(1)**

134A OFCOM reports on infrastructure etc

- (1) OFCOM must prepare reports in accordance with subsections (2) and (3) and each report must deal with—
 - (a) the electronic communications networks matters listed in section 134B(1), and
 - (b) the electronic communications services matters listed in section 134B(2).
- (2) The first report must—
 - (a) relate to the position on a day specified in the report which falls within the period of 12 months beginning with the day on which this section comes into force, and
 - (b) be sent to the Secretary of State by OFCOM not more than 2 months after the specified day.
- (3) A further report must—

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- (a) be prepared for each relevant period, and
 - (b) be sent to the Secretary of State by OFCOM as soon as practicable after the end of the relevant period.
- (4) “Relevant period” means—
- (a) the period of 3 years beginning with the day specified in the first report, and
 - [^{F2}(b) each subsequent period beginning with the end of the previous period and ending at such time not more than 3 years after the end of the previous period as OFCOM may determine.]
- (5) Where there is a significant change in connection with a matter listed in section 134B(1) or (2) and OFCOM consider that the change should be brought to the attention of the Secretary of State, OFCOM must—
- (a) prepare a report on the change, and
 - (b) send it to the Secretary of State as soon as practicable.
- (6) For the purposes of subsection (5), a change is significant if OFCOM consider that it has, or is likely to have, a significant adverse impact on—
- (a) persons carrying on business in the United Kingdom or a part of the United Kingdom, or
 - (b) the general public in the United Kingdom or a part of the United Kingdom.
- (7) OFCOM must publish every report under this section—
- (a) as soon as practicable after they send it to the Secretary of State, and
 - (b) in such manner as they consider appropriate for bringing it to the attention of persons who, in their opinion, are likely to have an interest in it.
- (8) OFCOM may exclude information from a report when it is published under subsection (7) if they consider that it is information that they could refuse to disclose in response to a request under the Freedom of Information Act 2000.

Textual Amendments

F2 S. 134A(4)(b) substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), [Sch. 1 para. 55](#)

[^{F3}134AA] Additional OFCOM reports on infrastructure etc

- (1) OFCOM may prepare reports dealing with—
- (a) any of the electronic communications network matters listed in section 134B(1);
 - (b) any of the electronic communications services matters listed in section 134B(2).
- (2) OFCOM may publish a report under this section in such manner as they consider appropriate for bringing it to the attention of persons who, in their opinion, are likely to have an interest in it.
- (3) Before publishing a report under this section OFCOM must consider—

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- (a) whether any of the information to be contained in it is information that they could refuse to disclose in response to a request under the Freedom of Information Act 2000, and
 - (b) if so, whether that information should be excluded from the report.
- (4) This section does not affect OFCOM's duty to prepare reports under section 134A.

Textual Amendments

F3 Ss. 134AA, 134AB inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. **82(2)**, 118(2)

134AB Publication of information required for purpose of preparing reports

- (1) OFCOM may publish—
 - (a) any relevant section 135 information, and
 - (b) any information derived from relevant section 135 information.
- (2) Before publishing information under this section OFCOM must consider—
 - (a) whether any of the information that they propose to publish is information that they could refuse to disclose in response to a request under the Freedom of Information Act 2000, and
 - (b) if so, whether that information should be published.
- (3) In this section “relevant section 135 information” means information required by OFCOM under section 135 for the purpose of preparing a report under section 134A or 134AA.]

Textual Amendments

F3 Ss. 134AA, 134AB inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. **82(2)**, 118(2)

Use of reports

- F4** **134AC**
- (1) The Secretary of State must have regard to reports received from OFCOM under section 134A, or published by OFCOM under section 134AA, when exercising functions for any of the relevant purposes.
 - (2) The relevant purposes are—
 - (a) the allocation of public funds for the bringing into operation of electronic communications networks;
 - (b) the design of national broadband plans;
 - (c) verifying the availability of services to which universal service conditions apply.
 - (3) Any other public authority must have regard to reports published by OFCOM under section 134AA when exercising functions for either of the purposes specified in subsection (2)(a) and (b).]

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Textual Amendments

F4 S. 134AC inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), [Sch. 1 para. 56](#)

134B Networks and services matters

(1) For the purposes of [^{F5}sections 134A and 134AA], the electronic communications networks matters are—

- (a) the different types of electronic communications network provided in the United Kingdom (“UK networks”),
- (b) the geographic coverage of the different UK networks,
- (c) the proportion of the population covered by the different UK networks,
- (d) the extent to which UK networks share infrastructure,
- (e) the capacity of the different UK networks,
- (f) the extent to which the providers of the different UK networks allow other communications providers to use their networks to provide services,
- [^{F6}(fa) the quality of service available on different UK networks, by reference to such parameters as OFCOM consider appropriate,]
- (g) the amount of time for which the different UK networks are and are not available, including the steps that have been or are to be taken to maintain or improve the level of availability,
- (h) the preparations made by providers of UK networks for responding to an emergency, including preparations for restoring normal operation of UK networks disrupted by the emergency,^{F7} ...
- (i) the standard of the different UK networks in comparison with electronic communications networks provided in a range of other countries, having regard, in particular, to their coverage and capacity, [^{F8}and]
- [^{F9}(j) any proposals that providers of UK networks may at any time have to do any of the following within the next 3 years—

 - (i) to bring into operation a new very high capacity network, other than a mobile network, or
 - (ii) to extend or upgrade any part of a fixed line network or its equivalent, such as a fixed wireless access network, so as to provide a download speed of at least 100 megabits per second.]

(2) For the purposes of [^{F5}sections 134A and 134AA], the electronic communications services matters are—

- (a) the use of the electromagnetic spectrum for wireless telegraphy in the United Kingdom,
- (b) the different types of electronic communications service provided in the United Kingdom (“UK services”),
- (c) the geographic coverage of the different UK services,
- (d) the proportion of the population covered by the different UK services,
- (e) the amount of time for which the different UK services are and are not available, including the steps that have been or are to be taken to maintain or improve the level of availability,

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- (f) the preparations made by providers of UK services for responding to an emergency, including preparations for restoring normal operation of UK services disrupted by the emergency, and
 - (g) the standard of the different UK services in comparison with electronic communications services provided in a range of other countries.
- (3) The preparations referred to in subsections (1)(h) and (2)(f) include—
- (a) the steps taken to assess the risks of different types of emergency occurring,
 - (b) the steps taken to reduce or remove those risks, and
 - (c) the testing of proposed responses to different types of emergency.
- (4) In a report under section 134A [^{F10}or 134AA], OFCOM are required to include only information about, and analysis of, such networks, services and providers as they consider appropriate.
- (5) In this section “emergency” means an event or situation that seriously disrupts a UK network or UK service.]

Textual Amendments

- F5** Words in s. 134B(1)(2) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 82\(3\)\(a\), 118\(2\)](#)
- F6** S. 134B(1)(fa) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 57\(a\)](#)
- F7** Word in s. 134B(1)(h) omitted (21.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 57\(b\)](#)
- F8** Word in s. 134B(1)(i) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 57\(c\)](#)
- F9** S. 134B(1)(j) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 57\(d\)](#)
- F10** Words in s. 134B(4) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 82\(3\)\(b\), 118\(2\)](#)

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