



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 2

TELECOMMUNICATIONS INFRASTRUCTURE

Disputes under the electronic communications code

69 Use of alternative dispute resolution

- (1) The electronic communications code is amended as follows.
- (2) In paragraph 20 (power of court to impose agreement)—
 - (a) after sub-paragraph (2) insert—

“(2A) The notice must also—

 - (a) contain information about the availability of alternative dispute resolution in the event that the operator and the relevant person are unable to reach agreement, and
 - (b) explain the possible consequences of refusing to engage in alternative dispute resolution.”;
 - (b) after sub-paragraph (4) insert—

“(5) Before applying for an order under this paragraph, the operator must, if it is reasonably practicable to do so, consider the use of one or more alternative dispute resolution procedures to reach agreement with the relevant person.
- (6) The operator or the relevant person may at any time give the other a notice in writing stating that the operator or the relevant person (as the case may be) wishes to engage in alternative dispute resolution with the other in relation to the agreement sought by the operator.”

- (3) In paragraph 32 (effect of notice to terminate an agreement)—
- (a) after sub-paragraph (3) insert—
- “(3A) The counter-notice must also—
- (a) contain information about the availability of alternative dispute resolution in the event that the operator and the site provider are unable to reach agreement, and
- (b) explain the possible consequences of refusing to engage in alternative dispute resolution.”;
- (b) after sub-paragraph (5) insert—
- “(6) Before applying under sub-paragraph (1)(b) for an order under paragraph 34 the operator must, if it is reasonably practicable to do so, consider the use of one or more alternative dispute resolution procedures to reach agreement with the site provider.
- (7) The operator or the site provider may at any time give the other party to the agreement a notice in writing stating that the operator or the site provider (as the case may be) wishes to engage in alternative dispute resolution with the other party to the agreement in relation to the site provider’s notice under paragraph 31.”
- (4) In paragraph 33 (modifying the terms of an expired agreement)—
- (a) after sub-paragraph (3) insert—
- “(3A) Where the notice is given by an operator, it must also—
- (a) contain information about the availability of alternative dispute resolution in the event that the operator and the site provider are unable to reach agreement, and
- (b) explain the possible consequences of refusing to engage in alternative dispute resolution.”;
- (b) after sub-paragraph (5) insert—
- “(6) Before applying under sub-paragraph (5) for an order under paragraph 34 the operator or the site provider (as the case may be) must, if it is reasonably practicable to do so, consider the use of one or more alternative dispute resolution procedures to reach agreement with the other party.
- (7) The operator or the site provider may at any time give the other party to the agreement a notice in writing stating that the operator or the site provider (as the case may be) wishes to engage in alternative dispute resolution with the other party to the agreement in relation to the notice mentioned in sub-paragraph (1).”
- (5) In paragraph 96 (award of costs by tribunal), in sub-paragraph (2)—
- (a) the wording after “in particular” becomes paragraph (a), and
- (b) at the end of that paragraph insert “; and
- (b) any unreasonable refusal by a party to engage in alternative dispute resolution.”

70 Complaints relating to the conduct of operators

In paragraph 103 of the electronic communications code (duty for OFCOM to prepare code of practice), in sub-paragraph (1), after paragraph (c) insert—

“(ca) the handling by operators of complaints relating to the failure of operators to comply with the code of practice;”.