
STATUTORY INSTRUMENTS

2016 No. 607

The Open Internet Access (EU Regulation) Regulations 2016

PART 1

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Open Internet Access (EU Regulation) Regulations 2016 and come into force on 17th June 2016.

(2) In these Regulations—

“the EU Regulation” means Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25th November 2015 laying down measures concerning open internet access and amending [Directive 2002/22/EC](#) on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union⁽¹⁾;

“information requirement” has the meaning given in regulation 16; and

“OFCOM” means the Office of Communications as established by the Office of Communications Act 2002⁽²⁾.

Service of notifications and other documents

2.—(1) This regulation applies where provision made (in whatever terms) by or under these Regulations authorises or requires—

- (a) a notification to be given to any person; or
- (b) a document of any other description (including a copy of a document) to be sent to any person.

(2) This regulation has effect subject to regulation 3.

(3) The notification or document may be given or sent to the person in question—

- (a) by delivering it to the person;
- (b) by leaving it at the person’s proper address; or
- (c) by sending it by post to the person at that address.

(4) The notification or document may be given or sent to a body corporate by being given or sent to the secretary or clerk of that body.

(5) The notification or document may be given or sent to a firm by being given or sent to—

- (a) a partner in the firm; or
- (b) a person having the control or management of the partnership business.

(1) OJ No L 310, 26.11.2015, p.1.

(2) 2002 c. 11.

(6) The notification or document may be given or sent to an unincorporated body or association by being given or sent to a member of the governing body of the body or association.

(7) For the purposes of this regulation and section 7 of the Interpretation Act 1978(3) (service of documents by post) in its application to this regulation, the proper address of a person is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a firm, unincorporated body or association, the address of the principal office of the partnership, body or association;
- (c) in the case of a person to whom the notification or other document is given or sent in reliance on any of paragraphs (4) to (6), the proper address of the body corporate, firm or (as the case may be) other body or association in question; and
- (d) in any other case, the last known address of the person in question.

(8) In the case of—

- (a) a company registered outside the United Kingdom,
- (b) a firm carrying on business outside the United Kingdom, or
- (c) an unincorporated body or association with offices outside the United Kingdom,

the references in paragraph (7) to its principal office include references to its principal office within the United Kingdom (if any).

(9) In this regulation—

“document” includes anything in writing;

“notification” includes notice; and

references to giving or sending a notification or other document to a person include references to transmitting it to that person and to serving it on that person.

Notifications and documents in electronic form

3.—(1) This regulation applies where—

- (a) regulation 2 applies; and
- (b) the notification or other document is transmitted to the recipient—
 - (i) by means of an electronic communications network; or
 - (ii) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(2) The transmission has effect for the purposes of these Regulations as a delivery of the notification or other document to the recipient, but only if the requirements imposed by or under this regulation are complied with.

(3) Where the recipient is OFCOM—

- (a) they must have indicated their willingness to receive the notification or other document in a manner mentioned in paragraph (1)(b);
- (b) the transmission must be made in such manner and satisfy such other conditions as they may require; and
- (c) the notification or other document must take such form as they may require.

(4) Where the person making the transmission is OFCOM, they may (subject to paragraph (5)) determine—

- (a) the manner in which the transmission is made; and

- (b) the form in which the notification or other document is transmitted.
- (5) Where the recipient is a person other than OFCOM—
 - (a) the recipient, or
 - (b) the person on whose behalf the recipient receives the notification or other document,must have indicated to the person making the transmission the recipient's willingness to receive notifications or documents transmitted in the form and manner used.
- (6) An indication to any person for the purposes of paragraph (5)—
 - (a) must be given to that person in such manner as that person may require;
 - (b) may be a general indication or one that is limited to notifications or documents of a particular description;
 - (c) must state the address to be used and must be accompanied by such other information as that person requires for the making of the transmission; and
 - (d) may be modified or withdrawn at any time by a notice given to that person in such manner as that person may require.
- (7) An indication, requirement or determination given, imposed or made by OFCOM for the purposes of this regulation is to be given, imposed or made by being published in such a manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it.
- (8) Regulation 2(9) applies for the purposes of this regulation as it applies for the purposes of that regulation.